letter I received from a citizen of New Mexico:

I am a World War I veteran, 75 years old and living on Veterans and social security pensions. On account of the 20 per cent social security raise, my Veterans check was reduced. My rent has also been raised and the Medicare program went up. I would like to know if some kind of legislation can be passed to protect my pension.

This is a circumstance so obviously unfair and disastrous to this good citizen and others like him that I urge the Senate to enact with all possible speed S. 275, which would restore the pensions of veterans and their survivors to their original level prior to the recent increase in social security payments.

SENATE—*Monday, February 19, 1973*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Reverend William Sydnor, rector, Christ Church, Alexandria, Va., offered the following prayer:

O Holy God, Lord of the forces of history and Father of all men, we remember in gratitude the great and the noble who have been the lights of the world in their several generations. Especially this day, we remember Thy servant, George Washington. May the memory of his reliance on Thy heavenly grace, his integrity of character, his devotion to duty, and his courageous concern for the welfare of this people inspire and sustain us that the good work which Thou didst begin in him may be furthered and strengthened by our endeavors so that there may be justice and peace at home and through obedience to Thy law, we, Thy people, may show forth Thy praise among the nations of the earth. All of which we ask through Jesus Christ, our Lord. Amen.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 15, 1973, Mr. DOLE, from the Committee on Agriculture and Forestry, reported favorably, with an amendment, on February 16, 1973, the bill (S. 43) to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes, and submitted a report (No. 93–22) thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, February 15, 1973, be dispensed with.

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

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

PATRIOTISM AND GEORGE WASHINGTON'S BIRTHDAY

Mr. SCOTT of Pennsylvania. Mr. President, a famous wit, Artemus Ward, once wrote:

A good many politicians slop over. G. Washington never slopped over.

As we meet today to honor the birthday of George Washington, a birthday which keeps us skittering around from date to date as we change it, we should remember another statement that George Washington himself made—and I paraphrase it:

Every citizen may be expected to contribute some part of his property to the support of his Government and may even be expected to contribute some part of his services to the support of his country.

I believe that the principle of service has been well exemplified in the attitude of the returning prisoners of war, who served, and served well—served with a distinction that brings to them great respect and which brings to the United States a great pride.

I am glad that they have set the tone which has brought simple patriotism back into fashion in this country.

It is good that our people have seen how their prisoners of war have reacted. They have given us all a light to guide our footsteps. They have set for us a path and a pattern.

They have confounded the critics and silenced those who would create dissent among our people. They have helped to unite us. They are a reconciling force.

It is, therefore, fitting that on the birthday of our first President we can take pride in the fact that, as a nation, we are stronger today, we are more united today, and we are making progress toward reduction of tensions in the world.

I believe, Mr. President that we are, therefore, truly exemplifying the Biblical direction to "follow after the ways that lead to peace."

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the order of the Senate of January 24, 1901, as modified, the distinguished senior Senator from Maryland (Mr. MATHIAS), having been appointed by the Vice President to do so, will now read Washington's Farewell Address.

Mr. MATHIAS, at the desk, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should not apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to this country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifica-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

tions, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgement of the debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration, in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint, counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however, powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry—The *south* in the same intercourse, benefitting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for charac-

terizing parties by *geographical* discriminations—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however, strict, between the parts can be an adequate substitute: they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state it is requisite, not only, that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free county should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and pronenesss to abuse it

which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinions should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest; in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessary parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another; cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combina-

tions and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intential error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. EAGLETON. Mr. President, what is the pending order of business?

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business may run for not to exceed 15 minutes, with the time to be equally divided between the two sides under the order respecting Senate Resolution 59.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on February 16, 1973, the President had approved and signed the joint resolution (S.J. Res. 42) to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. NUNN) laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Banking, Housing and Urban Affairs.

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

PRIVILEGE OF THE FLOOR

Mr. EAGLETON. Mr. President, I ask unanimous consent that Mr. Jack Lewis, a member of my staff, be accorded the privilege of the floor.

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

(The remarks Senator EAGLETON made

at this point when he submitted an amendment to S. 398, the Economic Stabilization Act, are printed in the RECORD under the appropriate heading.)

U.S. RECONSTRUCTION AID TO NORTH AND SOUTH VIETNAM

Mr. CRANSTON. Mr. President, many Americans believe that we have a responsibility to contribute to the reconstruction of war-torn Vietnam—both north and south. They feel we have that responsibility because we, for good reason or ill, contributed in large part to the massive destruction in that country.

I believe that we have a responsibility to the people of our own country who look to the Government to help meet pressing domestic needs and to set a standard for fiscal responsibility.

Therefore, I would favor reconstruction aid to North and South Vietnam only under these six conditions:

First. The North and South Vietnamese governments, and the Vietcong, must agree to end all hostilities, permanently. There must be an absolute end to cease-fire violations. They must understand that if there is a new outbreak of fighting, economic aid will be promptly shut off. Otherwise, we will, in effect, be financing endless fighting in Vietnam; the money we will be contributing to rebuild Vietnam will simply enable the North and South Vietnamese governments to divert funds they themselves should be spending on reconstruction and to use that money to continue the war instead.

Second. No U.S. aid to North Vietnam should commence until all prisoners of war have been returned safely to American hands and until the U.S. Government is fully satisfied that there has been a complete accounting of all Americans missing in action.

Third. U.S. economic aid to North and South Vietnam must be budgeted within a tight limit on over-all Federal spending. If, for example, Congress decides to accept the $268.7 billion spending ceiling recommended by President Nixon, then President Nixon's proposals for Vietnamese aid must come out of that basic budget. I would oppose an increase in either the tax burden or the public debt load that Americans must carry in order to enable us to spend additional billions in Vietnam.

Fourth. Since the destruction in Vietnam was caused by war, funds to reconstruct Vietnam should rightfully be considered part of the cost of war. Money to aid North and South Vietnam should, therefore, be taken out of our military budget, without weakening our essential defense. I would oppose taking money for Vietnamese aid from any domestic programs.

Fifth. I oppose spending money on foreign projects while we are scrimping and cutting back on vital domestic programs. Congress should make aid to Vietnam contingent on the release of all appropriated funds which the administration has impounded or has refused to spend on domestic programs.

Sixth. Finally, provisions should be made in the initial Vietnam aid program for safeguards against misuse of funds and for a rapid takeover of the program by an international agency—preferably an arm of the United Nations.

We got enough trouble in Southeast Asia trying to play a lone hand in war. Let us not make the same mistake in peace.

POLITICAL PARTISANSHIP SHOULD HAVE NO PLACE IN THE FBI

Mr. ROBERT C. BYRD. Mr. President, on May 4, 1972, President Nixon appointed L. Patrick Gray III, Acting Director of the Federal Bureau of Investigation following the death of J. Edgar Hoover. The President named Mr. Gray as Acting Director because the President said he did not want the appointee to become "involved in partisan politics in an election year."

On Saturday, the President appointed Mr. Gray to be Director of the FBI. The Washington Sunday Star and Daily News yesterday referred to Mr. Gray as a "longtime political associate" of Mr. Nixon.

In the 9 months that Mr. Gray has held the post of Acting Director, there has been increasing criticism that the Bureau was becoming more and more a political arm of the administration. Under J. Edgar Hoover, the FBI had always been a nonpolitical bureau, and Mr. Hoover meticulously avoided partisanship in campaigns.

I have nothing against Mr. Gray personally, but in my judgment, he is not a proper nominee, primarily because of his apparent political partisanship. His background includes a history of Republican Party activities, and this tends to make his appointment appear political—an appearance enhanced last year when he made speeches favorable to Mr. Nixon's point of view and when it was reported that 21 FBI field officers in 14 States were directed to supply information on criminal justice to give Mr. Nixon "maximum" support in his campaign.

Time magazine, on January 15, 1973, stated:

> But the nagging problem that will not go away is Gray's tie with President Nixon. Whatever Hoover's flaws, no one could accuse him of playing partisan politics; he intended the Bureau to be above such things and made that ideal stick during his reign.

Mr. Gray's partisanship has not been limited to speeches. The FBI investigation of the Watergate burglary apparently was aimed only at the actual events surrounding the breaking and entering of the National Democratic Committee headquarters and avoided any attempt toward tying together the leads concerning where the plot originated,

Newsweek magazine of February 19, 1973, had this to say:

> The Watergate affair has already opened the Bureau to charges of politicization. Gray had unhesitatingly kept the White House informed of findings of his agents even when they implicated Administration aides. The Bureau was also quick to accept the Justice Department's limits on what should be probed, and more than one federal source admits that the investigation was gentler and more limited than it would have been had the suspects been ordinary citizens. No FBI man, for example, has even sought an interview with White House Chief of Staff H. R. (Bob) Haldeman, though Haldeman is the immediate superior of Dwight Chapin, whose resignation was announced recently (and perhaps coincidently) after he was linked with GOP trickster Donald Segretti.

Judge John J. Sirica, before whom the Watergate case was tried, bluntly criticized the Department of Justice for failing to investigate the matter completely. It is, of course, the FBI upon which the Department relies for such investigations, but Judge Sirica openly expressed the hope that a Senate committee will do a better job.

The New York Times of February 6, 1973, stated, in Tom Wicker's column:

> It also has been reliably reported that the FBI under Mr. Gray made no real investigation of the political espionage and sabotage activities allegedly planned last year by Donald H. Segretti—who was reported to have close links to the White House. In both of these failures, if Mr. Gray's political interests were not responsible for poor FBI performance, the public certainly had good reason to think they might have been.

Mr. President, considering the vast intelligence network that is under the control of the FBI, with thousands of computerized dossiers gathered by the FBI, it is obvious that the FBI can reach so far into the lives of all Americans that no administration—Democratic or Republican—should have direct political control of that agency through a complaint and politicized director.

Moreover, if the Bureau is to maintain its high standards of law enforcement and respect as the most effective investigative agency in the free world, its integrity must not be threatened by partisan politics. Mr. Hoover, throughout his half century in the post, maintained meticulous nonpartisanship. The appointment of a director who is openly partisan is certain to damage FBI professionalism and morale and will impair public confidence in the Bureau's competency, effectiveness, and objectivity.

Additionally, from time to time, the press has carried stories of internal complaints that Mr. Gray is not a good administrator, not a decisive leader or law enforcement professional. Of course, such charges may be attributed to a "sour grapes" attitude and they are hard to judge without close examination. There are also those who criticize the Acting Director for spending too much time away from Washington, to say nothing of the criticism regarding the nearly tragic result of Gray's order to shoot the tires of an escaping hijacked airliner which would have caused the death of many innocent people had it not been for the great skill of the pilot in making an extremely difficult takeoff in spite of his aircraft's tires being shot out by FBI agents. Hence, Mr. Gray's most publicized decision was not a reassuring one.

Fortunately, the Congress, in 1968, enacted Public Law 90-351, which requires advice and consent of the Senate for the appointment of the FBI Director. Per-

sonally, I would like to see the confirmation of Mr. Gray delayed until Senator Ervin's select committee has had an opportunity to thoroughly investigate the Watergate incident. That might require a year, however. In any event, I hope that the Judiciary Committee will thoroughly go into this aspect of Mr. Gray's responsibilities as Acting Director. I also hope that my bill requiring reconfirmation of any new Director every 4 years will be promptly reported for action. In the event Mr. Gray is confirmed, the Senate would then be assured of the opportunity of taking a new look at his performance at the beginning of the next presidential term.

I have no personal animosity toward Mr. Gray. I do not personally know him. I do not question his character, nor do I question his ability. I do think, however, that the aspects of political partisanship involving any prospective appointee to this particular office constitute a very serious matter, and I believe that the Senate owes it to itself and to the country to insist upon a better nominee. I shall vote against the favorable reporting of Mr. Gray's name by the Judiciary Committee, of which I am a member, and, if it reaches the Senate floor, I shall vote against his confirmation for the post of FBI Director.

ORDER FOR RECOGNITION OF SENATOR EAGLETON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR HUMPHREY ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, immediately following the remarks of the two leaders under the standing order, the distinguished Senator from Minnesota (Mr. HUMPHREY) be recognized for not to exceed 15 minutes.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON SUPPORT FURNISHED TO THE VIETNAMESE AND OTHER FREE WORLD FORCES IN VIETNAM

A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting pursuant to law, a report on support furnished to the Vietnamese and other free world forces in Vietnam, for the second quarter of fiscal year 1973 (with an accompanying report); to the Committee on Appropriations.

REPORT ON EXPERIMENTAL, DEVELOPMENT, TEST, AND RESEARCH PROCUREMENT ACTION

A letter from the Secretary of the Air Force, transmitting, pursuant to law, the Air Force report entitled "Semi-Annual Experimental, Development, Test and Research Procurement Action Report," for the 6-month period ended December 31, 1972 (with an accompanying report); to the Committee on Armed Services.

REPORTS ON OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY AND DETAILED TO THE ARMY GENERAL STAFF

A letter from the Acting Secretary of the Army, transmitting, pursuant to law, reports on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff, as of December 31, 1972 (with accompanying reports); to the Committee on Armed Services.

REPORT ON ENFORCEMENT OF TITLE I OF THE CONSUMER CREDIT PROTECTION ACT OF 1968

A letter from the Attorney General, transmitting, pursuant to law, a report on enforcement of title I of the Consumer Credit Protection Act of 1968, for the calendar year 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED AMENDMENT OF THE PAR VALUE MODIFICATION ACT

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Par Value Modification Act (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

RECIPROCAL PRIVILEGES TO VESSELS OF THE UNITED STATES

A letter from the Secretary of the Treasury reporting, pursuant to law, that at this time the Department of the Treasury has not received any information on the extent to which foreign governments are extending reciprocal privileges to vessels of the United States; therefore, no findings of reciprocity have been made; to the Committee on Commerce.

PROPOSED ELECTRIC FACILITIES SITING ACT OF 1973

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes (with an accompanying paper); to the Committee on Commerce.

PROPOSED HIGH SEAS FISHERIES CONSERVATION ACT OF 1973

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the conservation and management of fisheries and for other purposes (with accompanying papers); to the Committee on Commerce.

PROPOSED FEDERAL ANIMAL DAMAGE ABATEMENT ACT OF 1973

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory and depredating animals; to establish a program of research concerning the control and conservation of predatory and depredating animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes (with an accompanying paper); to the Committee on Commerce.

PROPOSED ENDANGERED SPECIES CONSERVATION ACT OF 1973

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are presently threatened with extinction or likely within the foreseeable future to become threatened with extinction; and for other purposes (with an accompanying paper); to the Committee on Commerce.

PROPOSED OIL POLLUTION ACT AMENDMENTS OF 1973

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes (with accompanying papers); to the Committee on Commerce.

PROPOSED TOXIC SUBSTANCES CONTROL ACT OF 1973

A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation cited as the "Toxic Substances Control Act of 1973" (with an accompanying paper); to the Committee on Commerce.

PROPOSED INTERVENTION ON THE HIGH SEAS ACT

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (with an accompanying paper); to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO THE DISTRICT OF COLUMBIA

A letter from the Commissioner, the District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to improve the laws relating to the regulation of insurance companies in the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

REPORT ON GRANTS FINANCED WHOLLY WITH FEDERAL FUNDS

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, that no projects were approved relating to grants financed wholly with Federal funds, during the period October 1, 1972, to December 31, 1972; to the Committee on Finance.

PROPOSED ENVIRONMENTAL PROTECTION TAX ACT OF 1973

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to encourage the preservation of coastal wetlands, open space, and historic buildings and to encourage the preservation and rehabilitation of all structures, and for other purposes (with accompanying papers); to the Committee on Finance.

REPORT ON INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, documents relating to international agreements other than treaties (with accompanying papers); to the Committee on Foreign Relations.

PROPOSED UNITED NATIONS ENVIRONMENT PROGRAM PARTICIPATION ACT OF 1973

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to provide for participation by the United States in the United Nations environment program (with accompanying papers); to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improved Management Information System Needed for Eximbank's Capital Loan Program," Export-Import Bank of the United States, dated February 12, 1973 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "More Effective United States Participation Needed in World Bank and International Development Association," Department of the Treasury, Department of State, and other agencies, dated February 14, 1973 (with an accompanying report); to the Committee on Government Operations.

PROPOSED AMENDMENT OF SECTION 204 OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to amend section 204 of the Federal Property and Administrative Services Act of 1949, as amended, to authorize the use of proceeds of dispositions of surplus real and related personal property for the relocation of Federal facilities, and for other purposes (with an accompanying paper); to the Committee on Government Operations.

PROPOSED LEGISLATION FROM DEPARTMENT OF THE INTERIOR

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Land and Water Conservation Fund Act of 1965, as amended (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Wild and Scenic Rivers Act (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish a national policy encouraging states to develop and implement land use programs (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the cooperation between the Federal government and the States with respect to environmental regulations for mining operations, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

FINAL REPORT OF ELEANOR ROOSEVELT MEMORIAL FOUNDATION

A letter from the Chairman, Eleanor Roosevelt Memorial Foundation, transmitting, pursuant to law, a final report of that foundation (with an accompanying report); to the Committee on the Judiciary.

REPORT OF SUBVERSIVE ACTIVITIES CONTROL BOARD

A letter from the Chairman, Subversive Activities Control Board, transmitting, pursuant to law, a report of that Board for fiscal year 1972 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED ANTARCTIC TREATY CRIMINAL LEGISLATION ACT OF 1973

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend title 18 of the United States Code, to define and discourage certain criminal conduct by United States nationals and certain foreign nationals in Antarctic (with an accompanying paper); to the Committee on the Judiciary.

REPORTS ON THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

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

REPORT ON REPROGRAMING OF APPROPRIATIONS

A letter from the Director, National Science Foundation, reporting, pursuant to law, on the reprograming of certain appropriations within that Foundation (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT OF COMMITTEE ON MOTOR VEHICLE EMISSIONS

A letter from the President, National Academy of Sciences, transmitting, pursuant to law, a report of the Committee on Motor Vehicle Emissions (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Finance:

"H. 1290

"A concurrent resolution memorializing Congress to exempt prisoners of war returning from Southeast Asia from the payment of Federal income tax

"Whereas, many prisoners of war are returning to the United States from Southeast Asia; and

"Whereas, it would seem fitting that these returning heroes should be exempt from the payment of federal income tax to show our gratitude to these most deserving men. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That the Congress is hereby memorialized to take such action as may be necessary to exempt prisoners of war returning from Southeast Asia from the payment of federal income tax for any year during which time they were held as prisoners of war.

"Be it further resolved that copies of this resolution be forwarded to the President of the United States, to the Clerk of the United States Senate, to the Clerk of the United States House of Representatives, and to each Member of the United States Congress from South Carolina."

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. BENNETT:

S. 889. A bill for the relief of Mrs. Sylvia Graham, Gary Graham, Deborah Graham, and Scott Graham. Referred to the Committee on the Judiciary.

By Mr. PASTORE:

S. 890. A bill for the relief of Maria de Lourdes Moitoso Mota. Referred to the Committee on the Judiciary.

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

S. 891. A bill to authorize appropriations for the President's National Commission on Productivity. Referred to the Committee on Banking, Housing and Urban Affairs.

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

S. 892. A bill to amend section 404 of the National Housing Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENTSEN (for himself, Mr. RANDOLPH, Mr. BAKER, Mr. DOMENICI, Mr. GRAVEL, Mr. MONTOYA, Mr. MUSKIE, and Mr. STAFFORD):

S. 893. A bill to authorize appropriations for certain highway safety projects, to extend and improve the Federal highway safety program, and for other purposes. Referred to the Committee on Public Works.

By Mr. CRANSTON:

S. 894. A bill for the relief of Antonia Rieta Victa. Referred to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. BENNETT, Mr. DOLE, and Mr. RANDOLPH):

S. 895. A bill to require a health warning on the labels of bottles containing certain alcoholic beverages. Referred to the Committee on Commerce.

By Mr. RANDOLPH (for himself, Mr. WILLIAMS, Mr. STAFFORD, Mr. CRANSTON, Mr. SCHWEIKER, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. HATHAWAY, Mr. JAVITS, Mr. DOMINICK, Mr. MAGNUSON, Mr. DOLE, and Mr. BENTSEN):

S. 896. A bill to amend the Education of the Handicapped Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. STEVENS:

S. 897. A bill to authorize the removal of debris and obsolete buildings in the Aleutian Islands, Alaska. Referred to the Committee on Armed Services.

By Mr. HOLLINGS (for himself and Mr. CRANSTON):

S. 898. A bill to authorize insurance in connection with loans to finance the purchase of, and improvements to, lots on which to place mobile homes; and

S. 899. A bill to extend and amend laws relating to housing and urban development, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENTSEN:

S. 900. A bill to amend the Act of April 7, 1956, relating to the lower Rio Grande rehabilitation project, Texas, Mercedes Division. Referred to the Committee on Interior and Insular Affairs.

By Mr. HOLLINGS:

S. 901. A bill for the relief of T. Michael Smith. Referred to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Mr. MAGNUSON):

S. 902. A bill to amend section 607(k)(8) of the Merchant Marine Act, 1936, as amended. Referred to the Committee on Commerce.

By Mr. STEVENS (for himself, Mr. FONG, Mr. GRAVEL, and Mr. INOUYE):

S. 903. A bill to provide for the addition of the names of the States of Alaska and Hawaii to the list of the forty-eight States inscribed upon the walls of the Lincoln National Memorial. Referred to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:

S. 904. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels

on all foods to disclose each of their ingredients. Referred to the Committee on Labor and Public Welfare.

By Mr. STEVENSON (for himself, Mr. MATHIAS, Mr. ERVIN, and Mr. MCGOVERN):

S. 905. A bill to provide for the reform of congressional procedure with respect to budgetary review, and for other purposes. Referred to the Committee on Government Operations.

By Mr. BEALL:

S. 906. A bill to provide for the continuation of programs authorized under the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. STEVENS:

S. 907. A bill to authorize the appropriation of $150,000 to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974. Referred to the Committee on Commerce.

S. 908. A bill for the relief of Glenna Granger Golebiewski. Referred to the Committee on Interior and Insular Affairs.

By Mr. HOLLINGS:

S. 909. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus supplies and equipment to State and local public recreation agencies. Referred to the Committee on Government Operations.

S. 910. A bill to amend title V of the Housing Act of 1949 to assure borrowers of the right to employ qualified attorneys of their choice in performing necessary legal services in connection with loans under that title. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BIDEN:

S.J. Res. 65. A joint resolution requesting the President to issue a proclamation designating the week of April 23, 1973, as "Nicholas Copernicus Week" marking the quinquecentennial of his birth. Referred to the Committee on the Judiciary.

By Mr. ERVIN:

S.J. Res. 66. A joint resolution to authorize the erection of a monument to the dead of the 1st Infantry Division, U.S. Forces in Vietnam. Considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 891. A bill to authorize appropriations for the President's National Commission on Productivity. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I send to the desk for Senator TOWER and me, a bill to provide for a 14-month extension of the authority for appropriations for the President's National Commission on Productivity, that is, an extension from April 30, 1973 to June 30, 1974.

This extension is necessary for the Commission to carry out its proposed program. The broad, complex and persisting problems which affect productivity cannot be adequately analyzed and treated within the time provided under the present authority.

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

S. 892. A bill to amend section 404 of the National Housing Act. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, at the request of the acting Chairman of the Federal Home Loan Bank Board, I send to the desk for Mr. TOWER and me a bill to amend section 404 of the National Housing Act.

I ask unanimous consent that the bill as well as an analysis of the bill be printed in full in the RECORD.

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

S. 892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 404 of the National Housing Act, as amended, is amended to read as follows:

"SEC. 404. (a) (1) The Corporation shall establish a primary reserve which shall be the general reserve of the Corporation and a secondary reserve to which shall be credited the amounts of the prepayments made by insured institutions pursuant to former provisions of subsection (d) and the credits made pursuant to the first sentence of subsection (e).

"(2) The Corporation may accomplish the purposes and provisions of this section by rules, regulations, orders, or otherwise as it may consider necessary or appropriate.

"(b) (1) Each institution whose application for insurance is approved by the Corporation shall pay to the Corporation, in such manner as it shall prescribe, a premium for such insurance equal to one-twelfth of one per centum of the total amount of all accounts of the insured members of such institution. Such premium shall be paid at the time the certificate is issued by the Corporation under section 403, and thereafter annually, except that under regulations prescribed by the Corporation such premium may be paid semiannually.

"(2) If, at the close of any December 31, the primary reserve equals or exceeds two per centum of the total amount of all accounts of insured members of all insured institutions as of such close, no premium under paragraph (1) of this subsection shall be payable by any insured institution with respect to its premium year beginning during the year commencing on May 1 next succeeding such December 31, except that the foregoing provisions of this sentence shall not be applicable to any insured institution with respect to any of the twenty premium years beginning with the premium year commencing with the date on which such certificate is issued.

"(c) The Corporation is further authorized to assess against each insured institution additional premiums for insurance until the amount of such premiums equals the amount of all losses and expenses of the Corporation; except that the total amount so assessed in any one year against any such institution shall not exceed one-eighth of one per centum of the total amount of the accounts of its insured members.

"(d) (1) The Corporation shall not, on or after the date of enactment of this sentence, accept or receive further payments in the nature of prepayments of future premiums as was formerly required by this subsection (including any such payments which have accrued or are payable under such former provisions). When no insured institution has any pro rata share of the secondary reserve, or has any such share not immediately payable to it, the Corporation may take such steps as it may deem appropriate to close out and discontinue the secondary reserve.

"(2) The Corporation may provide for the adjustment of payments made under former provisions of this subsection or made or to be made under subsections (b) and (c) of this section in cases of merger or consolidation, transfer of bulk assets or assumption of liabilities, and similar transactions, as defined by the Corporation for the purposes of this paragraph.

"(e) The Corporation shall credit to the secondary reserve, as of the close of each calendar year a return on the outstanding balances of the secondary reserve, during such calendar year, as determined by the Corporation, at a rate equal to the average annual rate of return to the Corporation during the year ending at the close of November 30 of such calendar year, as determined by the Corporation, on the investments held by the Corporation in obligations of, or guaranteed as to principal and interest by, the United States. Except as provided in subsections (f) and (g), the secondary reserve shall be available to the Corporation only for losses of the Corporation and shall be so available only to such extent as other accounts of the Corporation which are available therefor are insufficient for such losses. No right, title, or interest of any institution in or with respect to its pro rata share of the secondary reserve shall be assignable or transferable whether by operation of law or otherwise, except to such extent as the Corporation may provide for transfer of such pro rata share in cases of merger or consolidation, transfer of bulk assets or assumption of liabilities, and similar transactions, as defined by the Corporation for purposes of this sentence.

"(f) If (i) the status of an insured institution as an insured institution is terminated pursuant to any provision of section 407 or the insurance of accounts of an insured institution is otherwise terminated, (ii) a conservator, receiver, or other legal custodian is appointed for an insured institution under the circumstances and for the purpose set forth in subdivision (d) of section 401, or (iii) the Corporation makes a determination that for the purposes of this subsection an insured institution has gone into liquidation, the Corporation shall pay in cash to such institution its pro rata share of the Secondary Reserve, in accordance with such terms and conditions as the Corporation may prescribe, or, at the option of the Corporation, the Corporation may apply the whole or any part of the amount which would otherwise be paid in cash toward the payment of any indebtedness or obligation, whether matured or not, of such institution to the Corporation, then existing or arising before such payment in cash: *Provided,* That such payment or such application need not be made to the extent that the provisions of the exception in the last sentence of subsection (e) are applicable.

"(g) If, at the close of any December 31, occurring on or after the date of enactment of paragraph (1) of subsection (d) of this section, the aggregate of the Primary Reserve and the Secondary Reserve equals or exceeds 1¼ per centum of the total amount of all accounts of insured members of all insured institutions but the Primary Reserve does not equal or exceed 2 per centum of such base, each insured institution's pro rata share of the Secondary Reserve shall, during the year beginning with May 1 next succeeding such close, be used, to the extent available, to discharge such institution's obligation for its premium under subsection (b) for the premium year beginning in such year, but only to the extent of such percentage, to be the same for all insured institutions and to be not less than 30 nor more than 70 per centum of such premium, as the Corporation may determine; and the use of such pro rata shares as provided in this sentence shall continue unless and until the next sentence or the last sentence of this subsection shall become operative. If, at the

close of any December 31 occurring before the last sentence of this subsection shall become operative, the aggregate of the Primary Reserve and the Secondary Reserve is not at least equal to 1¼ per centum of the total amount of all accounts of insured institution's pro rata share of the Secondary Reserve under the first sentence of this subsection shall terminate with respect to its premium under subsection (b) for the premium year beginning during the calendar year commencing on May 1 next succeeding such December 31, and such termination shall continue unless and until the first sentence of this subsection shall become operative. If, at the close of any December 31, the Primary Reserve equals or exceeds such 2 per centum, the Corporation shall, at such time (which shall be the same for all insured institutions and shall not be later than May 1 next succeeding such close) and in such manner as the Corporation shall determine, pay in cash to each insured institution its pro rata share of the Secondary Reserve.

"(h)(1) Each insured institution shall make such deposits in the Corporation as may from time to time be required by call of the Federal Home Loan Bank Board. Any such call shall be calculated by applying a specified percentage, which shall be the same for all insured institutions, to the total amount of all withdrawable or repurchasable shares, investment certificates, and deposits in each insured institution. No such call shall be made unless such Board determines that the total amount of such call, plus the outstanding deposits previously made pursuant to such calls, does not exceed 1 per centum of the total amount of all withdrawable or repurchasable shares, investment certificates, and deposits in all insured institutions. For the purposes of this subsection, the total amounts hereinabove referred to shall be determined or estimated by such Board or in such manner as it may prescribe.

"(2) The Corporation shall credit as of the close of each calendar year, to each deposit outstanding at such close, a return on the outstanding balance, as determined by the Corporation, of such deposit during such calendar year, at a rate equal to the average annual rate of return, as determined by the Corporation, to the Corporation during the year ending at the close of November 30 of such calendar year, on the investments held by the Corporation in obligations of, or guaranteed as to principal and interest by, the United States.

"(3) The Corporation in its discretion may at any time repay all such deposits, or repay pro rata a portion of each of such deposits, in such manner and under such procedure as the Corporation may prescribe. Any procedure for such pro rata repayment may provide for total repayment of any deposit, if total repayment of any and all deposits of equal or smaller amount is likewise provided for.

"(4) The provisions of subsection (f) of this section and of the last sentence of subsection (e) of this section shall be applicable to deposits under this subsection, and for the purposes of this subsection the references in such subsection (f) and such last sentence to the prepayments and the pro rata shares therein mentioned shall be deemed instead to be references respectively to the deposits under this subsection and the pro rata shares of the holders thereof, and the references in such subsection (f) to that subsection (except the last such reference) and to subsection (d) of this section shall be deemed instead to be references to this subsection."

ANALYSIS OF THE BILL TO AMEND SECTION 404 OF THE NATIONAL HOUSING ACT

This bill is the result of a thoroughgoing review by the Federal Home Loan Bank Board of the adequacy of the reserves of the Federal Savings and Loan Insurance Corporation and the suitability of the premium system under which it is funded. The existing language of section 404 of the National Housing Act provides for a system of collecting a regular annual insurance premium of 1/12 of one percent of the total amount of all savings accounts of the insured members of each insured institution and, under certain specified circumstances an additional premium—in the nature of a prepayment of the regular premium—in an amount equal to two percent of each insured institution's annual savings deposit increase. Whether the additional premium prepayment is to be paid in a given year depends on the ratio of insurance reserves of the Insurance Corporation to the total amount of all savings accounts in all insured institutions. This statutory plan produces widely varying cash flows from insured institutions to the FSLIC—from zero over a period of years to very substantial sums in other years. After a two percent ratio of insurance reserves to savings in insured institutions was achieved in 1969 cash flow from the additional premium was cut off. By the end of 1972 this ratio slipped below 1⅗ percent which means that additional premium payments will have to resume on May 1, 1973. Unless the section is amended this will mean an extremely large cash flow into the FSLIC's insurance reserves which is not required by the Corporation and would simply absorb funds that would otherwise finance housing. The irregular cash flows which result from the present premium structure are detrimental to the orderly administration of home mortgage credit and the affairs of the Corporation.

This proposed amendment to section 404 would eliminate the prepayment of additional premiums and restructure the premium payment system by giving the Federal Home Loan Bank Board discretion to adjust the level of cash payments to the Corporation within a range of 30 to 70 percent of the regular annual premiums with the remainder to be transferred from the secondary reserve of accumulated premium prepayments. If at any December 31 the FSLIC's reserve ratio is less than 1.25 percent, full cash payment of the regular premium would be begun and continued until the year-end ratio again reaches 1.25 percent. The proposed amendment is based on the considered judgment of the Corporation that the present law's goal of a reserve ratio in the 1.60 to 2.00 percent range is not justified. Relative to the size of its reserve funds, the FSLIC's losses over a span of 38 years have been nominal, and the projected reserves forthcoming as a result of this amendment will be adequate to discharge its financial responsibilities and maintain the public's confidence.

By Mr. BENTSEN (for himself, Mr. RANDOLPH, Mr. BAKER, Mr. DOMENICI, Mr. GRAVEL, Mr. MONTOYA, Mr. MUSKIE, and Mr. STAFFORD):

S. 893. A bill to authorize appropriations for certain highway safety projects, to extend and improve the Federal highway safety program, and for other purposes. Referred to the Committee on Public Works.

HIGHWAY SAFETY ACT OF 1973

Mr. BENTSEN. Mr. President, I introduce today the Highway Safety Act of 1973, legislation to continue the efforts of the Federal Government to reduce the continuing death and injury that takes place on our country's roads. I am joined in this introduction by Senators RANDOLPH, MUSKIE, MONTOYA, GRAVEL, BAKER, STAFFORD, and DOMENICI.

I have chosen to introduce a separate bill dealing with highway safety rather than to include this critically important subject in the general highway construction bill (S. 502). I believe that highway safety requires the separate and undivided attention of the Subcommittee on Roads and the Committee on Public Works, as well as of the Senate. This bill is addressed to matters of great importance that could become obscured if they are part of a highway construction bill that becomes as controversial as it did last year. Highway safety programs must be judged on their own merits, and they must be developed with the single aim of making American roads safer for travel.

The Highway Safety Act of 1973 modifies somewhat the safety provisions that were part of last year's bill. In line with our general approach to highway legislation, this proposal reduces the number of categorical programs. It does not, however, neglect any area of highway safety in which either program authority or funding is needed. While the number of categories is reduced from those in last year's proposal, the essential activities are provided for in broad, general authorizations.

Authorizations in the bill I introduce today total $500 million for each of the fiscal years of 1974 and 1975. All of this money for safety programs would come from the highway trust fund. This use of trust fund revenues reflects my conviction that highway safety is an integral part of the total highway program and that its support from user revenues is fully justified and desirable.

The highway trust fund has facilitated the construction of the world's most advanced highway system, and it should be utilized to make this the world's safest highway system.

I call the attention of the Senate to the fact that the authorizations contained in this bill are significantly higher than highway safety expenditures recommended in the President's budget proposals for fiscal year 1974. Spending levels of $289 million are advanced by the administration, but I do not believe they are adequate or responsive to the need for better highway safety programs. I am pleased that the safety record of our highways has improved in recent years on the basis of deaths and accidents per mile driven. This is indicative that we are moving in the right direction and that our investments in highway safety are paying dividends. The actual death toll on our highways, however, seems to have stabilized in the vicinity of 55,000 persons a year. This is a totally unacceptable figure and dictates that there be no relaxation in our highway safety efforts.

Mr. President, there are several significant changes in the safety program proposed by this bill.

To stimulate a more aggressive response by the States to highway safety, this legislation authorizes the Secretary of Transportation to award grants totaling $10 million a year to States as incentives for superior performance. These payments will be made to States which the Secretary determines have achieved above-average results in highway safety.

The committee has long been concerned with the persistent dangers posed by railroad-highway grade crossings, where an average of 1,500 people die in accidents each year. The time is long overdue to begin eliminating the thousands of grade crossings in our country. To make this start, the bill authorizes $100 million each year for grade crossing removal. Recognizing that a significant number of grade crossing accidents occur on roads not on a Federal-aid system, this legislation authorizes expenditures of one-third of the funds on highways not included on any Federal-aid system. Because of the high cost of such projects, Federal participation at 90 percent of the cost is authorized.

The bridge reconstruction and replacement program, enacted in 1970 under the sponsorship and special concern of the distinguished chairman of the committee (Mr. RANDOLPH), has enabled us to begin correcting another serious deficiency in our national highway network. Our highways cross thousands of bridges that are far too old and inadequate to carry modern traffic loads. About one-sixth of the highway bridges in the United States have been found to be deficient in some respect, and this program is aimed at correcting those deficiencies. The bill I introduce continues the bridge reconstruction and replacement program and authorizes $100 million per year for this purpose. A modification is made to also permit bridge replacement on roads that are not part of a Federal-aid system.

In its evaluation of highway safety programs, the committee has found that enforcement of standards relating to alcohol and highway safety has not been satisfactory. Accordingly, the bill includes the requirement that standards include certain features intended to reduce the incidence of people who drive under the influence of alcohol. Approximately one-half of all highway deaths take place in accidents where alcohol is a factor and, therefore, we must give special attention to this aspect of the highway safety program.

Participation in the State-administered highway safety program is broadened by this bill to include Indian Tribes. Highway safety is as serious a problem on Indian reservations as it is elsewhere, but existing statutes do not permit the same type of safety programs to be carried out on Indian reservations as are conducted by States.

The concern over widespread drug use and its possible effect on the operation of motor vehicles are recognized in this bill. The authority of the Secretary of Transportation to conduct highway safety research is broadened to include the use of drugs and their effect on highway safety and motor vehicle operators.

In addition to these major provisions of the bill, several activities which were proposed in last year's legislation could be included under existing authority. I intend that the committee report on this bill include a discussion of items dropped from last year's proposal, such as elimination of roadside obstacles, pavement marking, and emergency medical care. The absence of these programs from this bill does not mean that I consider them any less important than they were a year ago. Rather, it is my belief that they should be carried out under the authority of other sections of the statutes and this emphasis will be noted in the committee report.

Mr. President, the Highway Safety Act of 1973 is intended to continue the progress we have made in reducing death, injury, and destruction on our Nation's roads. It is a realistic bill, both as to program content and as to financing levels. Hearings on this bill will be conducted by the Subcommittee on Roads in the near future.

Mr. President, I ask unanimous consent that a copy of the bill and a section-by-section analysis of this measure be printed in the RECORD at this point.

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

S. 893

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

SHORT TITLE

SEC. 101. This Act may be cited as the "Highway Safety Act of 1973".

AUTHORIZATIONS

SEC. 102. There are authorized to be appropriated out of the Highway Trust Fund—

(a) $150,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975, for carrying out section 402 of title 23 of the United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, of which $10,000,000 in each such year shall be for the purposes of section 402(i)(1), and $10,000,000 for section 402(i)(2).

(b) $85,000,000 for the fiscal year ending June 30, 1974, and $85,000,000 for the fiscal year ending June 30, 1975, for carrying out such section 402 by the Federal Highway Administration, of which $25,000,000 for the fiscal year ending June 30, 1974, shall be exclusively available for the purchase of equipment for pavement marking.

(c) $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975, for carrying out section 403 of such title (relating to highway research and development) by the National Highway Traffic Safety Administration.

(d) $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975, for carrying out sections 307(a) and 403 of such title by the Federal Highway Administration.

RAIL-HIGHWAY CROSSINGS

SEC. 103. (a) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated out of the highway trust fund for projects for the elimination of hazards of railway-bridge crossings, $100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

(b) Funds authorized by this section shall be available for expenditure as follows:

(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

(2) one-third for projects on highways not included on any Federal-aid system.

(c) Funds made available in accordance with paragraph (1) of subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970. Funds made available in accordance with paragraph (2) of subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 104. (a) Subsection (b) of section 144 of title 23, United States Code, is amended by striking out "on any of the Federal-aid systems".

(b) Subsection (e) of section 144 of title 23, United States Code, is amended by striking out "1972; and" and inserting in lieu thereof "1972,"; by inserting immediately after "1973," the following: "$100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975,".

(c) Subsection (f) of section 144 of title 23, United States Code, is relettered as subsection (g) (including references thereof); and immediately after subsection (e) the following new subsection (f) is inserted:

"(f) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system; and

"(2) one-third for projects on highways not included on any Federal-aid system."

(d) Existing subsection (g) of section 144 of title 23, United States Code, is relettered as subsection (h) (including references thereto).

PENALTIES FOR DRIVING WHILE INTOXICATED

SEC. 105. Subsection (a) of section 402 of title 23 of the United States Code is amended by inserting after the fifth sentence the following "Effective as soon as practicable after the date of enactment of the Highway Safety Act of 1973 such standards shall also include provisions requiring (1) laws prohibiting persons from operating motor vehicles while under the influence of intoxicating liquors or any narcotic or drug which impairs their ability to operate a motor vehicle properly and safely, (2) procedures for effective enforcement of such laws, (3) penalties for violation of such laws which provide a meaningful deterrent to their violation and, where appropriate, adequate medical treatment for persons violating such laws who are in need of treatment.".

MANPOWER TRAINING AND DEMONSTRATION PROGRAMS

SEC. 106. (a) The first sentence of subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after "approved in accordance with subsection (a)," the following: "including the development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom such funds.".

PUBLIC ROAD MILEAGE

SEC. 107. Subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after the third sentence the following "Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary."

COMPLIANCE WITH ALCOHOL SAFETY STANDARD

SEC. 108. (a) Subsection (c) of section 402 of title 23 of the United States Code is amended by inserting before the period at the end of the next to the last sentence thereof a comma and the following: *"Provided, however,* That the provisions of this sentence shall not apply in the case of any State which has not prior to July 1, 1974, properly implemented the Secretary's highway safety programs standard numbered 8 (relating to alcohol in relation to highway safety) or any modification or addition to such standard prior to such date.".

(b) Such subsection is further amended by adding immediately after the next to the last sentence thereof the following "Whenever the Secretary suspends the application of the seventh sentence of this subsection, he shall report within ten days the reasons for such suspension and the period of such suspension to the Committees of the Senate and House of Representatives on Public Works, Commerce, and Interstate and Foreign Commerce, and shall publish such report in the Federal Register, and shall notify the State or States involved of such suspension, the reasons therefor and the period thereof, and warn them of the penalty involved.".

MINIMUM APPORTIONMENT

SEC. 109. Subsection (c) of section 402 is amended by striking "one-third of 1 per centum" in the fifth sentence thereof as amended, and inserting "one-half of 1 per centum.".

INCENTIVES FOR COMPLIANCE WITH HIGHWAY SAFETY STANDARDS

SEC. 110. Section 402 of title 23 of the United States Code is amended by adding a new subsection (i), as follows:

"(i) (1) The Secretary shall award, in addition to other grants pursuant to this section, $10,000,000 in grants for each fiscal year to States which he determines, in accordance with criteria which he shall establish and publish, to have attained above average results in carrying out and achieving the purposes of this chapter. Such grants shall be used by recipient States only to further the purposes of this chapter. The amount appropriated in each fiscal year for the purpose of carrying out this paragraph shall be apportioned among the States eligible for grants pursuant to this paragraph in the ratio which the total apportionments to each State pursuant to section 104(b) (1) and (2) for such year bears to the total such apportionments to all such eligible States for such year.

"(2) The Secretary may also award, in addition to other grants pursuant to this section, $10,000,000 in grants in each fiscal year to States which he determines, in accordance with criteria which he shall establish and publish, to have made the most significant improvements in carrying out and achieving the purposes of this chapter. Such grants shall be used by recipient States only to further the purposes of this chapter. No State shall receive in excess of $500,000 in any fiscal year pursuant to the provisions of this paragraph.".

HIGHWAY SAFETY ON INDIAN RESERVATIONS

SEC. 111. (a) Section 402 of title 23 of the United States Code is amended by adding a new subsection (j), as follows:

"(j) For the purpose of the application of this section on Indian reservations, 'State' and 'Governor of a State' includes the Secretary of the Interior and 'political subdivision of a State' includes an Indian tribe: *Provided,* That, notwithstanding the provisions of subparagraph (C) of subsection (b) (1) hereof, 95 per centum of the funds apportioned to the Secretary of the Interior shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions: *And provided further,* That the provisions of subparagraph (E) of subsection (b) (1) hereof shall be applicable in those tribal jurisdictions in which the Secretary determines such programs would not be practicable.".

(b) Subsection (d) of section 402 of title 23, United States Code, is amended by inserting at the end of the first sentence thereof the following: ", and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary.".

DRUG USE AND HIGHWAY SAFETY

SEC. 112. Section 403 of title 23 of the United States Code is amended by inserting "(a)" immediately before the first sentence thereof, and by adding at the end thereof the following new subsections:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other government and private agencies as may be necessary, is authorized to carry out safety research on the relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles. As soon as practicable, the Secretary shall promulgate a highway safety program standard with respect to drug use in relation to highway safety. The research authorized by this subsection may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals.

"(c) In addition to the research authorized by subsections (a) and (b) of this section, the Secretary is authorized either independently or in cooperation with other Federal departments or agencies, to conduct research into, and to make grants to or contracts with State or local agencies, institutions, and individuals for demonstration projects for programs of administrative adjudication of traffic infractions. Such administrative adjudication programs shall be designed to improve highway safety by providing fair, efficient, and effective adjudication of traffic infractions, and by utilizing appropriate punishment, training, and rehabilitative measures for traffic law offenders. The Secretary shall report to Congress by July 1, 1975, on the research and demonstration projects authorized by this subsection, and shall include in such report a comparison of the fairness, efficiency, and effectiveness of administrative adjudication of traffic infractions with other methods of handling such infractions.".

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

SEC. 113. The second sentence of subsection (a) of section 403 of title 23, United States Code, is amended to read as follows: "In addition, the Secretary may use the funds appropriated to carry out this subsection, either independently or in cooperation with other Federal departments or agencies, for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education of highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related activities which are deemed by the Secretary to be necessary to carry out the purposes of this section. The Secretary shall assure that no fees are charged for any meetings or services attendant thereto or other activities relating to training and education of highway safety personnel.".

TRANSFER OF DEMONSTRATION PROJECT EQUIPMENT

SEC. 114. Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Secretary may, where he deems it to be in furtherance of the purposes of section 402 of this title, vest in State or local agencies, on such terms and conditions as he deems appropriate, title to equipment purchased for demonstration projects with funds authorized by this section.".

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

SEC. 115. Subsection (a) (1) of section 404 of title 23, United States Code, is amended by inserting immediately after "Federal Highway Administrator," the following: "the National Highway Traffic Safety Administrator,".

DATE OF ANNUAL REPORT

SEC. 116. The first sentence of subsection (a) of section 202 of the Highway Safety Act of 1966 (80 Stat. 736) is amended by deleting "March 1" and substituting in lieu thereof the following: "July 1".

SECTION-BY-SECTION ANALYSIS OF HIGHWAY SAFETY BILL

SECTION 101. SHORT TITLE

This title may be cited as the "Highway Safety Act of 1973".

SECTION 102. AUTHORIZATIONS

The following amounts would be authorized from the Highway Trust Fund:

1. For assistance to the States in carrying out highway safety programs under section 402—$235 million for each of the 1974 and 1975 fiscal years, provided that $25 million of such funds would be available to the States exclusively for the purchase of pavement equipment marking.

2. For highway safety research and development—$65 million for each of the 1974 and 1975 fiscal years.

SECTION 103. RAIL-HIGHWAY CROSSINGS

This section authorizes $100 million from the Highway Trust Fund for each of the fiscal years 1974 and 1975 for elimination of hazards of rail-highway crossings, in addition to funds available to carry out section 130 of title 23, United States Code. These funds in any fiscal year would be available as follows: (1) two-thirds for projects on any Federal-aid system (other than the Interstate System) apportioned in the same manner as sums authorized to be appropriated under section 105 of the Federal-Aid Highway Act of 1970; and (2) one-third for projects on highways not included on any Federal-aid system apportioned in the same manner as provided in 23 U.S.C. 402(c).

The Federal share payable on account of any such project would not exceed 90 percent of the cost.

SECTION 104. BRIDGE RECONSTRUCTION AND REPLACEMENT

This section authorizes the appropriation out of the Highway Trust Fund of $100 million for each of the fiscal years 1974 and 1975 to carry out the bridge replacement program established pursuant to 23 U.S.C. 144. Two/thirds of the funds authorized and expended under the program would be for projects on the Federal aid system and one/third would be for projects not included on any Federal-aid system.

SECTION 105. PENALTIES FOR DRIVING WHILE INTOXICATED

States would be required by future highway safety standards to prohibit persons from operating motor vehicles while under the influence of intoxicating liquors, narcotics or drugs, to provide effective enforce-

ment of such restrictions, and to provide penalties that would constitute a meaningful deterrent.

SECTION 106. MANPOWER TRAINING AND DEMONSTRATION PROGRAMS

This would authorize funds appropriated to States for their highway safety programs to be used for the development and implementation of manpower training and demonstration programs which the Secretary determines might help reduce accidents.

SECTION 107. PUBLIC ROAD MILEAGE

For purposes of apportioning funds for highway safety among the States, the public road mileage in each State would be determined at the end of each calendar year.

SECTION 108. COMPLIANCE WITH ALCOHOL SAFETY STANDARD

The discretionary authority of the Secretary to suspend application of the 10 percent reduction in the apportionment of Federal-aid highway funds for those States not implementing a highway safety program would be eliminated with respect to the highway safety standard on alcohol. In effect, the 10 percent penalty would be made mandatory for States not in compliance with this standard.

Whenever the Secretary exercises his authority to suspend application of the 10 percent penalty in Federal aid for those States not in compliance with safety standards, he would be required to report his reasons for such suspension within ten days to appropriate committees of Congress, to publish the report in the Federal Register, and to notify the States involved.

SECTION 109. MINIMUM APPORTIONMENT

The minimum amount available to any State for highway safety programs would be increased from one-third of one percent to one-half of one percent.

SECTION 110. INCENTIVES FOR COMPLIANCE WITH HIGHWAY SAFETY STANDARDS

The Secretary would be authorized to award each year, $10,000,000 in incentive grants to States which have achieved "above average results" and $10,000,000 to States which have made the "most significant improvement" in carrying out their highway safety programs.

SECTION 111. HIGHWAY SAFETY ON INDIAN RESERVATIONS

Indian reservations would be made eligible for highway safety grants under Section 402. Funds normally apportioned to the States for this purpose would instead be apportioned to the Secretary of the Interior. The Secretary would also be authorized to increase the Federal share if necessary to assist an Indian tribe in meeting the non-Federal share of the cost of reservation safety programs.

SECTION 112. DRUG USE AND HIGHWAY SAFETY

The Secretary would be authorized to carry out research on the relationship between the consumption of drugs and highway safety and to promulgate, as soon as practicable, a highway safety program standard on drug use and highway safety.

The Secretary would be authorized to conduct research for making grants or contracts on the effectiveness of administrative adjudication systems in promoting highway safety and in reducing recidivism rates of traffic law offenders by appropriate punishment, training, and rehabilitation.

SECTION 113. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

The language of this section would be modified slightly in order to make it clear that research funds could be used for grants to or contracts with public agencies, institutions and individuals for all five types of programs listed. The Secretary would assure that no fees are charged for training on education of highway safety personnel.

SECTION 114. TRANSFER OF DEMONSTRATION PROJECT EQUIPMENT

The Secretary would be authorized to transfer to State and local agencies the title to equipment purchased with research funds for demonstration projects.

SECTION 115. NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

The National Highway Traffic Safety Administator would be added as an ex officio member of the National Highway Safety Advisory Committee.

SECTION 116. DATE OF ANNUAL REPORT

The date on which the Secretary is to make an annual report to Congress on the Administration of the Highway Safety Act would be changed from March 1 to July 1.

By Mr. THURMOND (for himself, Mr. BENNETT, Mr. DOLE, and Mr. RANDOLPH):

S. 895. A bill to require a health warning on the labels of bottles containing certain alcoholic beverages. Referred to the Committee on Commerce.

Mr. THURMOND. Mr. President, I have long been concerned with the problem of alcoholism in this country.

On April 14, 1971, I introduced a bill to amend section 5(e) of the Federal Alcohol Administration Act to require a health warning on the labels of bottles containing alcoholic beverages. This bill was referred to the Senate Commerce Committee, and the full Senate did not act on this bill.

Mr. President, after the passage of 2 years, statistics do not reveal any reason for less concern. In fact, alcoholism has become a growing problem, and more and more people are being victimized by this menace.

Consequently, I am reintroducing this legislation today, and I urge my colleagues to give it very careful consideration.

The Department of Health, Education, and Welfare has revealed that some 10 million Americans are dependent on alcohol. Mr. President, this is a national tragedy.

Overuse and abuse of alcohol has caused broken homes and economic disaster for many individuals who otherwise would be model parents and successful in their business pursuits.

Furthermore, alcohol is the cause of many physical, emotional, and mental problems. Alcoholism can strike at all social and economic levels, and the result is tragic.

Mr. President, we are all aware of the dangers in mixing alcohol and automobiles. Drinking and driving has become a killer of major proportions, and it is time that we warn drinkers of the hazards involved.

A health warning label for all bottles of alcoholic beverages containing more than 24 percent of alcohol by volume will be an effective method of public education.

Mr. President, if a warning label prevents one potential alcoholic from taking his first drink, or one casual drinker who drives from having his "drink for the road," then it is worthwhile and constructive legislation.

I am pleased that Senators BENNETT, DOLE, and RANDOLPH again join me as cosponsors of this legislation.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

S. 895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(e) of the Federal Alcohol Administration Act (49 Stat. 982, as amended; 27 U.S.C. 205(e)), is amended by inserting the following new paragraph immediately before the last full paragraph of such section:

"It shall be unlawful to sell or ship or deliver for sale or shipment, or otherwise introduce in interstate commerce or foreign commerce, or receive therein, or to remove from customs custody for consumption, any bottle containing a beverage having more than 24 per centum of alcohol by volume, unless the label of such bottle contains the following statement: 'Caution: Consumption of alcoholic beverages may be hazardous to your health and may be habit forming.' Such statement shall be located in a conspicuous place on each label, and shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the label."

By Mr. RANDOLPH (for himself, Mr. WILLIAMS, Mr. STAFFORD, Mr. CRANSTON, Mr. SCHWEIKER, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. HATHAWAY, Mr. JAVITS, Mr. DOMINICK, Mr. MAGNUSON, Mr. DOLE, and Mr. BENTSEN):

S. 896. A bill to amend the Education of the Handicapped Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. RANDOLPH. Mr. President, I send to the desk for appropriate reference a bill to extend the Education of the Handicapped Act as set forth in Public Law 91-230. This act, which brought together Federal programs of assistance for the education of handicapped children, has served our Nation well.

The States estimate that there are 7 million children, 1 million of whom are of preschool age, who are so severely handicapped that they require special education programs. The thrust of Federal legislative effort has been to assist the States in providing such programs, to enable them to give each handicapped child his rightful opportunity to an education.

We have done much; yet much remains to be done.

Our reports from State education agencies show that special education programing is growing. In the past 5 years, the number of children receiving special help has grown from 2.1 million to almost 3 million. Federal assistance to States for these purposes has increased from $45 million 5 years ago to $250 million in the past fiscal year. Yet despite this positive growth, such programs are reaching less than one-half of all of the children who need them.

Federal support for education for teachers of the handicapped has been a major factor in this increase in special education programs. The number of colleges and universities training these teachers has multiplied tenfold since

the beginning of Federal funding a decade ago. There are now about 400 colleges and universities offering such training, some 300 of which are receiving Federal support. There is good reason to believe that the increase in Federal investment from $2.5 million in fiscal year 1962 to $34.6 million in fiscal year 1972 is directly related to the increase in numbers of special education teachers. That number has grown from 70,000 in 1962 to the current 1972 figure of 162,887. It is estimated that double that number of special educators are needed if the 7 million handicapped children are to be educated.

PRESCHOOL HANDICAPPED CHILDREN HELPED

Federal legislation has resulted in the development of many model programs for preschool handicapped children. Since 1968, when the Handicapped Children's Early Education Act was enacted, 70 models serving approximately 4,000 children and their parents have been established. Each State has at least one such demonstration project. The wisdom of the law in requiring that these projects function to stimulate States to use their own resources for implementing additional projects for these children has been borne out. Three years ago only 15 States had legislation providing for the education of handicapped children of preschool age. During the past 3 years, there has been a significant increase in the States making available early education programs for these children. Presently, 45 States have legal authority to provide such programs for 5-year-olds or younger. During the past school year, 5 States passed similar comprehensive mandatory legislation. In addition to States with new comprehensive laws, others have reduced age requirements, with the State of North Carolina providing special education from birth.

The value of these early education programs is underscored not only by giving a good start and helping prevent these children from developing secondary problems, but also by enhancing their ability to enter the educational mainstream. Early figures indicate that handicapped preschoolers in the programs throughout the country more frequently are able to enter a regular classroom and "make it" with special education support. Last year, for example, 492 children who had participated in model early education projects were admitted to other programs which previously had refused to accept them.

DEAF-BLIND CHILDREN NEED HELP

Without the availability of Federal support, 4,200 deaf-blind children born in our Nation as a result of the 1964–65 rubella epidemic would have little hope of receiving the complex educational and other services they require. Now, through the establishment of 10 regional centers for these children, and the marshaling of Federal, State, local and private resources, coverage has increased from 100 children to more than 2,000. A national goal of full services for each of these children and their families is drawing within reach.

Appropriate special education programs for the Nation's handicapped children, including the preschool-aged and severely handicapped; career education programs with placement and employment sevices; and the development of the necessary pool of special education teachers are what we are investing in with our legislative program. These investments go to the States to enable them to fulfill their responsibility to educate our children—to equip these children to live as productive and independent lives as possible. While special education programs may cost twice those for a nonhandicapped child, the cost to society of institutionalizing a handicapped child over a lifetime is over $400,000. Those costs can be saved for many children by preschool and school programs especially designed for the child's needs.

In 1967, when Congress began its major efforts to provide education for America's blind, deaf, and other handicapped children, we mandated the creation of the Bureau of Education for the Handicapped in the U.S. Office of Education. Many of my colleagues here will recall it was not easy to convince the executive branch of the wisdom of that decision, although it was our belief that a strong organization in the Office of Education was necessary if earlier experiences of fragmentation, weakening of programs, and dilution of resources were not to be repeated.

The experience of these years has proven that we were right in establishing this unit. Federal support has grown sharply; programs for children, teacher education, and research projects have been coordinated; joint activities with other Federal agencies, the rehabilitation program, and the mental health program have been established; and education for handicapped children has become a stated priority of the Office of Education. As we consider this legislation we will be concerned with how program management can be strengthened and facilitated.

DOLLARS WELL SPENT FOR HANDICAPPED

Time and again, I have had constituents say to me, and have had Members of this great body say, that the taxpayers' dollars spent for educating handicapped children are among the best dollars the Federal Government spends. They help fulfill a child's right to an education; they help express our society's commitment to caring about every person, the weak, the sick, and the poor. And in addition to this expression of human concern, their dollars are a wise investment, for they convert dependence to independence and futility to productivity and gain for our Nation.

SENATOR WILLIAMS SHOWS LEADERSHIP

Mr. President, our Subcommittee on Handicapped will focus attention on programs of education to assist handicapped children and youth. This urgent issue will be a priority in our activities. The able chairman of the Committee on Labor and Public Welfare, Senator WILLIAMS, is also an active member of our subcommittee. He has introduced legislation to provide assistance to the States to pay 75 percent of the excess costs of educating handicapped children. I am pleased to say that I, as well as many of our colleagues in this body, cosponsored this important new proposal. If this program proposed by the Senator from New Jersey (Mr. WILLIAMS) comes to fruition, the need for professional personnel, research, instructional media and special projects, as contained in the measure I am introducing today, will be in greater demand to serve increase of children brought into our school systems.

Mr. President, I ask unanimous consent to have this bill, the Education of the Handicapped Amendments of 1973, printed at this point in the RECORD.

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

S. 896

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 "Education of the Handicapped Amendments of 1973."

BUREAU FOR THE EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 2(a) Section 603 of the Education of the Handicapped Act is amended by inserting "(a)" After "Sec. 603." and by adding at the end thereof the following new subsection:

"(b)(1) The bureau established under subsection (a) shall be headed by an Associate Commissioner of Education who shall be appointed by the Commissioner and who shall report directly to the Commissioner, be compensated at the rate specified for, and placed in, grade 17 of the General Schedule set forth in section 5332 of title 5, United States Code.

"(2) In addition to such Associate Commissioner, there shall be placed in such bureau four positions for persons to assist the Associate Commissioner in carrying out his duties, and such positions shall be placed in grade 16 of the General Schedule set forth in section 5332 of title 5, United States Code."

(b)(1) The positions created by subsection (b) of section 603 of the EHA shall be in addition to the number of positions placed in the appropriate grades under section 5108 of title 5, United States Code; and such positions shall be in addition to, and without prejudice against, the number of positions otherwise placed in the Office of Education under such section 5108 or under other law.

(2) The amendments made by subsection (a) shall become effective upon the enactment of this act.

GRANTS TO THE STATES

SEC. 3. (a) Subsection (b) of section 611 of the EHA is amended to read as follows:

"(b) For the purpose of making grants under this part, there are authorized to be appropriated $300,000,000 for the fiscal year ending June 30, 1974, $400,000,000 for the fiscal year ending June 30, 1975, and $500,000,000 for the fiscal year ending June 30, 1976."

(b) The amendment made by subsection (a) shall become effective, and shall be deemed to have been enacted on July 1, 1973.

CENTERS AND SERVICES

SEC. 4. (a) Section 626 of the EHA is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 626. For the purpose of carrying out this part, there are authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1974, $90,000,000 for the fiscal year ending June 30, 1975, and $110,000,000 for the fiscal year ending June 30, 1976."

(b) The amendment made by subsection (a) shall become effective, and shall be deemed to have been enacted on, July 1, 1973.

PERSONNEL TRAINING

SEC. 5. (a) Section 636 of the EHA is amended by striking out that part thereof

which follows "this part", and inserting in lieu thereof "$103,000,000 for the fiscal year ending June 30, 1974, $110,000,000 for the fiscal year ending June 30, 1975, and $115,000,000 for the fiscal year ending June 30, 1976."

(b) The amendment made by subsection (a) shall become effective and shall be deemed to have been enacted July 1, 1973.

RESEARCH

SEC. 6. (a) Section 644 of the EHA is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 644. For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975, and $60,000,000 for the fiscal year ending June 30, 1976."

(b) The amendment made by subsection (a) shall become effective, and shall be deemed to have been enacted on July 1, 1973.

INSTRUCTIONAL MEDIA

SEC. 7. (a)(1) That part of section 652(b) of the EHA which precedes clause (1) is amended by inserting "(either directly or by grants or contracts)" after "authorized".

(2) Section 654 of such act is amended by striking out "$20,000,000" and inserting in lieu thereof "$35,000,000".

(b) The amendments made by subsection (a) shall become effective, and shall be deemed to have been enacted on July 1, 1973.

SPECIFIC LEARNING DISABILITIES

SEC. 8. (a) Section 661(c) of the EHA is amended by striking out "$12,000,000" and all that follows down to but not including the period at the end of such section and inserting in lieu thereof the following: "$35,000,000 for the final year ending June 30, 1974, $40,000,000 for the fiscal year ending June 30, 1975, and $45,000,000 for the fiscal year ending June 30, 1976".

(b) The amendments made by subsection (a) shall become effective, and shall be deemed to have been enacted on, July 1, 1973.

By Mr. STEVENS:

S. 897. A bill to authorize the removal of debris and obsolete buildings in the Aleutian Islands, Alaska. Referred to the Committee on Armed Services.

Mr. STEVENS. Mr. President, I am today introducing a bill to authorize the Corps of Engineers to remove obsolete buildings and debris left in Alaska after World War II by the armed services.

These obsolete buildings and debris are located in the Aleutian Islands at four locations: Port Heiden, Cold Bay, Unalaska, and Fort Glenn. They are left over from World War II and large numbers of them are on public domain lands. At my request, the Department of the Interior and its Bureau of Land Management made an investigation of the magnitude of the problem and furnished me with a report.

PORT HEIDEN

Port Heiden is the name given to the old military installation and airfield located adjacent to a shallow bay of the same name. It is also the location of the White Alice communications—and former DEW line—site involving a civilian maintenance crew of from six to eight people. However, most of the 60 or so population resides at the nearby native village of Meshik. Because of its key location midway between King Salmon and Cold Bay, Port Heiden Airfield assumes some measure of importance as a transportation center. Reeve Aleutian Airways and Peninsula Airways both serve it and Reeve maintains an agent and hotel there.

The immediate area around the Port Heiden Airfield is quite heavily littered with old World War II remains. Most of these fall within the 4,058-acre Air Navigation Site withdrawal quitclaimed to the State of Alaska in 1966. There are some accumulations on the surrounding lands which reverted to the public domain in 1949. There are probably 30 to 50 buildings on public lands in the Port Heiden area.

COLD BAY

Cold Bay is not a village in the usual sense. Rather, it is a government and service community for a major but remote jet stop, and a transfer point for Reeve Aleutian Airways, the local airline. The FAA, Bureau of Sport Fisheries and Wildlife, Alaska Department of Fish and Game, the State Division of Aviation and the U.S.A.F.—remote station—are the Federal and State agencies with personnel at Cold Bay. Reeve Aleutian, and Flying Tiger Airlines, Standard Oil Co. of California, and a sea food processing company comprise the private sector. The nearest native village is King Cove, some 20 miles to the southeast. There was little on the site at Cold Bay before 1941 when military construction first began. Most of the large withdrawals in the area which were made for the Navy, Army and Air Force, were turned back to the public domain in 1954. The major airfield facilities remained withdrawn and were actually enlarged. In 1966, the airfield portion was quitclaimed to the State of Alaska, while the outlying navigation facilities remained under FAA withdrawal.

The State and the FAA airfield properties, comprising about 4,000 acres, have major concentrations of debris, although some material has been disposed of. The remaining areas which reverted to the public domain also contain major concentrations of debris. In 1960, the Izembek National Wildlife Refuge was created, but for the most part, the boundaries were drawn to exclude most of the heavily littered areas. According to a rough estimate from 1962 aerial photographs, there are probably about 300 assorted remnants of metal quonset huts, wood-frame messhalls, warehouses, and the like, on public domain lands in three main areas. In addition, there are probably about 75 on the Izembek Refuge, and another 150 to 200 on airfield property. At Cold Bay, the most numerous type of buildings are the metal quonsets which are also one of the more difficult to dispose of.

UNALASKA

Unalaska, the historic village crossroads of the Aleutians, is an incorporated, largely native town of about 250 persons. It is situated on the shore of Unalaska Bay, on a large island, 80 by 30 miles, also called Unalaska. Unalaska townsite is across a deepwater channel from Amaknak Island—the site of the Dutch Harbor Navy Base of World War II. Associated with the navy base and naval air station on Amaknak, was Fort Mears, an Army installation located on the main island around and behind the town of Unalaska.

Amaknak Island has an extremely heavy concentration of dilapidated buildings. Most of these are substantial wood-frame structures but they also include a massive reinforced concrete powerhouse, reinforced concrete hangars, bunkers, etc. These buildings were mostly built from 1940 to 1942. At the peak, there were 60,000 military personnel at Dutch Harbor and neighboring Fort Mears.

The Unalaska townsite—both the original townsite and addition No. 1—have a number of old military buildings, some crumbling and some rebuilt and lived in. The privately owned land extending 1½ miles easterly up the Unalaska Valley, behind the Unalaska townsite, has numerous derelict buildings including some substantial reinforced concrete warehouses. In the upper valley beyond, several hundred rusting quonset and wood frame warehouses, wood barracks, wood cabana huts in various stages of dilapidation extend over several square miles. Four miles easterly, from Unalaska City, the Summer Bay area contains the remains of the Fort Brumback coast artillery emplacements remaining as concrete circles in the ground. These emplacements are complete with the supporting quonset living quarters, messhalls, wood water tanks, and the like.

UMNAK ISLAND

Fort Glenn, Cape AFB on eastern Umnak Island about 70 miles west of Unalaska City, was the air base to complement the Dutch Harbor Naval Base. Umnak, while well-suited for an airfield, lacked a good harbor. The harbor function was fulfilled by Chernofski, across Umnak pass on western Unalaska Island. The Umnak base was restored to the public domain in 1952, and Chernofski in 1958.

Chernofski Harbor has a comparatively mild sprinkling of remains, probably numbering 50 to 75. Eastern Umnak has its major concentrations at the main airfield—Fort Glenn area. The majority of the remains are within the 7,550 acre FAA—now State of Alaska—airfield withdrawal. There are, however, very substantial numbers of old buildings on public domain lands around the edges of this withdrawal and in scattered outposts as far as Umnak's narrow waist to the south, and to Ashishik Point on the North. There are probably over 200 buildings on public domain lands and probably more on airport lands. Whereas the Unalaska Harbor area runs to wood frame and concrete, Umnak runs heavily to quonset and other metal huts.

The main concentration of buildings outside the Fort Glenn withdrawal is at the so-called north shore or Berry Field, this being the second, but smaller airport on the island. Additional buildings are found on the east end of Umnak Island, outside the Fort Glen reserve. A great many of the smaller buildings have been dug into the ground. Barbed wire is also found on parts of the island. Additionally, there is a Coast Guard loran station. This is a massive concrete structure.

SUMMARY

Mr. President, these military facilities and the State of Alaska served the Nation well during World War II. The time has long passed, however, when they should be removed and the Aleutian Islands returned to their natural beauty. These obsolete buildings and debris are a blight on the Islands. The Federal Government placed them there, and I believe it is only equitable that the Federal Government remove them. My bill provides for their removal by the Corps of Engineers, with appropriate measures to minimize environmental damage.

The Department of the Interior submitted to me a very rough estimate of the cost of cleaning up the public domain areas in the Aleutian Islands. I have also received cost estimates from the Army Corps of Engineers.

Although a complete and accurate breakdown estimate of these jobs is not yet available, I believe it will cost between $800,000 and $900,000 to complete the job. I would hope a more accurate estimate will be made when hearings are held on this bill.

Mr. President, I request unanimous consent that the bill itself be printed in the RECORD at this point and followed by an article entitled "The Rise and Fall and Rise of Adak" by Lael Morgan which appeared in the Sunday, December 10, 1972, Washington Post at page c2. This article fully describes the situation of the Aleutian Islands.

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

S. 897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to remove and dispose of debris and obsolete buildings remaining as a result of military construction in World War II in the vicinities of Port Heiden, Cold Bay, Unalaska, and Umnek Island, in the Aleutian Islands, Alaska. Such removal and disposal operations shall include appropriate measures to restore the areas involved to their natural condition.

SEC. 2. Appropriate non-federal interests shall provide necessary lands or interests therein and shall hold and save the United States free from damages due to the work authorized by this Act.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out this Act, but the sums appropriated shall not exceed $900,000.

THE RISE AND FALL AND RISE OF ADAK

(By Lael Morgan)

It takes guts to serve your country
As a sailor or as a marine
But a man must be a hero
When he visits our latrine.

ADAK, ALASKA.—Such was the ode scrawled on an outhouse by one freezing member of the first battalion stationed at this island outpost during World War II. His sentiments were understandable. The weather here, even according to the conservative U.S. Coast and Geodetic Survey, is the worst in the world; the cold combines with winds that often reach velocities of more than 100 knots.

And if a visit to the latrine didn't get you, there was a decent chance that the sheer desolation would. It drove more than one man to desperation before he ever tasted battle. And it still does today.

"We still get some men, the young ones mostly, who crack up," says Navy nurse Nancy Thornton. "They get what they called 'the Adak stare' during World War II. Usually, we send them home. If they can't take Adak, they certainly wouldn't be able to take combat."

Although taking Adak is never likely to be easy, a number of efforts are under way to make it at least less miserable. The new efforts are due to the rise again of Adak as a military installation.

SHOOTING BALLOONS

Originally, the facility was built by the Army as a $37.6 million crash project after the Japanese invaded the western Aleutians in 1942. One of the strongest garrisons then in the North Pacific war, Adak was known as "the golden link" of the Aleutian chain, headquartering 96,000 men at the height of the conflict.

When the Japanese were driven from the Aleutians, troop strength dwindled to housekeeping status; those who remained sat out the rest of the war shooting occasional balloons rigged with time bombs that the Japanese lofted into prevailing winds. The base never suffered a direct hit, chiefly, it is said, because the weather was so bad the Japanese never saw it. "A clear day is when you can see 100 feet," remarks one Navy man.

After the war, Adak was not exactly considered the prize U.S. base. Command passed from the Army to the Air Force in 1948, and in 1950 the Air Force handed it over to the Navy; by 1962, the base's military and civilian personnel had shrunk to 1,500.

But last year new life was breathed in Adak. Under a belt-tightening drive, the Navy decided to concentrate its Alaska effort on a single base, and it chose Adak over Kodiak because the Aleutian outpost is farther west.

"It must be considered a strategically important base in any defense plan—strategic for anyone who holds it, us or the Soviet, says Capt. G. F. Thummel, who came from Kodiak to be Adak base commander last September. "It's a beautiful staging base to work from in any conventional warfare realm. As a strategic nuclear deterrent it probably doesn't have the importance of other bases or a missile site. But it's an excellent stepping stone."

Thummel is vague about what, exactly, the military houses on Adak. Some areas of the island are restricted, and neighboring Aleutian natives who stop at Adak enroute to their small settlements must have government clearance to land. The official reason given is a lack of lodging facilities for transients.

Because of the Navy's belt-tightening effort, then, a new Adak is rising amid the World War II relics.

"What we're doing is replacing the World War II facilities," says Capt. Thummel. "They have just about reached the end of the line. We still use some of the buildings, but each year they are more of a fire hazard and more expensive to maintain."

Recent additions include a modern dispensary, streamlined modular housing for military dependents, a 10-lane bowling alley and gym, and a petty officer's club. A domitory-style barracks to house 356 men shares a building with a modern post exchange, and plans are set for a new state-operated school to accommodate Adak's 860 children and 30 teachers. The base population is now about 5,000, including civilians, and modern housing will eventually be provided for everyone.

With minimum maintenance, Adak's World War II-vintage construction has weathered three decades remarkably well. The roof, main bearings and timbers of one of the original storage areas was recently discovered to be in excellent shape and incorporated into a construction warehouse at a cost of $500,000. Likewise, Adak's old Yakatat Hanger is being converted into a hobby shop at a cost of $720,000

THE LEAKY CHAPEL

But those who must deal with World War II relics on a make-do basis have increasing problems. The original base exchange, for example, must be caulked and plugged like an old scow. The 30-year-old docks, while still in use, need constant attention, and airport aprons just gave out.

Capt. Joe Mitchell, commanding officer of the 750-man Naval Communication Station on the island, arrived at the post last year to find that his men's barracks had all the charm of a subway station restroom and that the chapel leaked so badly the water had to be vacuumed out before each service.

Enlisting the base "self-help program," which runs on his men's off-duty hours, he set to refurbishing the entire facility. He has badgered Washington for funds, gleaned donations from wives' clubs and "liberated" most of the building materials from abandoned buildings and the redwood and cypress water tanks that litter the island. The results: wood paneling, wall to wall carpet, extended recreation facilities and a watertight chapel.

The island is also in the midst of a massive clean-up program. Derelict quonsets are being scrapped along with the rusty skeletons of oil drums and machinery. Dumping areas are being rehabilitated, and miles of old telephone lines reeled in. There is some debate, however, as to how far this program should go.

"You hear a lot of people say, 'Why don't you clean up this mess?' But I'm not sure that everything should be cleaned up," says Chief Warrant Officer H. C. Haggard, Adak conservation officer. "There's a lot of history here, a lot of suffering and bitter memories. I'm not sure it all should be cleared away.

"It's fantastic how they dug in. It took the first troops eight days traveling through the Aleutians by boat to get here back in 1942," Haggard recounts. "It was a long, rough trip and it became obvious, even to a nonmilitary mind, that there was little chance of retreat or reinforcements. When they landed they dug in for their lives . . ."

The old hospital was completely underground, and most of the watch stations by gun emplacements were subterranean. The quonsets were placed low in the valleys. Some were nearly buried, not only for protection from bombardment but from the Aleutian winds.

Touring the old entrenchments can be hazardous, for overgrown barbed wire and metal-spiked "anti-personnel" fences lie in wait for the unwary.

"We had a man who stepped on one and the spike fence post went through the sole, his foot and out the top of his boot," a Nurse nurse recalls. "But it seemed mild in comparison to the scare I had recently. I hiked through a lumpy field and turned over a sign which had blown into the center to discover I was in a live mine field." (It had been deactivated, according to the base commander.)

Despite 30 years of scavenging, many of the old encampments still have some of their original furnishings: flight-tracking charts, an occasional Betty Grable pin-up, mess hall warming trays, sinks. Inland, there's a building with a lookout tower disguised as a water tank, and a forest of radio antenna leaved with useless insulators and wires.

FEW SINGLE WOMEN

Years of peace have fostered the growth of wildlife, making Adak a superb preserve. Dozens of sea otters play fearlessly around the docks, swimming on their backs and carrying rocks on their chests to crack clams, or teaching their pups to hunt. Sea lions abound in a rookery on one of the more remote coasts and the eagle population, nurtured by easy access to the military dumping areas, is at a record.

In the absence of a full-scale war, the

Navy has used some of its time in tailoring a workable conservation program for the island. Working with state and federal fish and wild life agencies, base personnel are stocking many of the island lake with rainbow trout and may develop heretofore untapped resources into a salmon fishery.

There are also some highly personal conservation projects being carried out. Conservation officer Haggard is working on game count and research on bird migration. Joe Buckbee, wildlife agent at the Communication Station, doctors downed eagles that unsuccessfully tackle airplanes or pick the wrong snacks at the base dump. And Capt. Mitchell unofficially heads the island forestry department. Trees are not supposed to grow in the Aleutians, but some planted on Adak during the 1940s are still growing. Mitchell is trying to find out why, taking soil samples and trying out new species.

Despite all this, for many Adak still represents the desolation and deprivation of World War II. It is still classified by the military as an overseas assignment, and although there is now a swimming pool, a bowling alley, a movie theater, numerous clubs and shopping facilities, many men complain that there is nothing to do.

Mainly, there are practically no single women. Capt. Thummel has given his approval to the stationing of WAVEs as soon as barracks facilities can be built for them.

But this isn't too consoling to men stationed here now.

"That will be after I leave," complains an enlisted man. "And even if it wasn't, I probably never would get to meet one."

By Mr. HOLLINGS (for himself and Mr. CRANSTON):

S. 898. A bill to authorize insurance in connection with loans to finance the purchase of, and improvements to, lots on which to place mobile homes; and

S. 899. A bill to extend and amend laws relating to housing and urban development, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HOLLINGS. Mr. President, one of the most serious domestic problems facing our Nation is the inadequate supply of housing. Production of low and moderately priced homes continues to fall far below national goals. The cost of building, owning, or renting adequate housing has risen sharply, so that what is now medium-priced housing is without financial access to nearly one-half of the families in this country.

Mr. President, for many moderate-income families, the mobile home is the only type of house they can reasonably afford to own, and the legislation I propose today would assist these families in obtaining adequate dwellings of this type. In the 91st Congress, I introduced a bill which permitted the Federal Housing Administration to insure loans financing the purchase of mobile homes to be used by the purchaser as his principal residence. This bill, a part of Public Law 91-152, has provided a low-cost avenue for thousands of citizens in obtaining adequate housing. Also, during that Congress, Public Law 91-506 was enacted, permitting eligible veterans to receive guaranteed loans for mobile homes as well as individual mobile home lots. Today I am reintroducing two bills I sponsored during the 92d Congress, which round out the availability of Federal programs for mobile homes under all types of Government housing programs.

First, under the existing Federal Housing Administration program, mobile home parks and the individual mobile homes are provided for, but the program does not include the combination of a mobile home and an individual lot. My legislation would permit a purchaser to receive FHA assistance for both his mobile home and his lot.

Further, my legislation would amend title V of the Housing Act to permit the Farmers Home Administration to participate in the mobile home loan program. The constituency of the Farmers Home Administration includes the economic income bracket which would most benefit from low-cost housing. Seventy-five percent of the mobile homes delivered in 1971 were in States that contained 72 percent of the national rural population, and 84 percent of our farm population. Further, 34 percent of existing housing units in that same group of States are deteriorated, dilapidated, or lacking in adequate plumbing facilities. It would seem clear that this source of housing would be most beneficial in the rural areas where the lack of housing is most severe.

These bills were included as parts of the omnibus housing bill of 1972, which passed the Senate, but unfortunately, this bill died in the House. Due to the impact of inflation, high interest rates, and tight money, American families with middle and low incomes are effectively barred from seeking new and improved housing. These families include returning veterans, young marrieds, and retirees. A survey done by the U.S. Department of Housing and Urban Development indicates that three-fourths of these households have children under 6 years of age; the husband is under 35 and has completed at least 3 years of high school education; and the family income, primarily from wages, is about $6,700 per annum. It is clear that the mobile home offers these families a source of housing not otherwise available. The availability of mobile homes contribute significantly to the housing supply outside the central city and small community. According to the 21st annual mobile home financing survey, the mobile home in America today, provides permanent housing for over 7 million Americans. In addition, in 1971, the mobile home industry produced 43 percent of single family dwellings in the United States. By the assistance of this legislation, we can extend the advantage to many more people.

Mr. President, I sincerely feel that, although mobile homes are not the whole answer to fulfilling our housing commitments, they do provide an adequate measure in easing the housing crisis in our Nation.

Mr. President, I ask unanimous consent that these bills be printed in the RECORD at this point and I ask unanimous consent that the Senator from California (Mr. CRANSTON) be added as a cosponsor to these bills.

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

S. 898

A bill to authorize insurance in connection with loans to finance the purchase of, and improvements to, lots on which to place mobile homes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a) of the National Housing Act is amended by inserting immediately before the last sentence a new sentence as follows: "A loan for the purchase of a mobile home may include an amount to finance the acquisition of a lot on which to place such home and to pay expenses reasonably necessary for the appropriate preparation of such lot, including but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad."

(b) Subsection (b) of section 2 of such Act is amended by striking out all that precedes the second proviso and inserting in lieu thereof the following:

"(b) Insurance may be granted under this section to any approved financial institution with respect to any obligation representing a loan, advance of credit, or purchase by it for a purpose described in subsection (a), subject to the following limitations with respect to amounts and maturities:

"(1) Except in the case of an obligation financing the purchase of a mobile home, the principal amount of the obligation shall not exceed $5,000, and the maturity of the obligation shall not exceed three years and thirty-two days (seven years and thirty-two days in any case where the Secretary determines that an extension in such period is in the public interest after giving consideration to the general effect of the extension upon borrowers, the building industry, and the general economy): *Provided,* That the foregoing limitations on the maturity of any such obligation shall not apply if the loan, advance of credit, or purchase is for the purpose of financing the construction of a new structure for use in whole or in part for agricultural purposes.

"(2)(A) In the case of an obligation financing the purchase of a mobile home only, the principal amount of the obligation shall not exceed (i) $10,000 ($15,000 in the case of a mobile home composed of two or more modules), and (ii) such additional amount as the Secretary shall by regulation prescribe as appropriate to cover the cost of necessary site preparation for the lot on which the home is to be placed. The maximum maturity of any such obligation shall not exceed twelve years and thirty-two days (fifteen years and thirty-two days in the case of a mobile home composed of two or more modules).

"(B) In the case of an obligation financing the purchase of a mobile home and an undeveloped lot on which to place the home, the principal amount of the obligation shall not exceed (i) the maximum amount under subparagraph (A), and (ii) such amount not to exceed $5,000 as may be necessary to cover the cost of purchasing the lot. The maximum maturity of any such obligation shall not exceed fifteen years and thirty-two days.

"(C) In the case of an obligation financing the purchase of a mobile home and a suitably developed lot on which to place the home, the principal amount of the obligation shall not exceed (i) the maximum amount under subparagraph (A)(i), and (ii) such amount not to exceed $7,500 as may be necessary to cover the cost of purchasing the lot. The maximum maturity of any such obligation shall not exceed fifteen years and thirty-two days.

In addition to the limitations set forth

in paragraphs (1) and (2), no insurance shall be granted under this section to any such institution with respect to any such obligation unless the obligation bears such interest and contains such other terms, conditions, and restrictions as the Secretary shall prescribe in order to make credit available for the purposes of this section:".

S. 899

A bill to extend and amend laws relating to housing and urban development, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title V of the Housing Act of 1949 is amended by adding at the end thereof a new section as follows:

"MOBILE HOMES

"SEC. 525. (a) As used in this title, the term 'housing' shall, notwithstanding any other provision of this title and to the extent deemed practicable by the Secretary, include mobile homes.

"(b) With respect to mobile homes financed under this title, the Secretary shall—

"(1) prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which it is to be located, and

"(2) obtain assurances from the borrower that the mobile home will be placed on a site which complies with standards prescribed by the Secretary and with applicable local requirements.

Loans under this title for the purchase of mobile homes shall be on the same terms and conditions as are applicable under section 2 of the National Housing Act to obligations financing the purchase of mobile homes."

By Mr. STEVENS (for himself and Mr. MAGNUSON):

S. 902. A bill to amend section 607(k)(8) of the Merchant Marine Act, 1936, as amended. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, today I introduce on behalf of myself and the Senator from Washington (Mr. MAGNUSON) a bill amending portions of the Merchant Marine Act of 1970.

The purpose of the bill is to clarify an ambiguity which could have the unfortunate effect of denying the citizens of Alaska the full benefit of certain provisions of the Merchant Marine Act of 1970. As Senators will recall, in the 91st Congress we enacted a historic new maritime program to revitalize our merchant marine. The Merchant Marine Act of 1970, amended the Merchant Marine Act of 1936, to, among other things, extend the coverage of certain tax deferral privileges previously available only to one small segment of our fleet.

The act also recognized the unique dependence of the citizens of Alaska, Hawaii, Puerto Rico and the noncontiguous territories and possessions on marine transport, and provided tax incentives decreasing the cost of building vessels for these trades, and thus the cost of marine transportation.

This provision was intended to provide long overdue relief to the people of our noncontiguous States and territories. Unfortunately, the definition of "noncontiguous trade" in section 607(k)(8) is ambiguous with respect to whether incidental intrastate carriage between ports in Alaska would qualify for this benefit, even though it clearly provides that similar carriage between the Islands of Hawaii does. Also, the privileges apply to similar carriage on the Great Lakes. Given the clear public policy of these provisions of the act, it seems to me that incidental intrastate carriage between ports in Alaska could be permitted by administrative interpretation. However, there has been an understandable reluctance to so interpret the literal words of section 607(k)(8), even though such an interpretation would be clearly consistent with the objectives of the act. Consequently, I am introducing this legislation to remedy the situation.

The bill would amend the Merchant Marine Act of 1936, to clarify the meaning of the term "noncontiguous trade," in section 607(k)(8), so that trade between points wholly within an offshore State or possession can qualify as a permissible trade in which to operate vessels which are built with capital construction funds. Enactment of this bill will enable offshore operators of vessels built with such funds to deploy these vessels in the most efficient manner without contravening the act.

Section 607(a) of the Merchant Marine Act of 1936, as amended by the Merchant Marine Act of 1970, allows a shipping company to establish a capital construction fund consisting primarily of tax-deferred earnings for the purpose of constructing or reconstructing "qualified vessels." In order to be considered "qualified," a vessel must be operated in the U.S. foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States (sec. 607(k)(2)). If a vessel built or purchased with capital construction funds is operated outside one of the enumerated trades, substantial penalties would ensue.

"Noncontiguous trade" is presently defined in section 607(k)(8) to mean:

(i) trade between the contiguous forty-eight States on the one hand and Alaska, Hawaii, Puerto Rico and the insular territories and possessions of the United States on the other hand, and (ii) trade between Alaska, Hawaii, and Puerto Rico and such territories and possessions and (iii) trade between the islands of Hawaii."

As now structured, this definition of "noncontiguous trade" is susceptible to uncertainty regarding the status of ocean shipping wholly within Alaska, Puerto Rico, or the insular territories and possessions of the United States.

Although trade between the islands of Hawaii is clearly noncontiguous (clause (iii) of section 607(k)(8)), it is not altogether clear that trade between points in Alaska, for instance, can similarly be regarded as "noncontiguous trade" as that term is presently defined. Alaska's reliance on water transportation and its need to obtain such transportation as economically as possible dictates that section 607(k)(8) be amended to explicitly include intra-Alaska trade within the meaning of "noncontiguous trade."

For example, a few carriers—mostly tug and barge operators—serve the offshore domestic trade between the contiguous 48 States and Alaska. In the course of a voyage between Seattle and Alaska, cargo may be carried to a number of Alaskan ports. In serving these ports, incidental cargoes may also be carried from one Alaskan port to another Alaskan port. From the carrier's point of view, the carriage of these incidental intrastate cargoes represents the most efficient use of its equipment. Although these cargoes are minor in volume compared to the major interstate trade, they are also very important to Alaska shippers since there is no regularly privately owned service operating only between ports in Alaska. The interstate movement is clearly within the scope of section 607(k)(8), but the incidental intrastate movement is arguably outside the definition of "noncontiguous trade."

If this intrastate movement is not considered "noncontiguous trade," a carrier could not in good faith contract with the Secretary of Commerce for the construction of vessels which would be regularly used in such a trade, albeit incidentally. If Alaskan operators, for example, were forced to abandon incidental intrastate carriage in order to benefit from the capital construction fund program, the intrastate shippers dependent on water transportation would obviously be injured; and since there would be an irreplaceable loss of freight from this movement, the interstate shipper might have to pay increased rates in order to offset the loss of intrastate revenue. The proposed amendment would relieve the carrier from having to choose between the benefits of the act and the efficient use of its equipment.

Another compelling reason for specifically including intra-Alaska—also intra-Puerto Rico, intra-Guam, and so forth—trade within the scope of the act arises from Congress inclusion of interisland Hawaiian trade—wholly intrastate—in the definition of "noncontiguous trade." It was apparently recognized that Hawaii's dependence on ocean shipping, even for intrastate movement, dictated that Hawaiian carriers, shippers, and consumers should benefit from the construction of water transport equipment with capital construction funds.

The conditions which impelled Congress to extend the benefits of the act to the interisland Hawaiian trade are equally present in the case of Alaska and the insular territories. For instance, there are 6,640 miles of general coastline in Alaska and 33,904 miles of coastline if all of its islands are included. There are more islands in Alaska than in any other State. Alaska and the insular territories are just as heavily dependent on water transportation as is Hawaii.

The legislative history of the Merchant Marine Act of 1970 sheds no light on the omission of the intra-Alaska trade as opposed to the inclusion of the interisland Hawaiian trade. The failure to include Alaska and the other offshore territories and possessions may well have been a legislative oversight which should be corrected by the adoption of the proposed amendment. This amendment would assure Alaskan citizens the same treatment that the act confers upon Hawaiian citizens. The benefits of the act, in terms of better, more efficient, and more modern water transportation service in intra-state trade should accrue not

only to Hawaii but to Alaska as well. At the same time, Puerto Rico and the other insular territories and possessions of the United States should be accorded the same treatment.

A third and equally important reason is to encourage the growth of the boat building industry in Alaska. With its wealth of natural materials, particularly timber, so close to so many potential customers. Alaska is a State particularly advantageously situated for the development of a boat building industry. The largest accessible stands of good lumber are in southeastern Alaska, close to many potential customers. This bill will incidentally encourage the growth of the shipbuilding industry in Alaska. Of course, it will also encourage the domestic Alaska shipping industry which is, as I have indicated, still, like Alaska shipyards, relatively small and in need of assistance.

The proposed legislation accomplishes the objectives set forth above. In addition, the wording of the bill also encompasses the meaning of original clause (ii) to section 607(k)(8): "trade between Alaska, Hawaii, and Puerto Rico and such territories and possessions."

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

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

S. 902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 607(k)(8) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177(k)(8), is amended by striking that entire portion of section 607(k)(8) which follows the lower case roman numeral "(ii)", and inserting in lieu thereof, "trade from any point in Alaska, Hawaii, and Puerto Rico, and such territories and possessions to any other point in Alaska, Hawaii, Puerto Rico, and such territories and possessions."

By Mr. STEVENS (for himself, Mr. FONG, Mr. GRAVEL, and Mr. INOUYE):

S. 903. A bill to provide for the addition of the names of the States of Alaska and Hawaii to the list of the 48 States inscribed upon the walls of the Lincoln National Memorial. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, as one of those deeply involved and deeply committed to the cause of statehood for Alaska and Hawaii. I remember with pride the moment when Alaska became the 49th State in our Union. I remember the feeling of tears welling up in my eyes as our flag was raised over Fort McHenry on July 4, 1959, and included in that flag was the 49th star representing my State.

As Alaska entered into statehood, Alaskans assumed the burdens and duties of citizenship along with its advantages. Alaskans are proud to be full citizens of the United States and proud of the heritage this country affords.

Part of that heritage is the dignity, courage, and grace of Abraham Lincoln. More than any other man, he was responsible for the preservation and perpetuation of the Union of our States. The names of the 36 States which were in the Union at the time of Lincoln's death are carved on lintels in the memorial which bears his name. Above them are inscribed the names of 48 States of our Union. Missing are the names of the States of Alaska and Hawaii.

Accordingly, I am introducing today a bill for myself, Mr. GRAVEL, Mr. FONG, and Mr. INOUYE which authorizes and directs the Secretary of the Interior to take such action as may be necessary to inscribe on the Lincoln Memorial, at an approximate place and in a manner and style consistent with the existing inscriptions of the names of the other 48 States, the names of the 49th and 50th States, Alaska and Hawaii.

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

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

S. 903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of adding the names of the States of Alaska and Hawaii to the existing list of names of the forty-eight States inscribed on the walls of the Lincoln National Memorial, the Secretary of the Interior is authorized and directed to take such action as may be necessary to inscribe on the walls of such memorial, at an appropriate place and in a manner and style consistent with the existing inscriptions of the names of the forty-eight States, the names of the States of Alaska and Hawaii.

By Mr. WILLIAMS:

S. 904. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients. Referred to the Committee on Labor and Public Welfare.

TRUTH IN LABELING ACT

Mr. WILLIAMS. Mr. President, today I am introducing a bill that would amend the Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients, in order of predominance.

This legislation is necessary in order to put an end to the misleading, inadequate, and incomplete practice used in informing the public of what actually and totally is in the product they are consuming.

Under present law, only those ingredients that the FDA requires to be listed are printed on the labels. It was the intent of Congress in authorizing the establishing of the standard of identity for ingredient listing to inform and protect the American consumers. However, the standard of identity has not been totally effective and has only insured that certain manufactured food products be substantially the same regardless of manufacturer; in other words, all peanut butter must contain the same basic ingredients.

However, this existing FDA provision does not go far enough in fully informing and protecting the consumer. Serious concern should be given to the many Americans who are limited in their food consumption for various reasons—health problems, religious beliefs, and specific dietary practices. For example, a person who has a heart condition and who is restricted in his cholesterol intake may be unaware that egg yolks—cited as the single highest source of cholesterol—are found in mayonnaise. A person of the Mormon faith who observes religious laws which prohibit the consumption of caffeine, may not know that that ingredient is in cola. Many people of the Jewish faith observe religious dietary laws and would be better able to avoid eating those food substances that are prohibited by making a more informed decision on the product they buy. This would be possible through adequate and total listing of food ingredients.

In addition to those persons who are restricted from certain substance intake, the average consumer is deserving of complete and uniform labeling so that he may become, if not already, more nutritionally educated and concerned.

It is interesting to note that pet food is qualitatively and quantitatively better labeled than food intended for human consumption.

Besides the incomplete listing of ingredients which is commonly practiced by manufacturers, misleading labeling is also harmful to the consumer. For instance, in a petition prepared by an active food labeling advocate organization, Label, Inc., of Washington, D.C., to be presented to the FDA, it was determined that some major cola manufacturers list only a few ingredients on their labels. The average consumer would interpret those labels as a complete listing, unaware that the major ingredients are not on the label. The label on chili con carne indicates that this product must contain 40 percent meat, but does not specify when the meat is head, cheek, or heart meat.

Labels also do not provide names of ingredients used to produce a certain effect in a product, as, for example, the names of thickening or stabilizing agents used in ice cream to prevent ice crystals or retard melting.

However, the petition presented by Label, Inc., was denied by the FDA in March 1972, stating that the agency did not have the statutory authority to require the extensive labeling requested within the petition.

The FDA has most recently ordered new labeling regulations that would require the disclosure of nutrient and vitamin-mineral labeling and would provide for the identification of fats and cholesterol content. This new program, however, is only a beginning. The identification of nutrients and essential vitamins and minerals will serve to provide better nutritional information to the consumer, but this form of labeling still does not protect the public from the continued practice of misleading and incomplete labeling.

I wish to quote from an editorial that appeared in the Washington Post on January 23, 1973, in referring to the new FDA regulation:

For now, consumers can be grateful the F.D.A. has at least taken this first step. The agency's past record of frequent indifference to consumer problems is well known. If anything, the new labeling suggests that the F.D.A. now knows that parts of the public are demanding more knowl-

edge about food. This should have been the transaction all along: paying your money and knowing exactly what was put into the food product. Somehow, concealing the facts from the public has been going on so long that now, when nutritional labeling comes along, it looks revolutionary. It isn't. It is only a long-needed move toward fairness in the marketplace.

Mr. President, the original intent of Congress in enacting the Food, Drug, and Cosmetic Act, and the creation of the standard of identity for foods was to insure the quality and uniformity of food products but not to deny the consumer the knowledge of ingredients and thus the right to make an educated choice.

The FDA regulations have, within the standard of identity, established four categories for classifying and identifying food products. However, these categories are vague and complex and have not led to improved and informative labeling for consumers. Rather, they have served to further confuse the public and, in turn, hide the actual and complete content of the product.

At this time I ask unanimous consent to have printed in the RECORD a description of these complex categories, as demonstrated within the Label, Inc., petition:

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

1. Mandatory ingredients, or ingredients that are listed in the Standard of Identity which must be contained in the product. They do not have to be labeled.

2. Permissible mandatory, or ingredients which are listed by group in the mandatory category within the Standard of Identity, with at least one of the ingredients within the group in the product. This means that of all those ingredients listed as mandatory in the Standard of Identity only some of them are actually contained within the product. If they are contained within the product under this group, they do not have to be labeled.

3. Labeled optionals, or ingredients which are listed in the Standard of Identity as "optional ingredients", implying that they do not have to be in the product. Of these, there are those that must be labeled, as ordered by the Secretary of H.E.W. if they are contained in the product.

4. Unlabeled optionals, or ingredients listed as optional ingredients in the Standard of Identity, which do not have to be labeled if they are included in the product because the Secretary has not so designated.

Mr. WILLIAMS. Mr. President, I believe it is obvious that this standardized procedure for labeling of food ingredients would not be easily understood by the general public, and does not, therefore, promote fair and honest dealing in the interest of the consumer, as was intended by Congress.

In the final report of the White House Conference on Food, Nutrition and Health, in 1970, it was concluded:

As a result of the maze of present laws and regulations governing food labeling, consumers are presented with confusing or incomplete information about the products they purchase. The label of an unstandardized food, must bear a full statement of ingredients whereas the label of a standardized food need not disclose the mandatory ingredients. Nutritional information may be required on the label of a special dietary food, but not on a general purpose food.

Consumers have requested and are entitled to more meaningful and useful information than is now provided them about food. Such reforms as required statement of properties, a declaration about the amount of any characterizing ingredient, and simplification of ingredient designation, will help the consumer understand the product more fully and help him to make more intelligent purchasing decisions.

The bill I am introducing today attempts to rationalize the present, inadequate system. My bill would, in summary, require the FDA to call for the complete ingredient labeling of all manufactured foods which presently go unlabeled as to ingredients. It would also cover those that are partially, and thus, deceptively, labeled. Further, the absence of a complete ingredient disclosure on any particular food product will cause the product to be deemed misbranded. When misbranding is cited, my bill would give the FDA the needed power to enforce full ingredient disclosure or pull the product off the market.

Mr. President, I, too, believe that the American consumer is entitled to more meaningful and useful information on the contents of food products than is presently available. The protection of the health and welfare of every American citizen should be of national concern. Therefore, I ask my colleagues in the Senate to join me in support and cosponsorship of this important legislation.

By Mr. STEVENSON (for himself and Mr. ERVIN):

S. 905. A bill to provide for the reform of congressional procedure with respect to budgetary review, and for other purposes. Referred to the Committee on Government Operations.

CONGRESSIONAL BUDGETARY REVIEW REFORM ACT

Mr. STEVENSON. Mr. President, I am today introducing legislation designed to assure that Congress will review the budget and set priorities in a fiscally responsible manner. The legislation establishes a system for congressional appropriations process through which Congress can rationally determine fiscal priorities, and prohibits the President from irresponsibly impounding funds appropriated by Conugress through this new mechanism.

The need for congressional action to bring about fiscal responsibility and reordered priorities has never geen greater. Fiscal responsibility will be required if we are to avoid the threat of a new round of inflation. Reordered priorities are necessary if we are to meet our pressing public needs while still keping Government spending under control. And congressional action appears mandatory if we are to preserve the constitutional separation of powers and checks and balances which the Founding Fathers rightly deemed indispensable to a viable democractic form of government.

In the last session the President proposed that the Congress establish a ceiling on spending and then delegate to him its constitutional responsibility to determine how Federal funds would be allocated within that ceiling. The Congress came perilously close to giving up its fundamental power of the purse.

It would be better if Congress preserved its power and exercised it well.

In broad terms, under my proposal, Congress would be required to set an absolute ceiling on spending—budget outlays—at the beginning of each year. That ceiling would be based on the President's budget, the condition of the economy and projected revenues. Congress would then be prohibited from passing any measures which breached the ceiling. Since there would be an absolute ceiling on the amount of Federal outlays, it would not be possible to provide funds without regard to overall fiscal impact.

Each appropriations committee would be required to report out only one appropriations bill containing all appropriations. The bill would not only specify the amount to be appropriated, but the permissible outlay during the fiscal year for each activity. The present procedure of reporting out and considering individually more than 10 separate appropriations bills makes it difficult for Congress to rationally set priorities. Under the procedure which I proposed, Congress would be compelled to weigh the cost and benefits of one program against those of another.

The omnibus appropriations bill could be amended on the floor of the House or Senate, but any amendment which increased appropriations for one Federal program would have to provide for cuts in other programs at least equal to the increase. The proposal includes provisions to insure enough flexibility to take account of unforeseen emergencies and sudden changes in the economy.

The President would be prohibited from impounding funds for any other than technical fiscal management reasons. Under no circumstances could he impound funds if it meant that, as a result of the impoundment, the activities for which appropriations had been granted would not be fully carried out.

In short, the bill would establish a firm and carefully calculated ceiling on spending. It would then establish a process by which the Congress could rationally determine the Nation's fiscal priorities within that ceiling. And it would prohibit Presidential frustration of responsible congressional action.

I do not claim that this is a perfect bill, or the only possible means of reforming the congressional budgetary process. It is, at least, a good beginning. If enacted, I believe it would go a long way toward claiming for the Congress its rightful powers and assuring that they are exercised well.

Let me now explain this proposal in greater detail.

Prior to receipt of the President's budget, the Joint Committee on Internal Revenue Taxation—a joint committee consisting of members of the Senate Finance and House Ways and Means Committees—would hold hearings and make estimates of tax revenues available for the coming fiscal year. The estimates would be based on the best available economic projections and advice.

Then, no later than 10 days after receiving the President's budget, the Joint Economic Committee would hold hearings on the President's budget, and

using the revenue projections prepared by the Joint Committee on Internal Revenue Taxation, make recommendations concerning the Federal budget surplus or deficit, if any, appropriate for economic growth and stability.

No later than 10 days after receiving the recommendations of the Joint Economic Committee, the Appropriations Committee on each House would consider the JEC's recommendations, hold hearings and report out a bill establishing the total permissible outlays for the Federal Government during the next fiscal year.

The setting of the outlay ceiling would represent an act of great importance for the economy and a significant assumption of responsibility by Congress. At the present time, Congress considers the macroeconomic impact of the Federal budget only through nonlegislative hearings of the Joint Economic Committee.

Clearly, the committee responsible for considering and reporting out an outlay ceiling will assume a vitally important function. Many have suggested a joint committee consisting of selected members of the Appropriations Committees, Ways and Means, and Finance. I have rejected this proposal for two reasons. First, such a mechanism was attempted during the abortive legislative budget effort in 1948 and found unwieldy and unworkable. Second, I do not believe Congress should delegate such an important function of all members to a body which would essentially be a committee of only the most senior members of the most powerful committees.

It would be more reasonable and consistent with present, workable congressional procedures to consider an outlay ceiling through the present Appropriations Committees which, after all, are the committees charged with providing the budget authority which results in outlays. The membership of these committees has become increasingly well balanced in terms of seniority, regional representation and philosophy.

Under this proposal procedures are set forth to prevent delay in the Appropriations Committee and extended consideration on the floor. In each House, floor debate, including amendments, is allowed for 5 calendar days during which that House is in session. If Congress has not enacted a spending ceiling within 45 days of receiving the President's budget message, the sum total of budget outlays set forth in the President's budget would become the legally binding spending ceiling.

The legislation specifies that the ceiling be on total outlays with no exceptions. It would require that all legislation considered by Congress contain estimates of projected outlays during the current and four succeeding fiscal years. The rules of Congress would be changed to specifically prohibit each House from passing legislation which would result in exceeding the outlay ceiling. However, to maintain needed flexibility a mechanism would be set up to allow for periodic congressional reexamination and, if necessary, revision of the outlay ceiling. I will describe this mechanism later.

Setting the outlay ceiling insures that spending will be kept under control. But it does not necessarily mean that Federal funds will be spent wisely. To do that, the present process by which Congress attempts to set priorities must be restructured.

At present, Congress faces at least two severe problems in its efforts to rationally set priorities. First, the Appropriations Committee in each House currently reports out 10 or more appropriations bills, at least one from each Appropriations Subcommittee. Each of these bills is considered separately in committee and separately on the floor of Congress. This process makes it difficult to rationally set priorities.

Since the very essence of setting priorities is to compare the benefits of an extra dollar spent for purpose A with spending that dollar for purpose B it is impossible to make this decision rationally if program A and program B are not considered together and at the same time. Instead, the tendency is to spend more money for each worthy program to come along. The tendency should be to weigh the cost and benefits of one program against those of another. This proposal would allow such comparisons to be made by requiring that all appropriations be considered in a single appropriations bill—an omnibus appropriations bill.

Second, the Appropriations Committee now can exert control over less than one-third of budget outlays in any one fiscal year. This is because the appropriation process does not directly affect budget outlays. Instead, it controls budget or obligational authority, and only one type of budget authority at that.

Budget authority provides the authority for the executive branch to enter into legal obligations. There are three kinds of budget authority: appropriations, contract authority, and authority to spend debt receipts. The Appropriations Committee does not control contract authority which accounts for a substantial amount of budget authority. Programs such as mass transit capital grants, water pollution control, and the highway trust fund bypass the Appropriations Committee through contract authority.

My proposal addresses this problem by requiring that all new budget authority excepting those for activities with permanent appropriations such as social security, unemployment insurance, payment of interest on the national debt, etc. be made available only through appropriations bills. It also specifies that the appropriations bill shall specify the amount of existing unobligated contract authority—contract authority—already provided but which the executive branch has not yet obligated—which may be obligated during the fiscal year. The same provision would apply with respect to unobligated budget authority already available through the State and local financial assistance trust fund—general revenue sharing.

Of greater importance, however, the present appropriations process deals only with budget authority rather than with budget outlays. Budget outlays remain the most important measure for any fiscal year in terms of impact on the economy, since outlays represent the actual amount of Federal dollars disbursed from the Treasury into the economy that year. Budget outlays, of course, result from obligations of budget authority—including appropriations—but the actual expenditure may not come until several years hence.

My bill would strike directly at the heart of this problem by requiring the appropriations bill to specify the amount of outlays each year for each Federal program and activity. The amount of outlays for many programs and activities will remain uncontrollable because legal obligations already entered into must be honored as will legal entitlements that have been created. Thus Congress can properly do no more than project estimates of outlays for the fiscal year which will be necessary for social security, unemployment insurance, civil service retirement and other such programs. These estimates will, of course, be subject to later revision. But in many other cases Congress will achieve effective control of program outlays.

With the above reforms Congress as an institution will be on the same footing as the President and his Office of Management and Budget in their consideration of the budget.

The Appropriations Committee will report out only one appropriations bill, and that bill would specify the amount of outlays for each Federal program and activity during the next fiscal year. The total of these outlays must match the total set forth in the spending ceiling set previously.

The Appropriations Committee would follow any procedure it wished, although two possibilities seem most obvious. It could begin its deliberations, after initial full committee hearings, by assigning a target outlay level to each of its subcommittees, which, after their own hearings, would allocate that outlay target among the various programs and activities under the subcommittee purview. Or it could let the subcommittees submit their proposals first, without reference to an outlay target and then, when all subcommittee proposals are submitted, let the full committee determine which subcommittee proposals to cut or add to in order to equal the outlay ceiling. In either case, the full committee could report only one bill to the floor. The bill could be in any form. Each subcommittee allocation might constitute a separate title. It must also contain, as part of total outlays, a contingency allowance for unforeseen outlays. These funds would be available pursuant to future appropriations by Congress specifying the programs and activities for which they could be spent.

The bill would have to be reported out of the House Appropriations Committee by May 15 and out of the Senate Appropriations Committee within 15 days after it had passed the House, though it is to be assumed that the Senate committee consideration of appropriations would begin far before formal receipt of the House bill, as is presently the case. If portions of the bill were not ready at the appointed times, those programs and activities for which specific appropriations and outlays were not included would be reported out with outlays at

the same level as the previous fiscal year. This device would provide a strong incentive for appropriations subcommittees to be ready with their portions by the time the bill must be reported out.

The reported bill would contain outlays at the same level as provided for in the outlay ceiling. Floor amendments to the omnibus appropriations bill would have to be "strike out and insert" and the amount inserted could not be greater than the amount struck out. Such an amendment could either specify the activities and programs and the amounts for and by which outlays would be reduced, or it could mandate the Appropriations Committee to recommend the appropriate places for cuts subject to floor amendment and approval.

As I have already observed, it is necessary to build a degree of flexibility into the spending ceiling and priority setting process. The state of the economy may change, emergencies may occur, or projections of outlays for uncontrollable expenditures—such as social security or unemployment insurance—may prove inaccurate. At any time after signing of the omnibus appropriations legislation, the President could submit a request to Congress for a change in the outlay ceiling. The President would specify the activities for which outlays would be increased or decreased to correspond with the change in the outlay ceiling, and he would have to state his reasons for both the change in the ceiling and the changes in specific outlays. The President could also recommend that outlays for specific activities be changed while keeping the total spending ceiling constant. Congress itself could, of course, initiate such changes in the ceiling or in specific outlays without a Presidential recommendation.

Congress could disapprove the President's request completely or it could amend his proposals. However, if Congress did not act upon the President's request within 30 days, it would automatically become law. Provisions would be made for expedited consideration of the President's request through a mechanism similar to that provided for in considering executive reorganization proposals.

If this legislation is enacted, Congress will have institutionalized a means of considering the budget in a fiscally responsible manner. The President will no longer be able to contend that he must impound funds, regardless of the legality of such an act, in order to assure economic stability. The bill would prohibit the President from reserving—impounding—funds except for technical reasons as provided for in the Anti-Deficiency Act. Under no circumstances could funds be reserved if it would result in impairing the efficient operation of the activity for which obligational authority had been provided or if it would result in not fully carrying out that activity.

Mr. President, I ask unanimous consent that a short summary of the bill, and the bill itself, be printed in the RECORD at this point.

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

PROPOSAL BY SENATOR STEVENSON TO REFORM THE CONGRESSIONAL BUDGET REVIEW PROCESS

(1) Prior to receipt of the President's budget, the Joint Committee on Internal Revenue Taxation shall make estimates of tax revenues (and other sources of revenue) based on the best available economic projections. These estimates shall be adjusted from time to time, as may be appropriate.

(2) No later than 10 days after receipt of the President's budget, the Joint Economic Committee shall hold hearings on the President's budget and, using the revenue projections prepared by the Joint Committee on Internal Revenue Taxation make recommendations concerning the federal budget surplus or deficit, if any, appropriate for economic growth and stability.

(3) After receiving the recommendations of the Joint Economic Committee, the Appropriations Committee in each House, giving due regard to the recommendations of the Joint Economic Committee, shall report out a spending [outlay] ceiling.

(4) Congress shall be required to set a ceiling on total spending (with no exceptions), no later than 30 days after receiving the President's budget message for the coming fiscal year.

(5) If Congress has not enacted a spending ceiling within 45 days of receiving the President's budget message, the sum total of budget outlays set forth in the President's budget shall become the legally binding spending ceiling.

(6) The rules of both Houses would be changed so that, to the extent practicable, all legislation considered shall contain estimates of the projected outlays during the current and four succeeding fiscal years for each activity that would result from passage of the legislation.

(7) The rules of both Houses would specifically prohibit each from passing legislation which would result in exceeding the outlay ceiling.

(8) The rules of both Houses would be changed so that contract authority, including contract authority expended from trust funds, and budget authority available through the State and Local Financial Assistance Trust Fund must be first approved through the appropriations process before they are available as budget authority.

(9) The Appropriations Committee would report out only one bill which must equal the spending ceiling. The bill must include a contingency fund. In addition to appropriations (including appropriations made pursuant to (8) above), the bill shall specify the amount of outlays for each activity for the fiscal year.

(a) The bill must be reported out of the House Appropriations Committee by May 15 and out of the Senate Appropriations Committee within 15 days after it has passed the House. If portions of the bill are not ready, then agencies of the government would operate on a continuing resolution basis at the same level as the previous year. The previous year's outlays would be counted toward the spending ceiling.

(10) The rules of both Houses would be changed so that floor amendments on appropriations bills must be "strike out and insert" and the total amount inserted must not be greater than the amount struck out. The amendment may mandate the Appropriations Committee to recommend the appropriate places for cuts subject to floor approval. The Appropriations Committee recommendations will be amendable when returned to the floor.

(11) The Congress would review the spending ceiling six months after it is set.

(12) The President may at any time submit a report to the Congress asking that the spending ceiling be changed stating the reasons and recommending what activities should receive increased or decreased funding. He may also recommend that outlays for specific activities may be changed while keeping the total spending ceiling constant.

(a) By a majority vote of both Houses, Congress can amend the total by which the President has recommended the ceiling be changed.

(b) By a majority vote of both Houses, Congress can change the composition of the expenditures specified by the President for increase or decrease.

(c) If Congress has not acted within 30 days, the President's recommendations automatically become law. The action of the Congress during the 30-day period shall be governed by the expedited procedures set up in the Executive Reorganization Act.

(13) The President will be prohibited from reserving (impounding) funds (unless legislative approval is granted as set forth in (12) above) if such a reservation would impair the efficient operation of the activity for which obligational authority had been provided or if such a reservation would result in not fully carrying out the activity for which the obligational authority had been provided.

S. 905

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 "Congressional Budgetary Review Reform Act".

DEFINITION

SEC. 2. For purposes of this Act, "Budget" means the Budget of the United States Government transmitted to Congress by the President pursuant to the Budget and Accounting Act, 1921.

BUDGET REVIEW BY CERTAIN JOINT COMMITTEES

SEC. 3(a) Prior to the transmittal of the Budget to Congress for each fiscal year, the Joint Committee on Internal Revenue Taxation shall make estimates of the tax revenues and other revenues expected to be received by the United States Government with respect to that fiscal year, including an itemization by major revenue sources. The Joint Committee may thereafter revise such estimates from time to time as it considers appropriate. Such estimates, and revisions thereof, shall be reported promptly to the two Houses of Congress. For the purpose of preparing these estimates, the Committee is authorized to hold hearings for the presentation of facts and views by among others, consultants or organizations thereof.

(b) Not later than 10 days after the Budget with respect to such fiscal year has been transmitted to Congress, the Joint Economic Committee shall hold and complete hearings on that Budget. Based on the estimate of the Joint Committee on Internal Revenue Taxation of revenues expected to be received by the United States Government with respect to such year, the Joint Economic Committee shall recommend to the Committees on Appropriations of the two Houses of Congress the amount, if any, (1) by which outlays of the United States Government should exceed revenues expected to be received, or (2) by which such revenues should exceed such outlays, in order to provide for appropriate growth and stability of the economy of the United States.

ESTABLISHING TOTAL AMOUNT OF GOVERNMENT OUTLAYS

SEC. 4. (a) After receiving and giving consideration to the recommendation of the Joint Economic Committee with respect to a fiscal year, the Committees on Appropriations of each House of Congress, not later than 10 days after receiving such recommendations, report to its House a bill or joint resolution establishing the total amount of outlays to be made during that fiscal year by the United States Government.

(b) (1) A bill or joint resolution reported under subsection (a) of this section shall be highly privileged in each House. It shall be in order at any time after the third day following the day on which such a bill or joint resolution is reported to move to proceed to its consideration (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on such bill or joint resolution, and all amendments thereto, shall not exceed five consecutive calendar days, which shall be divided equally between those favoring and those opposing the bill or joint resolution. Once debate on such bill or joint resolution has begun, no other measure or matter may be considered by that House. A motion to recommit the bill or joint resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

(3) Motions to postpone, made with respect to the consideration of such a bill or joint resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to such a bill or joint resolution shall be decided without debate.

(c) If, prior to the passage by a first House of Congress of any such bill or joint resolution of that House, such House receives from the second House such a bill or joint resolution, then the following procedure applies.

(1) Such bill or joint resolution received from the second House shall be reported to the first House not later than 3 days after being received.

(2) On any vote on final passage of such a bill or joint resolution of the first House, such a bill or joint resolution of the second House shall be automatically substituted for the bill or joint resolution of the first House.

(d) If the amount specified in such a bill or joint resolution with respect to a fiscal year agreed to by the Senate and House of Representatives is not the same, conferees on the part of the Senate and the House of Representatives shall be appointed not later than 2 days after the House of Congress passing the bill or joint resolution last passes such bill or joint resolution, unless within those 2 days both Houses of Congress agree upon the same total amount of outlays of the United States Government with respect to such fiscal year without the convening of a committee of conference. Upon appointment of conferees, the committee of conference shall meet immediately to resolve their differences. The provisions of subsection (b) shall be applicable with respect to the consideration of any report of a committee of conference on any such bill or joint resolution.

(e) Except as otherwise provided in section 6 of this Act, upon the enactment of such a bill or joint resolution establishing the total amount of outlays of the United States Government with respect to such fiscal year, the total amount so established shall be effective for such fiscal year.

(f) Except as otherwise provided in Section 6 of this Act, if there has not been enacted into law, within 45 days of continuous session of Congress after the Budget with respect to such fiscal year has been transmitted to Congress, a bill or joint resolution establishing the total amount of outlays pursuant to this section, then the total of the budget outlays set forth in the budget shall constitute the total amount of outlays with respect to such fiscal year.

The continuity of a session of Congress is broken only by the adjournment of that session until the next regular or special session of Congress, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 45-day period.

ENACTMENT OF GENERAL APPROPRIATIONS AND OUTLAYS MEASURE

SEC. 5. (a) There shall be reported from the Committees on Appropriations of the House of Representatives and the Senate, in any form as such Committees may determine, only one general appropriations measure with respect to a fiscal year (other than a measure reported, after such general appropriations measure has been enacted into law, making deficiency, supplemental, or emergency appropriations for such fiscal year). That general appropriations measure so reported—

(1) shall specify for each activity, program, or project of the United States Government, excepting those with permanent appropriations, the amount of new budget authority (including new contract authority) available for obligation during the next fiscal year and shall specify whether and for how long such authority shall remain available if not obligated during such year.

(2) notwithstanding any other provision of law, shall specify for each activity, program, or project of the United States through which budget authority has been provided through contract authority the amount of such unobligated authority which shall be available for obligation with respect to such fiscal year.

(3) notwithstanding any other provision of law, shall specify the amount of budget authority previously provided for through the state and local Financial Assistance Trust Fund which shall be available for obligation with respect to such fiscal year.

(4) shall specify, for each activity, program, or project of the United States Government (including outlays for the payment of contracts and outlays from trust funds, and whether or not an appropriation is required for such activity, program, or project) the total amount of outlays that may be made with respect to such activity, program, or project for such fiscal year including estimated or projected outlays for those activities, programs, or projects for which legal obligation has already been entered into or a legal entitlement has already been created.

(5) shall include an outlays contingency fund item providing a specified amount of outlays that may be made, in accordance with any law enacted after such general appropriations measure has been enacted into law, with respect to such fiscal year; and

(6) shall provide for a total amount of outlays (including estimated outlays for activities programs, and projects for which legal obligations or legal entitlements have already been entered into, outlays provided for payments for contracts and payments from trust funds, and the outlays from the contingency fund) which equals the total amount of outlays established for the United States Government with respect to such fiscal year and in effect at the time such measure is so reported.

It shall not be in order in either House to consider any appropriations measure with respect to such fiscal year unless the provisions of this subsection have been met. Any bill or joint resolution with respect to the availability of outlays from the contingency fund shall be considered in accordance with section 4 (b)–(d) of this Act.

(b) The Committee on Appropriations of the House of Representatives shall report such general appropriations measure to the House not later than forty-five days prior to the first day of the fiscal year for which the appropriations are made. The Committee on Appropriations of the Senate shall report such measure to the Senate not later than fifteen days after the measure has been passed by the House. If the appropriations or outlay for an activity, program, or project of the United States Government has not been agreed upon by the date the particular Committee on Appropriations of the House of Congress is to report such general appropriations measure to its House, the measure so reported shall provide for an appropriation and an outlay for that activity, program, or project at the same amounts made available for the fiscal year immediately preceding the fiscal year for which such measure is making appropriations and establishing outlays.

(c) It shall not be in order for either House of Congress to pass such a general appropriations measure or any other measure making available budget authority with respect to a fiscal year which provides for outlays with respect to such fiscal year which exceed the total amount of such outlays established for the United States Government and in effect at the time such measure is to be passed by that House of Congress. Any amendment to such measure in either House which provides for an appropriation with respect to that fiscal year, for an activity, program, or project not included in the measure as reported to that House, and any such amendment proposing to increase the outlay of any activity, program, or project with respect to such fiscal year, shall not be in order unless that amendment—

(1) specifies the amount of outlays for that fiscal year that may be made with respect to such activity, program, or project; and

(2) includes (A) a reduction in any other outlay or outlays not in excess of the amount of the outlays to be added by such amendment, or (B) a direction to the Committee on Appropriations of that House of Congress to recommend and report back to that House where such reduction in outlays shall be made.

Any such amendment shall not be divisible.

REVISING OUTLAYS TOTAL AND SPECIFIED ACTIVITY OUTLAYS

SEC. 6. (a) Not later than six months after the general appropriations measure with respect to a fiscal year has been enacted, the Committees on Appropriations of the two Houses of Congress shall review and recommend to their respective Houses any revisions each such committee considers appropriate in the total amount of outlays established for the United States Government with respect to such fiscal year, and in the outlays specified in such general appropriations measure.

(b) At any time after such general appropriation measure has been enacted into law, the President may recommend to Congress, with reasons therefor (1) a revision in such total amount of outlays, if such revision also includes an itemized revision, addition, or deletion with respect to the amount of outlays for each activity, program, or project which the President recommends for revision, addition, or deletion, so that the total of the sums of the revisions, additions, and deletions of such outlays equals the sum of the revision recommended in such total amount of outlays, or (2) revisions, additions, and deletions, separately itemized, with respect to the amount of outlays for each activity, program, or project which the President recommends for revision, addition, or deletion, which, when totaled, would require no revision in such total amount of outlays.

(c) Any such recommendation shall be effective with respect to such fiscal year unless there has been enacted into law, within thirty calendar days of continuous session of Congress after the date such recommendation has been transmitted to Congress, a bill or joint resolution providing a different total amount or providing different activities or amounts for which specific activities shall be increased or decreased.

(d) Any bill or joint resolution only providing for (1) the revision of the total amount of outlays established by the United States Government, (2) the revision of any specified outlay contained in such general appropriations measure, or (3) both, shall be considered in accordance with section 4 (b)–(d). The continuity of a session of Congress is broken only by the adjournment of that session under the next regular or special session of Congress, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

(e) Any such recommendation for revision which becomes effective under this section, or any such revised outlay provided by the enactment of such a bill or joint resolution, with respect to a fiscal year shall be effective for the remainder of such fiscal year unless revised in accordance with this section or by law.

DEFICIENCY, EMERGENCY, AND SUPPLEMENTAL APPROPRIATIONS

SEC. 7. Any appropriations measure reported by the Committees on Appropriations of the two Houses of Congress, making deficiency, emergency, or supplemental appropriations with respect to a fiscal year, shall specify for each activity, program, and project of the United States Government contained therein (including outlays for the payment of contracts and outlays from trust funds, and whether or not an appropriation is required for such activity, program, or project) the total amount of outlays that may be made with respect to such activity, program, or project for such fiscal year. The total amount of outlays provided in such measure, when added to the amount of outlays previously specified and made effective with respect to such fiscal year, shall not exceed the total amount of outlays established for the United States Government with respect to such fiscal year and in effect at the time such measure is reported. Any such reported measure which exceeds such total amount in effect at such time shall not be considered in either House, except pursuant to the provisions of Section 6.

OUTLAY ESTIMATES IN COMMITTEE REPORTS

SEC. 8. (a) The report accompanying each bill or joint resolution of a public character reported by any committee of the Senate (except the Committees on Appropriations of the two Houses of Congress) shall contain an estimate, made by such committee, of the outlays that would be made in carrying out such bill or joint resolution in the fiscal year in which it is reported in the ensuing fiscal year immediately following such fiscal year, and in the four fiscal years immediately following the ensuing fiscal year.

(b) It shall not be in order in the House of Representatives or the Senate to consider any such bill or joint resolution if the report of that committee which reported such bill or joint resolution does not comply with the provisions of subsection (a) of this section.

(c) For the purposes of this section, the members of the Joint Committee on Atomic Energy who are Members of the Senate shall be deemed to be a committee of the Senate, and the members of that Joint Committee who are Members of the House of Representatives shall be deemed to be a committee of the House.

IMPOUNDMENT OF FUNDS

SEC. 9. (a) Except as provided in subsection (b) of this section, the President shall have no authority or power (1) to reserve any amount of obligational authority provided by appropriation Acts, or (2) to reserve from expenditure any amounts of any such obligational authority, and any provision of law construed to give the President such authority or power shall have no force or effect.

(b) The President is authorized to reserve any such amount only if the amount to be so reserved (1) is not necessary for the efficient operation of the activity, program, or project for which the obligational authority was made available, and (2) the activity, program, or project can and will continue to be fully carried out without the amount so reserved.

(c) For purposes of this section, the term "obligational authority" includes loan authority.

EXERCISE OF RULE-MAKING POWERS

SEC. 10. The provisions of this section and sections 4 (a)-(d), 5, 6 (a), (d), 7, and 8 are enacted by the Congress—

(1) as an exercise of the rule-making powers of the Senate and the House of Representatives, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House, except that such House may change the provisions of such sections with respect to that House only by a vote of two-thirds of the Members of that House present and voting.

By Mr. BEALL:

S. 906. A bill to provide for the continuation of programs authorized under the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. BEALL. Mr. President, I am sending to the desk a bill prepared by the Department of Health, Education, and Welfare to revise and extend the Older Americans Act of 1965. It is similar to the bill the administration offered last year, S. 3391.

Mr. President, when I introduced S. 491, along with Senators DOLE, DOMINICK, and YOUNG, I indicated to the Senate that Secretary Richardson had advised me that the administration is presently considering budget and legislative decisions relating to the proposed programs for the elderly. Thus, I expressed my willingness to introduce an administration proposal that might be forthcoming so that it too can be referred to the Labor and Public Welfare Committee for its full consideration.

It is my understanding, that HEW's decision regarding this legislation was deferred by the change in Secretaries and by the Senate delay in confirming Secretary Weinberger's appointment. Regardless of the reasons for the delay, this legislation has now been transmitted to the Senate for its consideration. Mr. President, I ask unanimous consent that the text of this bill and the summary of the proposed Older Americans Amendments of 1973 be printed in their entirety at the completion of my remarks.

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

S. 906

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 Amendments of 1973".

REVISION OF TITLE III

SEC. 2. Title III of the Older Americans Act of 1965 is amended to read as follows:

"TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

"SEC. 301. It is the purpose of this title to encourage and assist State or local agencies to develop greater capacity and foster the development of coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services and for whom economic independence is not feasible; and

"(2) remove individual and social barriers to economic and personal independence for older persons capable of self-support.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Secretary may prescribe—

"(A) health, continuing education, welfare, nutritional, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services designed to encourage and assist older persons to use the facilities and services available to them;

"(D) services designed to assist older persons to obtain adequate housing; or

"(E) any other services;

if such services are necessary for the general welfare of older persons.

"(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

"(3) The term 'coordinated system' means a system for providing social services in a manner designed to—

"(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

"(B) make the most efficient use of social services in meeting the needs of older persons; and

"(C) use available resources efficiently and with a minimum of duplication.

"(4) The term 'Governor' means the Governor of the State, in the case of any of the fifty States, and, in the case of the other States, the chief executive officer thereof.

"ALLOTMENTS

"SEC. 303. (a)(1) From the sum appropriated for a fiscal year for allotments under this section, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands each shall be allotted an amount equal to one-half of one per centum of such sum and each other State shall be allotted an amount equal to one per centum of such sum.

"(2) From the remainder of the sum appropriated for a fiscal year for allotments under this section, each State shall be allotted an additional amount which bears the same ratio to such remainder as the number of individuals in such State who have attained age sixty-five bears to the total number of individuals in all the States who have attained such age, as determined by the Secretary on the basis of the most recent satisfactory data available to him.

"(b) Whenever the Secretary determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made

during the period such allotment is available therefor, he may make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose within such period. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(c) The allotment of a State under this section for a fiscal year shall remain available until the close of the following fiscal year for grants to pay part of the cost (pursuant to section 306) of (1) administration of the State plan by the State agency designated pursuant to section 304(a)(1), including the preparation of State plans submitted to the Secretary under section 305, the evaluation of activities carried out under such plan, the collection of data and the carrying out of research related to the need for social services within the State, the dissemination of information so obtained, the provision of technical assistance to public or nonprofit private agencies and organizations engaged in activities related to the problems of older persons, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social services; (2) administration of area plans by area agencies on aging designated pursuant to section 304(a)(3), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; and (3) social services provided under the State plan.

"ORGANIZATION

"State Organization

"SEC. 304. (a) In order for a State to be eligible to participate in the program of grants to States from allotments under section 303, the Governor of the State shall, in accordance with regulations of the Secretary—

"(1) designate a State agency (hereinafter in this title referred to as 'the State agency') to (A) develop the State plan to be submitted to the Secretary for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, and (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons;

"(2) divide the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas'), after considering the incidence of the need for social services, the distribution of resources available to provide such services, the boundaries of existing areas within the State which have been delineated or established by the State for the purposes of planning and development, the location of units of general purpose local government within the State, and any other relevant factors;

"(3) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(4) provide assurances satisfactory to the Secretary that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

"Area Organization

"(b) In order to be eligible for designation under subsection (a), an area agency on aging—

"(1) must be—

"(A) an office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose,

"(B) an office or agency of a unit of general purpose local government which is designated for this purpose by the chief elected official or officials of such unit, or

"(C) a public or nonprofit private agency which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within a planning and service area, and

"(2) must provide assurance, found adequate by the Governor, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to that plan within the planning and service area. The Governor may designate an agency described in clause (1)(C) of this subsection for a planning and service area only if he finds that no office or agency described in clause (1) (A) or (B) for the planning and service area will have the capacity to carry out the area plan.

"Area Plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) provide for the establishment of a coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area, evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria, established by the Secretary by regulation, relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan, including planning on a continuing basis with providers of social services in such area to insure the provision, when financial assistance therefor under this title is no longer available, of such services without such assistance;

"(3) provide that the area agency on aging will—

"(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan; and

"(C) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan; and

"(4) specify the activities in the planning and service area covered by the area plan which were assisted with funds made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments of 1973 and specify each of such activities (A) which will not continue to receive assistance under the area plan, and (B) which will continue to receive assistance under the area plan.

"STATE PLANS

"SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotment under section 303, except as provided in section 306(b), it shall submit to the Secretary a State plan for such year which meets such criteria as the Secretary may prescribe by regulation and which—

"(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Secretary may from time to time require, and comply with such requirements as the Secretary may impose to assure the correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides, in any case in which an individual is able to participate in the cost of social services provided to him under the State plan, for such participation (in accordance with regulations prescribed by the Secretary in the light of such ability);

"(7) provides that no social service will be provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, (A) provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service and (B) payment for such service is not available from other sources;

"(8) provides that each area agency on aging designated pursuant to section 304(a)(3) will develop and submit to the State agency for approval an area plan which complies with section 304(c); and

"(9) specifies the activities in the State which were assisted with sums made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments of 1973 and specifies each of such activities (A) whch will not continue to receive assistance under the State plan submitted pursuant to this section, and (B) which will continue to receive assistance under the State plan submitted pursuant to this section.

"(b) The Secretary shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Secretary shall not finally disapprove any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State is no longer eligible under section 304,

"(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision,

the Secretary shall notify such State agency that no further payments from its allotment under section 303 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there

will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotment under this title (or payments shall be limited to projects under or portions of the State plan not affected by such failure).

"(e) A State which is dissatisfied with a final action of the Secretary under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Codes. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

"PAYMENTS

"SEC. 306. (a) From a State's allotment under section 303 for a fiscal year—

"(1) an amount equal to 15 per centum thereof (but not less than $50,000 in the case of the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, or $100,000 in the case of any other State) shall be available only for paying such percentage as the State agency determines, but not more than 75 per centum, of the cost of administration of the State plan; and

"(2) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans.

The remainder of such allotment shall be available to such States only for paying—

"(3) such percentage as the Secretary determines but not more than 90 per centum, of the cost of social services provided under a program or project approved by the area agency on aging in a planning and service area for which there is an area plan approved by the State agency, and

"(4) in the case of social services provided under a program or project approved by the State agency under the State plan in a planning and service area for which there is no area plan approved by the State agency, such percentage as such agency determines, but not more than 75 per centum of the cost of such services for the first year they are so provided, not more than 60 per centum of such cost for the second year they are so provided, and not more than 50 per centum of the cost of such services for the third year they are so provided,

except that not more than 20 per centum of an allotment to a State under section 303 for a fiscal year shall be available for payments for social services provided in a planning and service area for which there is no area plan approved by the State agency.

"(b) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Secretary may determine. From the portion of a State's allotment for a fiscal year which is available pursuant to subsection (a)(1), the Secretary may pay to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan. From a State's allotment for a fiscal year which is available pursuant to section 303, the Secretary may, during the period ending one year after the date of enactment of the Older Americans Comprehensive Services Amendments of 1973, pay, in accordance with such regulations as he may prescribe, to a State which does not have a State plan approved under section 305, such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved under section 303 of this Act prior to enactment of the Older Americans Comprehensive Services Amendments of 1973.

"(c) No allotment to a State under this title shall be available for making payments with respect to any program or projects for providing social services under a State plan approved under section 305 after payments have been made from such allotments with respect to such program or project for a period of time equal to three calendar years. No allotment to a State under this title shall be available for making payments with respect to the administration of an area plan approved under section 305(a)(8) after payments have been made from such allotments with respect to the administration of such plan for a period of time equal to three calendar years.

"(d) Not less than 25 per centum of the non-Federal share (pursuant to subsection (a) of this section) of the total expenditures under a State plan approved under this Act for any fiscal year shall be met from funds from State or local public sources. For the purposes of the preceding sentence, fees charged by a State or local public agency for services provided under a State plan approved under this Act shall not be considered funds from State or local public sources.

"(e) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"MODEL PROJECTS

"SEC. 307. The Secretary may, after consultation with the State agency, or the Governor of the State where there is no State agency, make grants to or contracts with any public or nonprofit private agency or organization within such State for paying part or all of the cost of developing of operating statewide, regional metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons.

"AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 308. Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to public or nonprofit private agencies or organizations to be used for providing nutritional services in accordance with the provisions of this title."

AVAILABILITY OF SURPLUS COMMODITIES UNDER TITLE VII

SEC. 3. Section 707 of the Older Americans Act of 1965 is amended to read as follows:

"AVAILABILITY OF SURPLUS COMMODITIES

SEC. 707. Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title."

COORDINATION OF TITLE III AND TITLE VII

SEC. 4. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(5) provide that, wherever possible, nutrition projects assisted under this title shall be made a part of the coordinated systems established under title III of this Act."

STATE PLANNING UNDER TITLE VII

SEC. 5. Section 705(a)(2)(B) of the Older Americans Act of 1965 is amended by inserting "for the fiscal year ending June 30, 1973," following "administrative cost,"; by striking out "any fiscal year" and inserting in lieu thereof "such fiscal year"; and by adding at the end of the first sentence thereof the following sentence: "For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the Governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Secretary shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration."

REPEAL OF LIMITATION ON APPROPRIATIONS AUTHORIZATION

SEC. 6. Title VIII of the Older Americans Act of 1965 is amended by striking out section 803 thereof and redesignating sections 804 and 805 as sections 803 and 804, respectively.

EVALUATION

SEC. 7. The section redesignated as section 803 of the Older Americans Act of 1965 by section 6 of this Act is amended by striking out "or VI or section 803" and inserting in lieu thereof ", IV, or V".

REPEAL OF STUDY AUTHORIZATION

SEC. 8. Title V of the Older Americans Act of 1965 is amended by striking out section 503 thereof.

CONFORMING AMENDMENTS

SEC. 9. The Older Americans Act of 1965 is further amended by striking out—

(1) "303" in section 402(c) and inserting in lieu thereof "304";

(2) "303" in section 502(c) and inserting in lieu thereof "304";

(3) "303" in the first sentence of section 601(a) and inserting in lieu thereof "304";

(4) "303" in section 601(c) and inserting in lieu thereof "304";

(5) "303" in section 612(a)(2)(A) and inserting in lieu thereof "304";

(6) "303" in section 612(a)(3)(C) and inserting in lieu thereof "304";

(7) "303" the first time it appears in the first sentence of section 705(a) and inserting in lieu thereof "304" and "303" the second time it appears in such sentence and inserting in lieu thereof "305"; and

(8) "303" in section 705(a)(1) and inserting in lieu thereof "304".

EFFECTIVE DATE OF AMENDMENTS TO SECTION 305

SEC. 10. The amendments made by this Act shall become effective upon enactment, except that the provisions of section 305 of the

Older Americans Act of 1965, as effective prior to such enactment, shall remain effective with respect to appropriations made prior to July 1, 1973, which are available for projects assisted under such section.

SUMMARY OF THE PROPOSED OLDER AMERICANS AMENDMENTS OF 1973

Section 1 provides the short title of the bill: the "Older Americans Amendments of 1973".

Section 2 of the bill would substitute a revised title III of the Older Americans Act of 1965 for the existing title.

The revised section 301 of the Older Americans Act of 1965 would contain the statement of purpose for title III. The program authorized by the title would encourage and assist State or local agencies to develop greater capacity to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for, and providing, services to older persons in order to enable them to maintain their independence and dignity. In administering this program, the Department would take such steps as may be necessary to avoid duplication between the assistance provided under this title and assistance provided under title VI of the Older Americans Act (administered by ACTION).

The revised section 302 of the Older Americans Act of 1965 would define several key terms, such as "social services" and "coordinated system".

The revised section 303(a) of the Older Americans Act of 1965 would provide the formula for allotting the funds appropriated under title III for grants to States which is currently provided by section 302 of the Older Americans Act.

The revised section 303(b) of the Older Americans Act of 1965 would provide for the reallotment of funds not used by a State for carrying out the purpose for which allotted.

The revised section 303(c) of the Older Americans Act of 1965 specifies the purposes for which an allotment may be used.

The revised section 304 of the Older Americans Act of 1965 would describe the administrative organization which a State must develop in order to be eligible to receive funds under title III. Subsection (a) would provide that it is the responsibility of the Governor to designate a State agency to develop a State plan, to divide the State into distinct areas for planning and providing social services, to determine for which areas an area plan will be developed, to designate area agencies on aging for those areas, and to provide assurances that the State agency will take into account, in matters of general policy, the views of recipients of services under the State plan.

The revised section 304(b) of the Older Americans Act of 1965 would specify the entities eligible to be designated area agencies on aging.

The revised section 304(c) of the Older Americans Act of 1965 would specify the provisions which must be included in an area plan to be approved by the State agency. Among other things, the plan must provide for the establishment of a coordinated system for the delivery of social services and for the initiation, expansion, or improvement of social services.

The revised section 305(a) of the Older Americans Act of 1965 would prescribe the requirements applicable to a State plan. Among other things, an approvable plan must (1) provide that the State agency will determine the need for social services within the State, (2) provide that the State agency will make reports required by the Secretary, (3) provide that the State agency will conduct periodic evaluations of the activities carried out under the State plan, (4) establish objectives toward which such activities will be directed, identify obstacles to the attainment of those objectives, and indicate how it proposes to overcome those obstacles, (5) provide that where an individual is able to participate in the cost of services provided him under the State plan, such participation will be in accordance with regulations of the Secretary, and (6) provide that the State agency will review and approve area plans which meet the criteria of section 304(c).

Subsections (b), (c), (d), and (e) of section 305 of the Older Americans Act of 1965, as it would be amended by section 2 of this bill, would provide the procedures to be followed by the Secretary when approving or disapproving a State plan, and the appeal procedures to be followed when a State plan has been disapproved.

The revised section 306(a) of the Older Americans Act of 1965 specifies the portion of a State's allotment which must be used for the various activities under the State plan, and the matching rate for each of those activities. The Federal matching rate for social services provided under an area plan would be not more than 90 percent of the cost, while in areas without an area plan the rate would decline from 75 percent for the first year of a project to not more than 50 percent the third year. The Federal matching rate for all planning and administrative activities would not be more than 75 percent of the cost, and each State would have available 15 percent of its allotment, but not less than $100,000 (or $50,000 in the case of the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) to be used only for State planning and administration. Finally, not more than 20 percent of a State's allotment may be spent for services in areas without an area plan, and not more than 15 percent of its allotment could be spent for area administrative activities.

The revised section 306(b) of the Older Americans Act of 1965 provides for payments to the State and allows the Secretary to pay funds for State planning to States without an approved State plan. It also allows the Secretary, during the period ending one year after the date of enactment of this bill, to pay to a State which does not have a State plan approved under the revised section 305 such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved under section 303 of the Older Americans Act prior to enactment of this bill.

The revised section 306(c) of the Older Americans Act of 1965 would limit to three years the period of time during which the cost of a project or program for providing a social service or the cost of administration of an area plan may be met in part from a State's allotment under section 303.

The revised section 306(d) of the Older Americans Act of 1965 would require that not less than 25 percent of the non-Federal share of expenditures under the State plan for each fiscal year must be met from public sources.

The revised section 306(e) of the Older Americans Act of 1965 would provide that if for any fiscal year a State reduces its expenditures from State sources under the State plan from the preceding fiscal year its allotment under section 303 would be reduced by a percent equal to the percent of the State reduction.

The revised section 307 of the Older Americans Act of 1965 would give the Secretary authority to make grants to or contracts with any public or nonprofit private agency or organization for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will promote the well being of older persons.

The revised section 308 of the Older Americans Act authorizes surplus food commodities to be donated to public or nonprofit private agencies or organizations to be used for providing nutritional services under title III.

Section 3 of the bill would amend title VII of the Older Americans Act of 1965 by revising the surplus food commodities provision to make it identical to the one which would be in title III.

Section 4 of the bill would amend section 705(a) of the Older Americans Act of 1965 to require that the State plan provide that, wherever possible, nutrition projects assisted under title VII be made a part of the coordinated systems which would be established under the revised title III.

Section 5 of the bill would amend section 705(a)(2)(B) of the Older Americans Act of 1965 to provide that for the fiscal years beginning with July 1, 1973, funds allotted to a State for State planning under title III be used for the administration of the State plan submitted under title VII.

Section 6 of the bill would amend title VIII of the Older Americans Act of 1965 by deleting section 803, which had imposed a limitation on the authorization of appropriations for titles IV and V.

Section 7 of the bill would amend section 804 of the Older Americans Act of 1965 (relating to funds for evaluation) to make a conforming change.

Section 8 of the bill would amend title V of the Older Americans Act of 1965 by deleting section 503. The study authorized by that section has been completed.

Section 9 of the bill would amend the various sections of the Act to conform to the restructuring of title III.

Section 10 of the bill would make the amendments to section 305 of the Older Americans Act of 1965 effective for fiscal years beginning after June 30, 1973. This provision would thereby permit continuation of grants and contracts made pursuant to section 305 prior to enactment of this bill.

By Mr. STEVENS:

S. 907. A bill to authorize the appropriation of $150,000 to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, today I am introducing a bill similar to S. 2988 in the last Congress to authorize the appropriation of $150,000 to the Secretary of Commerce to assist in financing the Arctic Winter Games to be held in Alaska in 1974. S. 2988 which authorized the appropriation of $250,000, was quickly reported out by the Senate Commerce Committee and passed the Senate last May 10 without objection. However, due to the press of time, it could not be taken up in the House Commerce Committee. I am, therefore, reintroducing it with a request for $150,000 in this Congress and have already requested the leadership of the House of Representatives to assist the State of Alaska by introducing it there. I hope that this bill will be passed quickly because time is of the essence if the games are to be held as presently scheduled in March 1974.

This bill will authorize the appropriation $150,000 for this purpose. The Secretary of Commerce is authorized to provided for the disbursement of these funds under such conditions as he deems appropriate.

This year, I have reduced authorized appropriations from $250,000 to $150,000. Since last summer, the committee planning for the Arctic Winter Games has obtained assistance from the Armed Forces in Alaska which promised to

provide food to the participants for a nominal fee. The committee has also been successful in obtaining additional private donations. They have, therefore, lowered their request.

The Arctic Winter Games, which were inaugurated in 1970, are international in scope with the Northwest and Yukon Territories of Canada and the State of Alaska acting as joint sponsors. Basic sports in the program includes badminton, basketball, boxing, curling, figure skating, hockey, shooting, skiing, table tennis, volleyball, and wrestling. Additionally six Eskimo and Indian sports indigenous to the northern people may be scheduled.

In the past, approximately two-thirds of the funding has come from the Canadian Federal Government. The 1970 games held in Yellow Knife, Northwest Territory, and the 1972 games held in Whitehorse, Yukon Territory, saw contributions of approximately $250,000 each from Canada. The balance of the funding was provided by the two territories and the State of Alaska, the host city, and cash donations from various companies and individuals. Regrettably, the United States never appropriated money for this worthy purpose. The State of Alaska appropriated $15,000 for each game.

The U.S. Government does not contribute toward the program. I have made numerous inquiries to all relevant Federal agencies and am assured that there is no presently available funding. It is estimated that $150,000 in Federal funds will be necessary in order for Alaska to host the games in 1974. This is the reason for the introduction of this legislation.

This Federal funding will be additional to the moneys available from other sources, including the State of Alaska.

The 1972 games involved approximately 250 athletes each from the Northwest Territories, the Yukon Territory, and the State of Alaska. Quebec, which entered the games in 1972 had approximately 60 participants. Quebec is expected to have a full contingent by 1974. The games have attracted many thousands of Americans and Canadian spectators.

The Arctic Winter Games were established to provide international competition for all northern countries or States or Provinces therein, the bulk of those territories lie above the 60th parallel north latitude. Canada and Alaska, Greenland, Iceland, Denmark, Finland, and Norway are possible future competitors. Greenland is especially interested and may field a competing team in 1974. It is planned that the games will continue to rotate between the participating territories, provinces, and states.

I urge Congress to assist in funding this worthy event. Hopefully, as these games progress, they will expand to take in all northern countries and provide a forum for international peace and understanding between young people from throughout the Arctic and Subarctic.

Mr. President, I request unanimous consent that the bill be printed in the RECORD at this point and also an article on the games which appeared in Time magazine, March 27, 1972, and additionally, a resolution of the Anchorage City Council urging the reintroduction of this bill.

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

S. 907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Secretary of Commerce the sum of $150,000 for the purpose of assisting the financing of the Arctic Winter Games to be held in Alaska in 1974. The Secretary shall provide for the disbursement of such funds (including the making of grants to appropriate persons or organizations) on such terms and under such conditions as he deems appropriate, including the submission to him of such reports from persons or organizations to which such funds are disbursed as the Secretary considers necessary to protect the interests of the United States and assure that such funds have been used for the purpose for which they were disbursed.

[From Time, March 27, 1972]

ANYONE FOR AQRAORAK?

As the second biennial Arctic Winter Games got under way this month in Whitehorse, Yukon Territory, it became painfully clear that the organization of the event left something to be desired. Take the case of Simon Tookoome, the Northwest Territories' leading *ipirautaqturniq* (precision whip flicking) virtuoso. Not only did Tookoome have no competition in his specialty, but the games committee was not even certain that another whip maestro had been invited. For his part, Tookoome left his sealskin whip at home in Baker Lake. But resourcefulness, as much as *ipirautaqturniq*, is the name of the game. Improvising a whip from a length of rope, Tookoome put on a crackling display highlighted by the extraction of a toothpick from the sole of an assistant's boot at 25 ft.

Some might call the noncompetitive performance a hollow triumph, native sports do not even call for medals. There are, however, gold, silver and bronze ulus (medals shaped like the Eskimo whale-skinning knife) for individual and team winners in such conventional sports as cross-country skiing, figure skating, basketball, ice hockey and table tennis. The combination of exotic native feats and intense territorial rivalry have made the games the liveliest sporting event north of the 60th parallel.

EAR PULL

While there was no one to stand up to Tookoome in *ipirautaqturniq*, there was competition aplenty in *aqraorak* and *nalukataak*. Mickey Gordon, 23, an Eskimo from Inuvik, and Reggie Joule, a sophomore at the University of Alaska, battled for honors in *aqraorak*. The event consists of trying to kick a sealskin ball dangling from a pole. Kicking furiously aloft, Gordon came within a toe of breaking his own world record of 8 ft. 2 in. Joule—all 5 ft. 5 in. of him—performed just as brilliantly, though it must be remembered that *aqraorak* is not his forte. Joule is the world champion in *nalukataak*, in which contestants bounce on a walrus hide held fireman-style by two dozen assistants. Joule bounced to within inches of the ceiling in the town's gymnasium but later confessed that he does not really know what determines a winner in his chosen sport. "I think it has something to do with height and form," he said.

Many of the native contests held at Whitehorse evolved from the self-torture games devised by the Eskimos long ago. Explains Roger Kunayak, another University of Alaska student: "The traditional Eskimo life included lots of pain—hunger, cold, frozen ears. So indoors we would torture ourselves to get used to the pain." To drive home his point, Kunayak swept the field in his own fearful event, the knuckle hop, by hopping 40 ft. on his toes and knuckles. Other such tests of mettle include the finger pull (two combatants locking middle fingers and pulling until one hollers uncle) and the ear pull, in which the toughest ears in the Arctic are wound with cord and pitted against each other in a tug of war.

BOTCH

The Arctic Games were inspired by the abysmal performances of the athletes from the Yukon and Northwest Territories in conventional sports at the Canada Winter Games held in Quebec City in 1967. Says Lou LeFaive, director of Sports Canada: "The idea was to provide a level of competition that would enable Northerners to develop skills at a rate more compatible with that in the South." Native events were included to add to the fun.

The games at Whitehorse proved that the quality of play in the Northern provinces has measurably improved. The same cannot be said for the advance planning of the Northerners—especially those at Baker Lake. Tookoome's lapse aside, the townsfolk made rather a botch of things in the *aksunaiqtuq* (rope gymnastics). In place of their gymnastics team, they inexplicably dispatched an old Eskimo drum dancer—without her drum.

RESOLUTION NO. 72-R-72

A resolution of the City Council of the City of Anchorage, Alaska, urging the Alaska congressional delegation to reintroduce a bill to appropriate the sum of $150,000 to be used in conjunction with the 1974 Arctic Winter Games

Whereas, the City of Anchorage has been chosen to host the 1974 Arctic Winter Games; and

Whereas, additional funding is necessary to ensure the success of such Games; and

Whereas, a bill appropriating the sum of $150,000 to be used in conjunction with such games was introduced during the 1972 session of the Congress of the United States; and

Whereas, such bill did not pass during such session of Congress;

Now, therefore, be it resolved by the City Council of the City of Anchorage, Alaska:

Section 1. That the Honorable Ted Stevens, and the Honorable Mike Gravel are hereby urged to re-introduce a bill to appropriate the sum of $150,000 for the purpose of assuring the success of the 1974 Arctic Winter Games.

Section 2. Publication of this resolution shall be made by posting a copy thereof on the City Hall Bulletin Board for a period of ten (10) days following its passage and approval.

Passed and approved by the City Council of the City of Anchorage, Alaska, this 26th day of December, 1972.

By Mr. HOLLINGS:

S. 909. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus supplies and equipment to State and local public recreation agencies. Referred to the Committee on Government Operations.

Mr. HOLLINGS. Mr. President, I send to the desk a bill and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks. This is a bill to permit donations of surplus supplies and equipment to State and local public recreation agencies.

Presently, section 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C.) 484(j) permits donations of surplus Federal property to States for educational, public health, or civil defense purposes. My proposal would allow donations to public recreational agencies if the Secretary of Interior determined that the surplus property was usable and necessary for the park or recreational purposes. There is no reason why these agencies shall be denied access to this surplus equipment, which ranges from vehicles and athletic equipment to office furniture. Indeed, increasing emphasis on, and need for, recreational facilities, particularly for our youth, combined with the financial problems faced by local governments, makes the public park and recreation agencies logical and necessary recipients when surplus property is available.

This proposal has the endorsement of South Carolina's Municipal Association and Department of Parks, Recreation, and Tourism as well.

During the last Congress this legislation passed the Senate, and I urge prompt and favorable consideration of this measure again during this Congress.

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

S. 909

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)) is amended—

(1) by inserting "public park, public recreational," immediately before "or civil defense" in the first sentence of paragraph (1);

(2) by striking out "paragraph (2), (3), or (4)" in the first sentence of paragraph (1) and inserting in lieu thereof "paragraph (2), (3), (4), or (5)";

(3) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting immediately after paragraph (4) the following new paragraph:

"(5) Determination whether such surplus property (except surplus property allocated in conformity with paragraph (2) of this subsection) is usable and necessary for public park or public recreational purposes, including research, in any State shall be made by the Secretary of the Interior, who shall allocate such property on the basis of need and utilization for transfer by the Administrator of General Services to such State agency for distribution to public recreational organizations of such State, or political subdivisions and instrumentalities thereof, which are established pursuant to State law. No such property shall be transferred until the Secretary of the Interior has received from such State agency a certification that such property is usable and needed for public park or public recreational purposes in the State, and until the Secretary of the Interior has determined that such State agency has confromed to minimum standards of operation prescribed by the Secretary of the Interior for the disposal of surplus property.";

(4) by adding at the end of paragraph (6), as redesignated by paragraph (3) of this section, the following new sentence: "The Secretary of the Interior may impose reasonable terms, conditions, reservations, and restrictions upon the use of any single item of personal property donated under paragraph (5) of this subsection which has an acquisition cost of $2,500 or more."

SEC. 2. Section 203(n) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(n)) is amended to read as follows:

(n) For the purpose of carrying into effect the provisions of subsections (j) and (k) of this section, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the President, and the head of any Federal agency designated by any such officer, are authorized to enter into cooperative agreements with State surplus property distribution agencies designated in conformity with paragraph (1) of subsection (j) of this section. Such cooperative agreements may provide for utilization by such Federal agency, without payment or reimbursement, of the property, facilities, personnel, and services of the State agency in carrying out any such program, and for making available to such State agency, without payment or reimbursement, property, facilities, personnel, or services of such Federal agency in connection with such utilization. In addition, under such cooperative agreements, and subject to such other conditions as may be imposed by the Secretary of Health, Education, and Welfare, the President, or the Secretary of the Interior, surplus property which the Administrator may approve for donation for use in any State for purposes of education, public health, public park, public recreation, or civil defense, or for research for any such purposes, pursuant to subsection (j)(3), (j)(4), or (j)(5) of this section, may with the approval of the Administrator be made available to the State agency after a determination by the appropriate Secretary or the President that such property is necessary to, or would facilitate, the effective operation of the State agency in performing its functions in connection with such program. Upon a determination by the appropriate Secretary or the President that such action is necessary to, or would facilitate, the effective use of such surplus property made available under the terms of a cooperative agreement, title thereto may with the approval of the Administrator be vested in the State agency.

SEC. 3. Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended by inserting "and the Secretary of the Interior," immediately before "with respect to personal property".

By Mr. HOLLINGS:

S. 910. A bill to amend title V of the Housing Act of 1949 to assure borrowers of the right to employ qualified attorneys of their choice in performing necessary legal services in connection with loans under that title. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HOLLINGS. Mr. President, today, I am introducing a bill to correct an inequity that has developed through administrative ruling of the Farmers Home Administration. Since the fall of 1969, I have tried to change the attitude of the Farmers Home Administration concerning the choice of attorneys who provide title, closing, or other legal services in connection with Farmers Home Administration rural housing loans. Prior to 1968, all qualified attorneys were permitted to provide such legal services. However, from the latter part of 1968 to date in the State of South Carolina and other States, the Farmers Home Administration has designated certain attorneys as the only ones qualified to provide such services. In my judgment, Mr. President, this is a political ruse. No Federal program should be designed in such a way as to preclude any qualified attorney from participating when the services of a private attorney are required in connection with that Federal program.

The 1970 conference report of the Housing and Urban Development Act, contained language which was drafted by the Banking, Housing and Urban Development conferees in concert with representatives of the Farmers Home Administration which provided:

It is the intent of the conferees that all qualified attorneys be given equal opportunity to participate in providing title and loan closing services required in connection with Farmers Home Administration rural housing loans.

It was our belief that this conference language would sufficiently erase any doubt that all qualified attorneys should have an equal opportunity to provide legal services so that there would be no unwarranted interference with the right of a citizen to select his own attorney. However this was not the case and even in the face of this language, the Farmers Home Administration has continued to select a limited number of attorneys to handle these matters. Accordingly, I introduced legislation in the 92d Congress to amend title V of the Housing Act to require that this language be carried out. The bill passed the Senate as a part of the Omnibus Housing Act of 1972, but the omnibus bill died in the House. Again, I am introducing my original proposal and ask my colleagues to favorably consider it. I ask unanimous consent that this proposal 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. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the Housing Act of 1949 is amended—

(1) by inserting "(a)" after "SEC. 510.";

(2) by redesignating paragraphs (a)–(g) as paragraphs (1)–(7) respectively;

(3) by redesignating subparagraphs (1) and (2) of paragraph (3) (as hereinabove redesignated) as subparagraphs (A) and (B) respectively; and

(4) by adding at the end thereof a new subsection as follows:

"(b) The Secretary shall accord to all qualified attorneys an equal opportunity to participate in providing such title, closing, or other legal services as may be required by persons receiving direct or insured loans under this title."

By Mr. BIDEN:

S.J. Res. 65. A joint resolution requesting the President to issue a proclamation designating the week of April 23, 1973, as "Nicholas Copernicus Week" marking the quinquecentennial of his birth. Referred to the Committee on the Judiciary.

IN PRAISE OF COPERNICUS

Mr. BIDEN. Mr. President, this year marks the 500th anniversary of the birth of Nicolaus Copernicus, the father of modern astronomy.

In observance of this auspicious occasion, the Council of Polish Societies and Clubs in the State of Delaware, whose goal is to perpetuate Polish herit-

age and culture in America, will gather at a dinner on February 19, 1973, to commemorate the birth of Copernicus. It will be my pleasure to attend this celebration which annually salutes the births of George Washington, Abraham Lincoln, and Thaddeus Koscuiszko, but which will, this year, have a Copernicus theme in honor of the great astronomer.

Born in Poland and educated in Italy, Copernicus was the first to suggest that the Ptolemaic astronomical system that he had studied as a student had serious flaws. Ptolemy's theory that the earth was the center of the universe with all heavenly bodies revolving around it was widely accepted by Copernicus's contemporaries. It was in a bold break from this tradition that Copernicus named the sun as the center of a great system with the earth, as one of its planets, revolving about it. For fear of public reprisal, in light of the tenor of the times, Copernicus's writings were circulated cautiously, and not until 1543, as he was dying, was his immortal treatise setting forth his theory published.

It is fitting that we should honor this great scientist for it is upon the Copernican system that modern astronomy is built. I am, therefore, introducing a joint resolution to proclaim the week of April 23, 1973, as "Nicolaus Copernicus Week" marking the quinquecentennial of his birth.

National recognition of Copernicus would be an expression of sentiment apropos of a nation whose own brilliant strides in space began with this man's great discovery.

I ask unanimous consent that the text of my joint resolution be printed in the RECORD at this point in my remarks.

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

S.J. RES 65

Whereas the work of Nicolaus Copernicus marks the beginning of the era of modern science;

Whereas in 1973 there will have passed 500 years since the birth of Copernicus who was born, worked, and lived in Poland;

Whereas the National Academy of Sciences has accepted the invitation from the Polish Government to assure leadership for activities associated with the observance of the quinquecentennial and has named a special committee to make recommendations;

Whereas the Smithsonian Institution in cooperation with the National Academy of Sciences is conducting during the week of April 23 its Fifth International Symposium, "The Nature of Scientific Discovery," with a scientific program which focuses upon the Copernican theory, an integral part of modern science; and

Whereas scientists from the United States, Poland, and other countries will be gathered to celebrate the origins of modern science, inquire into the kinds of cultural climates which encourage the growth of scientific knowledge, and examine certain revolutionary developments in contemporary science that have grown out of the Copernican Revolution: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation designating the week of April 23, 1973, as "Nicolaus Copernicus Week" and calling upon the people of the United States to join with the Nation's scientific community as well as that of Poland and other nations in observing such week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 59

At the request of Mr. CRANSTON, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 59, a bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery.

S. 254

At the request of Mr. SCHWEIKER, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of S. 254, a bill to make it a Federal crime to assault, injure, or kill any State or local law enforcement officer, fireman, or judicial officer because of his official position.

S. 255

At the request of Mr. EAGLETON, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor 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 distribution program.

S. 324

At the request of Mr. SCHWEIKER, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 324, a bill to provide for nutrition education in schools of medicine and dentistry.

S. 352

At the request of Mr. MCGEE, the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Michigan (Mr. HART), the Senator from Maine (Mr. HATHAWAY), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 352, a bill to establish within the Bureau of the Census a Voter Registration Administration.

S. 504

At the request of Mr. CRANSTON, the Senator from Rhode Island (Mr. PASTORE), was added as a cosponsor of S. 504, a bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical service systems.

S. 516

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Georgia (Mr. TALMADGE), the Senator from California (Mr. TUNNEY), the Senator from North Dakota (Mr. BURDICK), and the Senator from Arkansas (Mr. FULBRIGHT) be added as cosponsors of S. 516, a bill 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 PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

S. 582

At the request of Mr. SCOTT of Pennsylvania, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Illinois (Mr. PERCY), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 582, a bill providing social services for the aged.

S. 650

At the request of Mr. PACKWOOD, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 650, a bill to equalize Federal tax treatment of unmarried individuals.

S. 726

At the request of Mr. BENTSEN, the Senator from Arkansas (Mr. FULBRIGHT) was added as a cosponsor of S. 726, a bill concerning the allocation of water pollution funds among the States in fiscal 1973 and fiscal 1974.

S. 755

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from North Carolina (Mr. ERVIN) and the Senator from Arkansas (Mr. FULBRIGHT) be added as cosponsors of S. 755, a bill to provide 4-year terms for the heads of the executive departments.

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

S. 825

At the request of Mr. STEVENS, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 825, a bill to amend title II of the Social Security Act to adjust the earnings exemption.

S. 858

Mr. ROBERT C. BYRD. Mr. President, at the request of Mr. FULBRIGHT, I ask unanimous consent that the name of Mr. CRANSTON be added as a cosponsor of S. 858.

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

SENATE JOINT RESOLUTION 6

At the request of Mr. CRANSTON, the Senator from Wyoming (Mr. MCGEE), the Senator from Illinois (Mr. STEVENSON), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Rhode Island (Mr. PELL), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Joint Resolution 6, a joint resolution to establish the Tule Elk National Wildlife Refuge.

SENATE JOINT RESOLUTION 11

Mr. DOMINICK. Mr. President, I am proud and grateful for the opportunity to join in cosponsoring Senate Joint Resolution 11, designating May 1 as Law Day with special recognition for law enforcement officers.

Policemen have come to be known by many labels; but to me they are outstanding Americans and daily heroes who perform an exceedingly difficult and thankless job in a truly professional manner. Cosponsoring this resolution is only a small measure of my gratitude.

Mr. President, one of the most regrettable statistics for 1972 was the killing of 112 law enforcement officers. Colorado, unfortunately, is a part of this figure, with the killing of Officer James A. Chew, of Steamboat Springs. In the light of this sacrifice, a day of special recognition hardly seems tribute enough.

I take this opportunity to thank our country's law enforcement officers.

SENATE JOINT RESOLUTION 11

At the request of Mr. HOLLINGS, the Senator from Oklahoma, (Mr. BARTLETT), the Senator from Tennessee (Mr. BROCK), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Colorado (Mr. DOMINICK), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Virginia (Mr. SCOTT) were added as cosponsors of Senate Joint Resolution 11, to pay tribute to law enforcement officers of this country's Law Day, May 1, 1973.

SENATE JOINT RESOLUTION 21

At the request of Mr. MCGEE, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Minnesota (Mr. MONDALE), and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of Senate Joint Resolution 21, a joint resolution to create an Atlantic Union delegation.

SENATE JOINT RESOLUTION 49

At the request of Mr. RANDOLPH, the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 49, a joint resolution to provide for the designation of the second full calendar week in March 1973 as "National Employ the Older Worker Week."

SENATE JOINT RESOLUTION 56

At the request of Mr. CRANSTON, the Senator from Oklahoma (Mr. BARTLETT), the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. CASE), the Senator from Michigan (Mr. HART), the Senator from Colorado (Mr. HASKELL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Joint Resolution 56, a joint resolution to authorize the President to proclaim the week containing February 12 and 14 as Afro-American History Week.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 38

At the request of Mr. STEVENS, the Senator from Indiana (Mr. BAYH) and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of Senate Resolution 38, a resolution designed to give to the Select Committee on Small Business the authority necessary for it to receive bills and resolutions relating to the problems of small business and to report bills and resolutions to the Senate for its consideration.

EXTENSION OF ECONOMIC STABILIZATION ACT—AMENDMENT

AMENDMENT NO. 10

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. EAGLETON. Mr. President, much has been said in recent weeks about executive impoundment of appropriated funds, and rightly so. The imperious actions of this administration in terminating or cutting back funds for such programs as REAP, rural electrification, sewer construction and housing pose a grave challenge to the constitutional authority of Congress. That challenge cannot be ignored.

Today I want to bring to the attention of the Senate an opportunity to act on this problem.

There is now pending before the Senate Banking, Housing and Urban Affairs Committee a bill, S. 398, to extend for 1 year the Economic Stabilization Act—Public Law 92-210—which otherwise would expire on April 30. The administration has requested, and the bill as introduced would provide for, a simple 1-year extension. Very likely, the bill will be reported for Senate action early in March.

I have written to the distinguished chairman of the committee, Mr. SPARKMAN, pointing out the use that has been made of this act to justify executive impoundment.

In its recent report to Congress on funds currently being impounded—Federal Register, February 6, 1973—pursuant to the requirements of Public Law 92-599, the Office of Management and Budget cites as one of its statutory justifications:

> Actions taken pursuant to President's responsibility to help maintain economic stability without undue price and cost increases (Public Law 92-210, which amended sec. 203 of Public Law 91-379.

That, of course, is the Economic Stabilization Act.

In point of fact, Mr. President, the Economic Stabilization Act is the only authority cited in the OMB report for the impoundment of more than $2.4 billion in Federal-aid highway funds. It is cited as one authority for the following other impoundments:

> Appalachian Regional Commission, $65 million.
>
> Rural Electrification Administration loans, $456.1 million.
>
> Farmers Home Administration rural water and waste disposal grants, $120 million.
>
> Open space land programs under Community Development, $50 million.
>
> Grants for basic water and sewer facilities, $400.1 million.
>
> Rehabilitation loan fund, $50 million.
>
> Public facility loans, $20 million.
>
> Tennessee Valley Authority, $22.3 million.

Section 203 of the Economic Stabilization Act does give a broad grant of authority to the President to issue such orders and regulations as he deems appropriate in the interest of stabilizing prices, rents, wages, salaries, interest rates, corporate dividends, and other transfers. It goes on to mandate the President in issuing such orders to call for generally comparable sacrifices by business and labor as well as other segments of the economy. This is read by the administration as authority to impound appropriated funds.

I am certain that Congress had no such intent. But neither was it intended that the antideficiency acts be used to terminate programs and otherwise thwart the legislated purposes of Congress. Yet that has been done—and on far more questionable legal ground than can be found in the quoted sections of the Stabilization Act.

Mr. President, it would be a sad commentary on the workings of Congress if, while decrying the loss of its constitutional powers on one hand, we are found to be giving them away on the other hand. Therefore, I have urged the committee to consider an amendment to provide that nothing in the Economic Stabilization Act shall be construed as authority to impound, reserve, or otherwise withhold from spending funds and contract authority which have been duly authorized by Congress. I send to the desk at this time such an amendment to S. 398 and ask that it be referred to the appropriate committee.

Mr. President, I want to make it clear that the amendment I propose in no way conflicts with or overlaps the proposed legislation of the distinguished senior Senator of North Carolina (Mr. ERVIN). I am a cosponsor of that bill and I believe it is essential that we establish some across-the-board checks on Executive impoundments. In the meantime, however, we cannot close our eyes to the immediate challenge before us. To do so would be to ratify the impoundment actions which have been taken and to tacitly agree that the Economic Stabilization Act authorizes those impoundments.

Mr. President, I ask unanimous consent that the amendment I sent to the desk and my letter to the chairman of the

Banking, Housing and Urban Affairs Committee be printed in the RECORD.

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

AMENDMENT NO. 10

At the end of the bill add the following:

SEC. 2. Section 203 of the Economic Stabilization Act of 1970 is amended by adding at the end thereof the following new subsection:

"(j) Nothing in this section may be construed to authorize or require the withholding or reservation of any obligational authority provided by law, or of any funds appropriated under such authority."

U.S. SENATE,
Washington, D.C., February 15, 1973.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As the Committee prepares to mark up S. 398 to extend the Economic Stabilization Act, I want to bring to your attention the need for an amendment to prevent the Act from continuing to be used as a basis for executive impoundments of appropriated funds.

In its recent report to the Congress on funds currently being impounded (Federal Register, February 6, 1973), the Office of Management and Budget cited the following as one of its statutory justifications: "Action taken pursuant to President's responsibility to help maintain economic stability without undue price and cost increases (Public Law 92–210, which amended sec. 203 of Public Law 91–379)."

In point of fact, the Stabilization Act is the only authority cited for impounding more than $2.4 billion of federal-aid highway funds and it is cited as one justification for the following other impoundments:

Appalachian Regional Commission, $65 million.

Rural Electrification Administration, $456.1 million.

Farmers Home Administration, $120 million.

Open space land programs under Community Development, $50 million.

Grants for basic water and sewer facilities, $400.1 million.

Rehabilitation loan fund, $50 million.

Public facility loans, $20 million.

Tennessee Valley Authority, $22.3 million.

Section 203 of the Act does give broad discretion to the President "to issue orders and regulations as he deems appropriate" in the interest of stabilizing prices, rents, wages, salaries, interest rates, corporate dividends and similar transfers. Apparently, this is read by the Administration as authority to impound appropriated funds.

Supporting such a reading might be the mandate of subsection (b)(5) that such executive actions "call for generally comparable sacrifices by business and labor as well as other segments of the economy."

I am certain that this interpretation was not intended by Congress. But neither was it the intent of Congress in enacting the Anti-Deficiency Acts, to authorize the Executive Branch to terminate programs and otherwise thwart the legislated purposes of Congress. Yet that has been done and done on far more questionable legal ground than can be found in the Stabilization Act.

It would be a sad commentary on the workings of Congress if while decrying the loss of its constitutional powers on one hand it is found on the other to be giving it away. I therefore urge the Committee to consider an amendment to S. 398 to provide that nothing in the Act shall be construed as authority to impound reserve or otherwise withhold from spending funds and contract authority which have been duly authorized by the Congress.

I would be happy to meet with Committee members to further discuss this matter.

Sincerely yours

THOMAS F. EAGLETON,
U.S. Senator.

FOREIGN ASSISTANCE ACT OF 1973—AMENDMENT

AMENDMENT NO. 11

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. WILLIAMS. Mr. President, today I am introducing legislation to amend the foreign assistance authorization bill, S. 837, by providing that $5 million of the security supporting assistance for Vietnam be spent on programs to benefit Vietnamese children who have been disadvantaged by the war.

Over the last several days, we have watched with a deep sense of relief the first group of American prisoners of war come home. Hopefully, this emotional and joyous repatriation will occur many more times in the next 6 weeks, all American military personnel will be returned from Vietnam and our long, costly military involvement will finally be ended.

However, for the Vietnamese who have suffered enormously during this severe war, the end of this fighting enables them to redirect precious time and resources to their massive social problems. And even though we have conducted some humanitarian assistance throughout the Agency for International Development's long involvement in Vietnam, no attempt has been made to approach the social and humanitarian problems on a permanent and ongoing basis. Unfortunately, in regard to humanitarian needs, AID has generally emphasized solving crises rather than establishing viable programs.

Although they have performed creditably with limited resources, the time has indeed come when we must make commitments to helping these beleaguered people overcome the ravages of war.

Over the last few years, my attention has been directed to the substantial impact of the war on the civilian population and particularly the children. South Vietnam has a young population; nearly 50 percent of the population is under 15 years of age and approximately 700,000 of these children are orphans. This staggering figure reflects how Vietnamese children have been caught in the war's devastating crossfire and have been a major part of the large forced migrations from their homes in the country to urban centers.

The children have played a large part in the rapid growth of the cities and their general problems have been compounded by spiraling inflation and widespread unemployment caused by the loss of jobs in support of American military forces. Clearly, these children, the marginal members of the society, have suffered most as a result of these social and economic upheavals.

Mr. President, unfortunately, as these problems have been worsening, our Government has pursued a policy of destruction almost to the exclusion of providing adequate programs for the young and helpless victims of that policy.

For example, I understand that AID had planned to reduce its social welfare advisers who work on a part-time basis with children's programs from five to three at the end of fiscal year 1973. However, I am gratified to note that in recognition of the seriousness of the problem and the final termination of hostilities, AID has planned to retain the current meager level of U.S. involvement in these matters.

Although I am pleased that AID has made this modest adjustment, I believe that their commitment is still insufficient. We have reached the point where we must actively replace military efforts with significant health and rehabilitation efforts.

For these reasons, I am introducing an amendment to S. 837 which provides $5 million solely for programs related to children's welfare. This amendment is basically the same as the one I introduced last July which was accepted in both the Senate and House versions of the foreign aid bill.

This legislation would clearly expand AID's mandate in the child care area and provide the assistance which should improve the care and protection of children orphaned, abandoned, or left in poverty as a result of the war. The highest priority would be improving and expanding day-care facilities which should provide an environment conducive to healthier family development thereby reducing the incidence of abandonment which has accompanied the withdrawal of American troops.

Since the major purpose of this legislation is to improve the home atmosphere so that fewer children are left to institutions, it is expected that a major emphasis will be to improve existing orphanages instead of building new ones. Along similar lines, the existing but inadequate hostel program which provides housing for children who support themselves must be expanded, so that the thousands of independent children can have a roof over their heads at night.

Furthermore, this amendment contemplates training Vietnamese to staff day-care centers, orphanages, health care centers, and providing grants for establishing and conducting medical centers.

A second approach of this legislation is directed toward the children who have no parents or guardians, especially the half-American children who too frequently are subjected to bitter racial discrimination. For these children, intercountry adoption may be the best solution to the problem of locating or establishing a home for them. In this respect, AID is called upon to negotiate with the appropriate Vietnamese and U.S. Government officials in order to standardize the forms and procedures used in intercountry adoption.

Should such a facilitation of the adop-

tion process occur, adoptions would be simplified but they would continue to be handled on a strict case-by-case basis.

I have made two changes in this legislation which I believe make it conform better to the existing situation in Vietnam. First, I have changed the language related to intercountry adoption in order to emphasize that abandoned or orphaned half-American children should be given priority in intercountry adoptions. Second, I have restricted the funds under this program to international agencies, or United States or South Vietnamese voluntary agencies. Since money is already provided in the AID budget request for programs being conducted with the Vietnamese Government, I do not think it is necessary to provide more money for the government to use, especially during this period when we are not sure what final and lasting form that government is going to have. Therefore, I submit that we restrict the funding provided by this amendment to those private agencies which have demonstrated a commitment to resolving child care problems. Furthermore, I am under the impression that the most effective programs related to child care in Vietnam are generally run by the private, voluntary agencies.

I understand that the Committee on Foreign Relations will be holding hearings on S. 837 this Thursday. I expect that the committee will be beginning its thorough consideration of post war reconstruction in the near future.

As one of the principals in the war, we must now provide the humanitarian leadership which will result in the devolopment of a healthy, viable country. Congress should provide this leadership by supporting a responsible program which will finally provide adequate U.S. assistance to this sad and long-neglected area. Surely, we can hasten the end of this era of divisiveness with a demonstration of compassionate unity for those who have, throughout the ages, been the most helpless and destitute of war's victims—the children.

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

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

AMENDMENTS NO. 11

On page 2, line 25, immediately after "Sec. 4.", insert "(a)".

On page 3, between lines 6 and 7, insert the following:

(b) Such chapter 4 is amended by adding at the end thereof the following new section:

"SEC. 534. Assistance to South Vietnamese Children.—(a) It is the sense of the Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights, and, in particular, for the adoption of such children whose fathers are United States citizens.

"(b) The President is therefore authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1) and (2) of subsection (a) of this section, with priority being given, in carrying out the purposes of such clause (2), to providing assistance for the adoption of such children whose fathers are United States citizens. Of the funds appropriated pursuant to section 532 for fiscal year 1973, $5,000,000 shall be available until expended solely to carry out this section. Not more than ten per centum of the funds made available to carry out this section may be expended for the purposes referred to in subsection (a) (2) of this section only under the auspices of and by international agencies, or United States or South Vietnamese voluntary agencies."

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 6

At the request of Mr. SCHWEIKER, the Senator from Maryland (Mr. BEALL) and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of amendment No. 6 intended to be proposed to the bill (S. 800) the Victims of Crime Act of 1973.

ANNOUNCEMENT OF HEARINGS: "BARRIERS TO HEALTH CARE FOR OLDER AMERICANS"

Mr. MUSKIE. Mr. President, as chairman of the Subcommittee on Health of the Elderly of the Senate Special Committee on Aging, I wish to announce that the subcommittee will soon begin hearings on "Barriers to Health Care for Older Americans."

The first round of hearings—on March 5, 6, and 7—will provide us with essential information for our overall study. They will sound the themes to be explored at some length at later hearings here and possibly in the field, or in special reports issued in conjunction with the hearings.

But the March hearings will also serve a more immediate purpose. They will provide an opportunity to take testimony on the administration proposal to raise the cost of coinsurance and deductibles for participants in the medicare program.

My own feeling, from the limited information now available, is that this so-called cost sharing could become very costly by deterring those in need of care from receiving it early enough in their illness to prevent institutionalization or prolonged treatment.

Indeed, studies have shown that deductibles and coinsurance have little effect in preventing overutilization and that they are, in fact, administrative nuisances.

I will look forward to an early discussion of the administration proposals and the relationship of those proposals to other issues which the subcommittee shall investigate:

How rising medical costs are undermining medicare and medicaid, causing new restrictions and higher costs to participants.

How alternatives to institutionalization are not available to most older persons, despite official lipservice to that principle.

How fragmentation of medical services is worsening especially in inner city and rural areas.

How health care costs keep going up for the elderly, despite the essential protection provided by medicare.

My subcommittee study will be held in conjunction with a committee inquiry into "Future Directions in Social Security." As I said at the committee hearing on January 22:

The valuable testimony on health care will result from this first round of hearings in this series will serve as the springboard of hearings and other inquiries by my Subcommittee on Health of the Elderly in 1973.

A major goal of these hearings and other Subcommittee activities will be to make certain that a national health security program for all—when finally enacted into law—will include provisions meeting the real needs of older persons.

Yet another goal will be to stop the decline of health services for older Americans that has marked this Administration's approach to Medicare and Medicaid and other health programs that serve the elderly. We will be focusing on the barriers to adequate health care for the elderly and ways to remove them.

The hearings will be held at 10 a.m. March 5, 9:45 a.m. March 6, and 10 a.m. March 7 in room 6226, Dirksen Office Building.

NOTICE OF RESCHEDULING OF HEARINGS

Mr. MCINTYRE. Mr. President, I wish to announce for the information of Senators and other interested persons that the hearings scheduled for March 8, 9, and 13 before the Subcommittee on Financial Institutions on legislation to extend Regulation Q and also examine the use of Notice of Withdrawal Accounts by financial institutions have been rescheduled for March 20, 21, and 22.

The hearings will commence at 10 a.m. in room 5302, New Senate Office Building.

All persons wishing to testify should contact Mr. T. J. Oden, room 5300, New Senate Office Building; telephone 225–7391.

NOTICE OF HEARINGS ON STATE TAXATION OF CERTAIN FINANCIAL INSTITUTIONS

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing and Urban Affairs will hold hearings on S. 297, a bill to regulate State taxation of federally insured financial institutions, on February 28 and March 1, 1973. The hearings will be held each day in room 5302 in the Dirksen Building beginning at 10 a.m. Anyone wishing to testify or submit a statement on this matter may telephone Reginald Barnes, assistant counsel, at area code 202, 225–7391.

NOTICE OF HEARINGS ON NOMINATIONS

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on

Banking, Housing and Urban Affairs will hold hearings at 9:30 a.m., February 21, 1973, in room 5302, Dirksen Building, on the nomination of Mr. G. Bradford Cook, to be Chairman of the Securities and Exchange Commission and Messrs. Philip A. Loomis, Jr., and John R. Evans, to be members of that Commission.

Anyone wishing to testify or submit statements on this matter may telephone Steven Paradise, assistant counsel, at area code 202, 225–7391.

ADDITIONAL STATEMENTS

LAST COLUMN BY DAVID LAWRENCE

Mr. SCOTT of Pennsylvania. Mr. President, U.S. News & World Report for February 5, 1973, published a column by the late David Lawrence entitled "Thank God for the United States."

I believe that this article, one of the last by the esteemed Mr. Lawrence, is a fitting legacy to his many years of thoughtful commentary.

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

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

THANK GOD FOR THE UNITED STATES

(By David Lawrence)

Ten years of war in Indo-China could be followed by a lasting peace in Southeast Asia, which could also help to promote the peace of Europe and other continents. But can we be sure?

South Vietnam has struggled since 1954 to establish its independence. North Vietnam started a war to prevent it. The Communists of China and the Soviet Union provided military supplies and weapons to the North Vietnamese.

To whom could the people of South Vietnam turn for aid? The United States, as a party to the Southeast Asia Treaty, recognized its obligation when a request for assistance was made by the Saigon Government. Acting under the pledge of the treaty, America began to give military advice and send troops to contest aggression.

Where else could South Vietnam have looked for the support it so desperately needed? The United States responded because of the principle at stake. Acquisition of other nations' territory by force of arms could lead, if unchecked, to similar acts of aggression in other parts of Asia as well as in Europe and elsewhere.

The United States Government was conscious of its responsibilities and unhesitatingly endeavored to demonstrate respect for the commitments made in the Southeast Asia Treaty, which had been duly ratified by the Senate in 1955.

Now that the peace agreement has been made to end the Vietnam war, there is an opportunity for reconstruction and rehabilitation of the war-torn lands of Indo-China. Already some countries which were not participants in the war have begun to offer funds for the rebuilding. Financial aid will be given so that a better life will come to those who have suffered from the tragedy of war. Tens of thousands of civilians have been killed and millions more have been wounded or left homeless in the savage fighting which has swept the whole area.

The generosity of peoples throughout the world will be extended to both North and South Vietnam. The chance to make the word "peace" meaningful, however, will rest with the governments which signed the documents, pledging themselves to carry out a cease-fire, to return the prisoners of war and to resolve differences without military coercion.

If the United States had declined to fulfill the provisions of the Southeast Asia Treaty, what would have been the consequences? Is there any doubt that the countries of Indo-China would no longer be free but would be part of the system ruled by the Communists? Is there any doubt, also, that Australia and New Zealand would have been confronted by aggression or internal revolutions?

Communist imperialism or dictatorial rule is not confined to Europe or the Asian continent. Just 90 miles away from the United States, we have seen Cuba become an ally of the Communists. The Soviet Union in 1962 even set up missile bases in Cuba. This is an example of how limitless are the efforts to expand Communist domination. Indeed, since those days, some countries in Latin America have been victims of subversion by Communist agents who have managed to stimulate local groups to seek a virtual alliance with the Soviet Union.

People who want the United States not to be involved in any conflict overseas and to confine itself merely to resisting military attacks on its own territory are not aware that there are conspiracies by the Communists to produce disorders inside many countries, including ours. These activities cannot be brushed aside as inconsequential.

The United States today is known as a champion of freedom and as a nation which has given substantial military support for the defense of South Vietnam. This is an example of fidelity to the principle of self-determination of peoples. There are hardships in becoming a party to any war, but the critics ignore the true significance of what the United States has done by its decision to protect South Vietnam.

There are those who see the entry of the United States into the war to save South Vietnam as a "big mistake." They do not realize what America did in standing up to its commitments under an existing treaty. For history will record that the unselfishness of this country was exhibited and continued not only to the day the war terminated but in the financial assistance given subsequently to the peoples on both sides in Vietnam so reconstruction could be begun.

The United States has performed its duty under the Southeast Asia Treaty and also has shown itself to be the friend of countries threatened with a loss of their sovereignty. The world knows there is at least one major power willing to help a small nation when armed aggression menaces its independence.

Millions of people around the globe who do understand what the Vietnam war means to the cause of freedom will say:

"Thank God for the United States!"

PROFESSIONAL PERSON URGED FOR RESOURCE MANAGEMENT

Mr. METCALF. Mr. President, on February 14, spokesmen for 19 conservation organizations sent telegrams to Secretary of Agriculture Butz and Secretary of the Interior Morton. The signers of the telegrams urged the appointment of a person, professionally qualified in resource management, to head the Bureau of Land Management.

I take this means to call the telegram to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

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

TELEGRAM

FEBRUARY 14, 1973.

Hon. EARL L. BUTZ,
Counselor to President—Natural Resources, The White House, Washington, D.C.:
Hon. Rogers C. B. Morton,
Secretary of the Interior, Department of the Interior, Washington, D.C.:

Undersigned aware new Director, Bureau of Land Management may be named soon. We urge that a person professionally qualified in natural resources management be selected to head the agency. Furthermore, in our opinion, the Reorganization Act of 1946 requires selection of a classified civil service employee. BLM has careerists worthy of consideration for this important post. Others also qualified in Forest Service.

American Forestry Association, American Institute of Biological Sciences, Appalachian Mountain Club, Boone and Crockett Club, Friends of the Earth, International Association of Game, Fish and Conservation Commissioners, Izaak Walton League of America, National Association of Conservation Districts, National Association of State Foresters, National Audubon Society, National Rifle Association of America, National Wildlife Federation, Sierra Club, Society of American Foresters, Society for Range Management, Sport Fishing Institute, the Wildlife Society, Trout Unlimited, Wildlife Management Institute.

PROPOSED CUT IN VETERANS' BENEFITS

Mr. BIDEN. Mr. President, the welfare of returning American prisoners of war and veterans of the Southeast Asia conflict is of deep concern to all Americans.

At this time of sharp focus on our returning men, it is beyond comprehension that the Veterans' Administration would choose to announce a sizable cut in veterans' benefits, particularly those to disabled veterans.

Recently, a newspaper columnist presented the irony of the situation in most lucid terms.

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

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

[From the Washington Star and Daily News, Feb. 13, 1973]

CHEERS FOR POW'S, THEN—VA CUTS

(By Mary McGrory)

It was, Rep. Ella Grasso, D-Conn., stormed, "callous and shameless."

She was referring to the awkward coincidence of events of the past few days. On the one hand, the country, with a lump in its throat, was cheering the deliverance of the POWs at Clark Field. On the other, a grateful government was telling the disabled prisoners, along with other Vietnam veterans, that their sacrifices had been sharply devalued.

For those held in long captivity, it may provide a rude jolt to learn that while the price of everything else went sky-high, the price of an arm or a leg or an eye lost in the service of one's country had been slashed, as of Wednesday.

For example, the soldier of World War I, World War II or Korea received as compensation for a leg amputated at the hip, $275 a month, a 90 percent disability. Under a new

schedule proposed by the Veterans' Administration, the amputee would receive only 40 percent disability, or $106 a month.

The administrator of the VA is required by law periodically to review the disability schedule payments, but the distribution of the revised rates to interested congressional committees and veterans organizations, just as the country was preparing for its first happy moment of the war, caused a general blowing of stacks on Capitol Hill.

By 12:30 on Thursday a bill restoring the cuts and freezing the payments at the 1945 rates, had been introduced into the House by South Carolina Rep. William J. B. Dorn, chairman of the Veterans Affairs Committee.

One of his cosponsors, Rep. John Hammerschmidt of Arkansas, the committee's ranking Republican, said, "the timing is simply incredible."

Hammerschmidt dashed off a letter to President Nixon urging him to overrule the VA at once.

"I can't believe he won't do it," says Hammerschmidt.

In common with Mrs. Grasso and other indignant committee members, Hammerschmidt finds the context of the administration's proposal to send unspecified amounts of money to North Vietnam particularly grating.

It would, of course, be the ultimate irony of this war that those Americans who suffered most from it would be short-changed so that compensation could be paid the people they fought. The saving realized on the disability cuts are projected at $160 million.

The disabled American Veterans already has set up a meeting with the House Veterans Affairs Committee next Tuesday for a general review of the situation. They expect to make the cuts the first order of business.

DAV National Commander Jack O. Hicks of Larue, Ohio, protests that the payments are "not a gratuity or a handout, but rather a hard-earned entitlement for service and sacrifice."

Hicks also fired off a telegram to the commander-in-chief urging him to cancel at once "these ominous threats to America's war veterans."

Those disabilities which are rated at less than 50 percent will mean also the cancellation of benefits to veterans with families.

American Legion Commander Joe L. Matthews stated, "This is not a time in the history of the nation when benefits for the service-connected disabled should be in any way reduced. If anything, they should be increased."

VFW Commander in Chief Patrick E. Carr promised the full support of his organization in fighting the discrimination against the Vietnam veterans.

The President has no objection to battling things out with Congress—Sen. Vance Hartke, D.-Ind., has introduced an opposition bill in the Senate—but it will be interesting to see if he wishes to go eyeball-to-eyeball with the veterans organizations who accorded him such strong support in the past four years while he continued the war and constantly expressed his admiration and concern for the American fighting man.

As of now, he seems to have as little regard for the disabled veterans as for those who refused to fight.

If he persists in what Mrs. Grasso calls his "merciless program of budget-chopping," someone will surely ask about the compensation being paid to one of the most celebrated Vietnam veterans, Gen. John D. Lavelle, author of the unauthorized bombing raids over North Vietnam, who was retired at 70 percent disability and seems to be unaffected by the austere new schedule.

SOCIAL PROGRAMS BUDGET CUTS

Mr. BENNETT. Mr. President, the administration has come under heavy fire from some quarters for its attempts to apply some sound business management and commonsense to many wasteful and inefficient social programs.

There are those in Congress and among the media who would lead us to believe that any budget cuts in existing social programs are proof that the administration is insensitive to the needs of the poor, the minorities, and the downtrodden. If they would only stop and examine some of the programs in depth, they would find that such programs are not accomplishing anything they were designed to do. On the contrary, much of the Federal money appropriated for the poor does not help the poor at all, but serves merely to perpetuate the the bureaucracy and provide lucrative jobs for professional crusaders.

Columnist Victor Riesel pinpointed the problem in a column published in the Arizona Republic on February 3, 1973. I ask unanimous consent that it be printed in the RECORD.

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

[From the Arizona Republic, Feb. 3, 1973]

JOB TRAINING: BONANZA FOR SOME, BUST FOR POOR

(By Victor Riesel)

Many an oratorical ambitious politician these days specializes in a domestic brand of dollar diplomacy. He cries out against defense spending or quivers with rage over moon shots. But hardly ever does he denounce the fantastic looting of billions of dollars from what are called, in the trade, federal social programs.

Corruption "over there" is betrayal. Corruption here is just inefficiency of enthusiasm if done in the name of social service.

It has gotten to the point where the annual stealing of $40 million in Medicaid funds in one state or the welfare looting of $59.1 million a year in another state not only are ignored, but those who expose the thievery are denounced as enemies of the people.

Well, late last year Rep. Martha Griffiths, who heads a subcommittee probing the "whole welfare mess," released a report for her top group, Congress' Joint Economic Committee.

In effect, the report said that much of the $6.8 billion poured into manpower-training programs by the government in a decade may have been uselessly spent.

Admittedly this kind of money may be petty cash to some. But I was impressed. So, I dug. Finally, in the catacombs of the government, I found the specialists who know exactly what the small print says in all the laws.

One such specialist said he was "bewildered" by the labyrinthian bureaucracies, the intricacies, the fabulous expenditures, and the tragic failure of most of the manpower-training projects.

Some of this is being probed quietly by a little-known subcommittee of the Joint Economic Committee, the subcommittee on fiscal policy-welfare study. The House Ways and Means Committee handed it a considerable sum to get the facts, just the facts.

The specialists talk a language of their own. One said he is "not sanguine about the prospects of a large expanded program increasing the income of the welfare population in a short period of time."

Some 6.1 million persons have passed through the so-called training programs.

How many of those millions, which have cost so many taxpayers so much, are still working? No one knows. What are they earning because of their new "skills"? Nobody knows.

There is one series of reports issued by the General Accounting Office which in gentle jargon appears to say that mighty few of the training programs actually operate.

For example, there's something called Manpower Training Skill Centers. GAO says with characteristic but unimpeachably honest understatement: "There is a need for changes in procedures for funding a center; improving the selection of individuals for training, improving the management information system and the (Labor) Department to more adequately monitor centers' program operations."

Which means there's something wrong with the money input and outflow. And the wrong people are being trained. And there is need for closer supervision.

In a sense virtually all the manpower-training programs suffer from the same bureaucratic disease. There is "JOBS"—Job Opportunities in the Business Sector. There is WIN—Work Incentive Program—and the Neighborhood Youth Corps and the Job Corps. And a string of evangelistic, drum-beating, heavily staffed, heavily financed operations with electrifying acronyms for names. Trouble is they're not really working right according to GAO, Joint Economic Committee members and any cop on the beat.

So time has come for Congress and the citizenry to forget being diplomatic about dollars spent, wasted, looted, or lost in the "great crusade."

Let's tell it like it is: Billions are being wasted and the disadvantaged get no advantages, life isn't softer for the hard core, and most of the benefits go to the professional crusaders, politicians and skill peddlers who have turned the training into a big business.

THE ROCKY PATH OF FEDERALISM—OUR DUAL SYSTEM OF COURTS

Mr. ERVIN. Mr. President, Robert H. Hall, the presiding judge of the Georgia Court of Appeals and the current president of the American Judicature Society, has written an illuminating and interesting article entitled "The Rocky Path of Federalism—Our Dual System of Courts," which was published in volume 23, No. 3, of the Mercer Law Review.

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

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

THE ROCKY PATH OF FEDERALISM—OUR DUAL SYSTEM OF COURTS*

(By Judge Robert H. Hall**)

That great observer of the American scene, Alexis de Tocqueville, began his discourse on the judicial power with a remark which describes my feeling on approaching this subject. He said: I am at a loss to explain the political action of the American tribunals without entering into some technical details of their constitution and their forms of proceeding; and I know not how to descend to these minutiae without wearying the curiosity of the reader by the natural aridity of the subject, or without risking to fall into obscurity through a desire to be succinct. I can scarcely hope to escape these various evils.[1] I hope you will bear with me as I also try to navigate between the banks of aridity and obscurity. And I must begin, I fear, from the port of generality.

From the time of its inception, our peculiar form of federal government has been regarded as one of the most complex in

Footnotes at end of article.

the world. It was created by what we now consider as the ablest political thinkers of any generation. Its form was a result of their skill at compromise. About the only point of agreement of the delegates to the Philadelphia Convention was that government under the Articles of Confederation had not worked, but the opinion about what to do ranged from minor amendment of the Articles to the creation of a completely national government. The resulting compromise was unique to history at that point. The states were to be neither completely sovereign members of a confederacy nor administrative units of the new national government. Madison supplied the philosophical underpinning of the new form by his concept of the sovereignty of the people and their direct relationship to the national government. The people were creating the government, even though the mechanism of ratification was the states.[2]

This semi-mystical notion of dual and partially limited sovereignty between the states and federal government was scarcely off the ground before it came under fire. The doctrine of interposition was born before the decade was out and although a civil war settled the issue for practical purposes, its ghost still walks from time to time. Nevertheless, while our discussions about the nature of our federalism have tended to remain rooted in the patterns of the 1780's, the reality has changed. We have become an increasingly centralized nation because strong social and economic forces have impelled it. The power of the federal government has grown beyond anything Hamilton might have imagined; but we must remember that most of the limitation on that growth have been made by the federal government itself. Beyond the first surge of expansionism in the early 19th century and a brief period in the early 20th century, the Supreme Court and Congress have more often than not been highly solicitous of state rights. The states now have the widest latitude in most areas of governmental activity. For example, no state economic regulation has been held unconstitutional on due process grounds in well over 30 years[3] and certain decisions of the Supreme Court this past year are filled with language which would have warmed Calhoun's heart.[4] I will mention other, more technical, limitations later.

Nevertheless, there is a new form of federalism in the process of emergence. It is not a renaissance of the classical concept of state sovereignty, despite some of the rhetoric that has accompanied the public discussion. Rather, it is a way of problem solving based on the realization that everything cannot be cured in Washington—that there is a point of growth in central administration beyond which there is no sensitivity, creativity, or effectiveness. The emphasis is pragmatic. Delegation back to the grass roots is a more effective way to deal with certain problems, but the grass roots, in this sense, are not necessarily the traditional political entities.[5] There is no need to list the ever increasing number of subjects which refuse to be bound by city, county or state lines.

We therefore find ourselves in the process of both philosophical and practical change in the nature and workings of government; but our court systems are still operating under the old forms and largely without any serious re-examination. We know we have problems, but the proposed solutions have been of the minor readjustment variety. I believe it is safe to assume that for the near future no radical reform will occur in the form or distribution of judicial power, just as it is safe to assume that the states are not going to be imminently abolished. With evolution in mind, therefore, I will turn to the subject of our concurrent court systems.

Two important ideas underlie any discussion. The first is that our dual systems of state and federal courts is also unique. No other federal government has chosen to emulate our example. The general idea has been that it is unnecessarily complex. I might add that foreign observers are not the only ones who think so. The second important point is that our courts occupy a more powerful place in the political process than in any other country. This is a result of a number of factors: that we began our federal experiment with a basic distrust of government; that we operate under written constitutions which are power *limiting* in nature; and that we have developed the unusual concept of judicial review of the other branches of government.[6] A Canadian commentator described this in an amusing way.

"The people manifestly do not trust their lawgivers and they have therefore loaded their constitutions with prohibitions intended to prevent the legislature from doing most of the things which it would normally wish to do. The legislature is like a servant who is not entrusted with the keys to the cellar or the garage, for fear lest he might help himself and accommodate his friends. Now one of the main functions of the judge in an American state is to keep an eye upon the legislature. The people cannot do this themselves, and he must discharge this duty on their behalf." [7]

The writer, of course, points out that it is conceptually impossible for courts to declare legislation unconstitutional in a parliamentary system where the legislature is deemed to be the complete expression of popular sovereignty. I would also add, for those of us who think there is something unprecedented in the recent political activism of the judiciary, that de Tocqueville said in 1835 that Americans are inclined to turn any political question into a lawsuit.

Our court systems developed in the same way as the general scheme of federal government—as the result of our own colonial history and as the compromise of the many cross currents of thought born of that history. For example, there was never any real question that the national government ought to have judicial power or the types of jurisdiction appropriate to it. This was vested in the Supreme Court by article III. There was considerable debate, however, over the necessity or desirability of inferior federal courts.[8] The constitutional provision which empowered Congress to establish them was yet another of the compromises of the Philadelphia Convention. Many of those who supported the provision didn't believe that Congress would actually rush into doing anything about it. The feeling was strong that the existing and complete systems of state courts could adequately deal with any claim of federal right, with ultimate review in the United States Supreme Court if necessary. Only a few voices suggested that the real possibility of conflict between general and local policy would make the state courts inappropriate to administer national laws.[9]

However, the first Congress did act to establish inferior courts. The Judiciary Act of 1789 was, once again, the result of compromise. Admiralty and maritime jurisdiction had been made exclusive to the national judicial power. A basic agreement that lower courts were necessary to exercise it had grown during the ratification interval; but whether they should be granted any other constitutionally authorized jurisdiction was hotly debated. Today it may seem surprising that Congress finally decided to grant these courts diversity jurisdiction but not federal question. Again, the feelings of the day have to be examined. What we could call xenophobia was common. The national thinkers were the exceptions. People were more than willing to trust their own state courts to deal with their rights as national citizens, but not to trust another state court to deal fairly with them in any matter. The theory has also been advanced that the original basis for diversity was not regional but rather class bias, *i.e.*, that federal judges would be of the propertied class and would be more sympathetic to interstate commercial litigation.[10] It was not until 1875, and in the wake of the great national feeling born of the Civil War that the inferior federal courts were clothed with federal question jurisdiction.

This set the stage for two developments. The most far reaching was the implementation of the strong centralizing and unifying tendencies of national law by judicial expression and enforcement. In other words the federal courts became powerful nationalizing instruments. This new role, of course, made the existence of dual systems even more complex and greatly enlarged the areas of friction between them.

That the two systems would necessarily have large areas of concurrent jurisdiction was recognized very early. Hamilton wrote:

"The judiciary power of every government looks beyond its own local or municipal laws, and in civil cases lays hold of all subjects of litigation between the parties within its jurisdiction, though the causes of the dispute are relative to the laws of the most distant part of the globe. . . . When in addition to this we consider the state governments and the national governments . . . as parts of *one whole*, the inference seems to be conclusive that the state courts would have a concurrent jurisdiction in all cases arising under the laws of the Union, where it was not expressly prohibited." [11]

Since that time, the principle has been continuously reiterated that the state courts share the duty of enforcing federally created rights and obligations; and, of course, the same duty rests on federal courts. Diversity litigation is the most obvious, but even in federal question cases there are often significant issues of state law as well.

Therefore, while concurrent jurisdiction in the broad sense is necessary, given a dual court system, we must also find ways to rationally divide the work load between the two systems. As a practical matter it cannot be done by simply determining whether a case is state or federal in nature. There is too much overlap. On the other hand, the various methods we have employed to sort out cases have led to confusion and inefficiency in some areas and to friction and hostility in others.

Perhaps the most obvious example of inefficiency is diversity litigation. Judge Wright of the United States Court of Appeals believes that its practice under *Erie* squanders the resources of the federal judiciary. When state law is not clear, exhaustive research and analysis is required to predict what the state court would do and then the result merely settles the immediate dispute. It fails to achieve that other important objective of a legal decision, *i.e.*, establishing a precedent and organizing a body of law. He also believes it retards the formation and development of state law by postponing issues until another appropriate case comes to the state court.[12] The most extreme version of the doublethink necessary under *Erie* is in determining conflict of laws rules. There the federal judge must decide what he thinks the forum state would think that another state would think "on an issue about which neither has thought." [13]

The reverse side of the coin is the problem of the state judges who must decide cases arising under federal statutory law, *e.g.*, Federal Employer's Liability Act, Fair Labor Standards Act, Jones Act, and Miller Act. Jurisdiction over these matters has been

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made specifically concurrent by the statutes. The problem here is also one of determining what the law is. Even when they originate in the federal courts, these cases rarely get beyond circuit level. The state judge is faced with conflicting decisions among the circuits and the states. He can only choose among them at his peril. The result is a lack of uniformity even within a circuit. There is also a similar inefficiency because the state judge does not see enough of these cases to develop an expertise. He must necessarily spend more time than usual in research and analysis. Finally, he faces some procedural quirks which may not have any solution. For example, forum shopping across state lines is possible in FELA cases because the employer, usually a railroad, is amenable to suit nearly everywhere. Without a state doctrine of forum non conveniens, how does a state judge dispose of a suit which clearly does not belong in his court?

So far I have mentioned situations which are wasteful and confusing, but do not often cause conflict between the systems. However, there are other areas in which concurrent jurisdiction is highly abrasive to state-federal relations. The oldest and most obvious one is the Supreme Court's power of review over state decisions which conflict with federal law or the Constitution. However repugnant it may be to a state, the power to resolve these conflicts follows naturally from the supremacy clause, and indeed is inherent to our federal union itself. The issue of direct review has long since been settled [14] although it is sometimes discussed as if the question were open. Much more annoying to the states is the review exercised by the lower federal courts in certain instances. I will return to that in a moment, but first I want to mention another category of cases which Judge Moore of the Second Circuit calls "the ships that pass in the night group." [15] These are the parallel suits in each system which have different results. A recent, well publicized illustration was the tug-of-war played by the courts with the Braves baseball team. Would they play in Atlanta or Milwaukee? A more classical example is the embroiled parallel litigation surrounding the amours of a Nevada Senator which ultimately resulted in the shooting of a California judge by the bodyguard of a Supreme Court Justice. The second round of confrontation occurred when the federal court enjoined the bodyguard's prosecution for murder in the state.[16] Possibly the only remedy for these cases is the discreet use of abstention or res judicata. Certainly injunctions, even in the limited instances where they are available, act as exacerbating influences.

The power of a lower federal court to enjoin state courts or officials from enforcing state civil or criminal laws on the basis of their unconstitutionality is, of course, a prime area of friction. Possibly because of fears for the independence of state judicial systems, a federal anti-injunction statute was first enacted in 1793. Over the course of time, however, many exceptions to it were carved out, culminating in the famous case of *Ex Parte Young* in 1908.[17] It vividly demonstrated the power of one man to negate state regulatory measures passed by representatives of the people for their protection. The public's reaction was hostile and the result was the passage of the Three Judge Court Act,[18] a compromise which allowed the retention of certain federal injunctive power. It seems clear, however, that despite the limitations and safeguards contained in both the present anti-injunction statute [19] and the three judge court, the potential for abrasive interference can only be mitigated by court developed rules of comity and the desire of the federal bench to interfere no more than absolutely necessary to enforce the Constitution uniformly across the country. But how much is "no more than necessary?" Judge Moore suggests that the decision of the Supreme Court that an apportionment plan adopted by popular referendum was unconstitutional falls in a shadowy area.[20] He queries:

"If the people of the state were happy with moderate malapportionment, should they be permitted to remain that way, however benighted the Supreme Court may have thought them?" [21]

Among the problem areas of federalism, possibly the most acute is dissatisfaction with the habeas corpus jurisdiction of the federal courts over state prisoners. State judges believe it a violation of the dignity due the state's highest courts when they are, in effect, reversed by a single federal district judge. Prosecutors believe it impedes the administration of criminal justice. Even the federal judges are unhappy because the large volume of frivolous applications of the past ten years has severely burdened their work load.

One important fact needs to be emphasized now. Discussions of federal habeas corpus have often proceeded on the false assumption that the whole thing is a device dreamed up by the United States Supreme Court, willingly abetted by the district courts. The jurisdiction was, of course, first granted by an Act of Congress in 1876.[22] On many occasions since then, proposals have been made to limit or even abolish it for all practical purposes.[23] The proposals have been backed by the Conference of Chief Justices and other similar prestigious groups. In each case, and after full consideration, Congress has refused to abrogate the jurisdiction. The 1966 amendments were little more than legislative recognition of the methods and standards developed by case law and already used by the judges to screen applications.

While there is room for debate concerning the necessity or efficiency of present habeas procedures, the point I have been making is that it must be directed to the legislative branch. The chief role of the Supreme Court has been to establish definitively the existence and scope of the power in the federal courts *under the Act*.[24] However, the rapid increase in the volume of applications is mainly due to the steady incorporation of federal constitutional protections into state criminal systems by way of the series of fourteenth amendment-due process cases of recent years.[25]

It seems clear that Congress believes that the existence of the remedy is essential to maintain minimum, uniform standards of due process in criminal procedure throughout the country and that considerations of federalism, however important, do not outweigh this necessity. It is interesting that in Canada, criminal procedure has always been a matter of dominion law although the substantive criminal law is both provincial and dominion. Justice Shaefer of Illinois has said that "the quality of a nation's civilization can be largely measured by the methods it uses in the enforcement of its criminal law" and that to the people of the world, "the criminal procedure sanctioned by any of our states is the procedure sanctioned by the United States." [26]

It seems likely then, that the federal habeas corpus remedy will be retained until a uniform criminal procedure exists in this country, both in letter and application. Appellate review by the Supreme Court is not a practical alternative for a variety of reasons. The approach should therefore be to devise a better form of the remedy—and which will take account of both federal bench work load and state court sensibilities.[27]

Now that I have outlined the various problem areas, I would like to mention some recent developments which tend to mitigate, and reforms which have been proposed, including some of my own.

The diversity jurisdiction of federal courts has come under increasing fire by legal scholars in recent years. It is widely asserted that the local prejudice which gave rise to the jurisdiction originally no longer exists. The American Law Institute has made an extensive study of the subject. Its draft proposals have been published under the title "Study of the Division of Jurisdiction between State and Federal Courts." Although there are many minor changes which would affect the volume of diversity litigation, the chief one would abolish the right of a plaintiff to institute an action in the federal court of his home state. The rationale is that while there is still a risk of bias against a litigant from a distant part of the country, the justification for diversity jurisdiction to protect him does not support its initial invocation by an in-state resident. In other words, the resident cannot claim he is prejudiced by having to use his own state courts. The American Law Institute proposal is a compromise of sorts, since it would remain approximately 50 per cent of the diversity cases. It has, however, received little support and a lot of criticism from the bar. The feeling is widespread that federal courts are better in every way and practitioners do not want to relinquish the option to use them.[28] Judge McGowan has characterized the proponents of this position as those successful members of the bar who make states' rights speeches by night but want to try their cases by day in the federal courts and who, therefore, make of professional interest and convenience a standard for the allocation of jurisdiction between the dual systems.[29]

I would also suggest that the assumption of superiority is no longer based completely on reality. The federal blue-ribbon jury is a thing of the past. In some states the judicial system has been upgraded to federal standards by comparable staffing and salaries. Where effective merit selection is practiced and discipline and removal commissions exist, they may even be better. The time may yet come when there will be no particular advantage to choosing a federal court in the vast majority of cases based on state law. Then diversity jurisdiction can be dropped by consensus.

In the meantime, the American Law Institute proposals are a reasonable start to solving the difficulties of diversity under *Erie* which I mentioned earlier. They ought to be backed by everyone who is concerned with the efficient administration of justice. I should also mention another, independent factor which is operating to diminish the importance of diversity litigation. That is the shrinking of state law's traditional subject matter because of the rapidly expanding federal coverage through pre-emption and federal common law.

The American Law Institute study also resulted in several proposals which would expand federal question jurisdiction, chiefly by abolishing the monetary limitations and by permitting defendants with a substantial federal defense to remove. The justification here is that uniformity in federal law is not only crucial, but much more likely to be had within the single system. There has been little opposition to these proposals, although no great haste to implement them either. In one respect, though, I believe they fall short. The American Law Institute recommends the retention of concurrent jurisdiction (which in some instances carries a statutory prohibition against removal) in those cases which grow out of federal statutory law, such as FELA. There was apparently no consideration of the difficulties for the state judge I described earlier. It seems to me there is also a lingering assumption that federal courts are, in fact, superior and should not be burdened by minor claims. I would

Footnotes at end of article.

make a counter-proposal. If the district courts do not want the business, then there should be federal small claims courts. The federal government can certainly afford to provide these forums better than the states, and the clarity and uniformity rationale is just as good here as in federal question jurisdiction generally. A pattern for lower judicial officers already exists in the referees and magistrates and a pattern of expeditious procedure in the Tax Court. There is no reason why another variation could not be used in these types of cases.

Several other recent developments should be mentioned which act to ease state-federal friction. One is the series of Supreme Court cases decided this past year which drastically limits federal court intervention in state criminal matters to those situations where the state trial courts are powerless to provide the relief necessary to protect constitutional rights.[30] The only apparent example of such a situation so far is massive bad faith harassment by state prosecuting and police officials.[31]

Another development is the unusual form of abstention practiced in the Fifth Circuit which extends to diversity cases involving only an unclear issue of state law. The doctrine was enunciated in a 1964 case, *United Services Life Insurance Co. v. Delaney.*[32] The basis seems to be a desire to let the state courts always have the first shot at deciding questions of state law. While the idea may be sound for state-federal harmony, the method is doubtful. Even traditional abstention in federal question cases is not in favor today because of the extra cost and delay entailed in the second action. The American Law Institute has proposed an abstention doctrine for the district courts which would limit its use to a fairly rigorous set of conditions.

A more promising way to achieve the same result is the certification procedure. Six states, including Florida, now have some method which allows their courts to decide controlling issues of state law certified to them by federal courts. The advantage of this method is the potential for a rapid and inexpensive determination of the issue by the state court. However, it has not always worked this way in practice. Obviously, the attitude of the state court toward the procedure will have an effect, as will other factors such as its backlog of work.

How to deal with habeas corpus is, of course, the knottiest problem. It is clear that any change in method which adds appreciably to the workload of the federal bench will be unacceptable to Congress. For example, a proposal to require a three-judge court for any proceedings beyond the initial screening was rejected in 1966. If anything, the wind is blowing in the opposite direction. In order to deal with the volume, the federal courts could quite reasonably ask for authority in the magistrates to make the preliminary determination, with the right of appeal to the district judge. This will do nothing to ease relations with the state courts, however. I would like to suggest an alternative which I believe strikes a balance between the need to handle the applications more efficiently in the federal system and the need to reduce the obviously real vexation of the state courts with the remedy. When we analyze the problem, it becomes clear that the only dissatisfaction is with the case in which the writ is granted, not those which are terminated in some other way. Statistically, these cases are hardly significant. In fiscal 1969–70, only .01 per cent of the applications were granted nationally; .007 per cent in the Fifth Circuit; and .02 per cent in Georgia. In actual numbers, we are talking about only twelve grants for the entire Fifth Circuit in 1969–70. In the interest of state-federal harmony it would seem reasonable that in those few cases where the district court judge (usually after a hearing) determines the writ should be granted, the record should be certified to and reviewed by a panel on the circuit level, with the writ actually issuing there. It seems a very small price to pay for the smoother working of the dual systems.

Finally, I would like to sail completely into the blue and question the necessity of two systems at all today. The peculiar circumstances of 1787 no longer exist and other similar federal governments feel no good for such a complicated court structure. The judiciary of Canada and Australia derive authority from an undivided national sovereignty and administer the law of the nation, whether the law is federal or provincial in origin. Along similar lines, Justice Garwood of Texas once proposed a single system for this country, with the judiciary selected and paid for jointly. The suggestion is not absurd. We have, in fact, been tending that way philosophically if not structurally. But it is the structure which causes the trouble. If a recalcitrant court system is ordered, in effect, to apply certain law by another system, there is more resentment than if a particular judge fails to perform his clear duty and is reversed by a higher court in his own system.

We are a long way from such a solution, however, just as we are a long way from full implementation of the new federalism. In the meantime, each system must look for ways of accommodation with one another. Judge Roberts of Pennsylvania, when addressing the judges of the 3rd Circuit, sounded this same note. He recognized that with *Erie*, the federal judiciary had led the way in easing tension; and that just as it:

"Realized that within a given state the common law should be uniform as to all litigants, so also should we of the state judicial system accept the principle . . . that with respect to certain procedural requirements of due process, the entire nation is but "one state." [33]

With an attitude of cooperation, open channels of communication, and some imagination for new ways of doing things, the two systems should be able to continue justice in this rapidly changing world until we reach a consensus on a replacement.

FOOTNOTES

*Sidney W. Hatcher Memorial Lecture, delivered at Mercer Law School, March 23, 1972.

**Judge Hall is Presiding Judge of the Georgia Court of Appeals and current President of the American Judicature Society.

[1] A. DE TOCQUEVILLE, DEMOCRACY IN AMERICA ch. VIII, *The Federal Constitution.*

[2] THE FEDERALIST No. 39 (Madison); W. BENNETT, AMERICAN THEORIES OF FEDERALISM (1964).

[3] Wisdom, *Frictionmaking Exacerbating the Political Role of the Federal Courts,* 21 Sw. L.J. 411, 416 (1967).

[4] *See, e.g.,* Younger v. Harris, 401 U.S. 37 (1971).

[5] C. MCGOWAN, ORGANIZATIONAL OF JUDICIAL POWER IN THE UNITED STATES (1969); Wright, *Federal Courts and the Nature and Quality of State Law,* 13 WAYNE L. REV. 317 (1967).

[6] THE FEDERALIST No. 78 (Hamilton); Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803).

[7] SMITH, FEDERALISM IN NORTH AMERICA 120 (1923).

[8] For a general review of the history of the establishment of inferior federal courts, *see* [5] C. MCGOWAN, ORGANIZATION OF JUDICIAL POWER IN THE UNITED STATES (1969).

[9] THE FEDERALIST No. 81 (Hamilton).

[10] Frank, *Historical Bases of the Federal Judicial System,* 13 LAW & CONTEMP. PROB. 3 (1948).

[11] THE FEDERALIST No. 82 (Hamilton) (Emphasis added).

[12] *See* Wright, *Federal Courts and the Nature and Quality of State Law,* 13 WAYNE L. REV. 317 (1967).

[13] Nolan v. Transocean Air Lines, 276 F.2d 280, 281 (1960).

[14] Martin v. Hunter's Lessee, 14 U.S. (1 Wheat.) 304 (1816).

[15] Moore, *State and Federal Judicial Conflict,* 39 N.Y.S. B.J. 292 (1967).

[16] *See In re* Neagle, 135 U.S. 1 (1889).

[17] 209 U.S. 123 (1908).

[18] 28 U.S.C. § 2281 (1970 ed.).

[19] 28 U.S.C. § 2283 (1970 ed.).

[20] Lucas v. Forty-Fourth General Assembly of Colorado, 377 U.S. 713 (1964).

[21] Moore, *State and Federal Judicial Conflict,* 39 N.Y.S. B.J. 292, 297 (1967).

[22] Present 28 U.S.C. §§ 2244, 2254 (1970 ed.).

[23] For a good history of federal habeas corpus, *see* Schaefer, *Federalism and State Criminal Procedure,* 70 HARV. L. REV. 1 (1956).

[24] Towsend v. Sain, 372 U.S. 293 (1963); Fay v. Noia, 372 U.S. 391 (1963); Brown v. Allen, 344 U.S. 443 (1953).

[25] Hopkins, *Federal Habeas Corpus: Easing Tension Between State and Federal Courts,* 44 ST. JOHN L. REV. 660, (1970).

[26] *See* Schaefer, *Federalism and State Criminal Procedure,* 70 HARV. L. REV. 1, 26 (1956).

[27] *See* Bell, *State Courts and the Federal System,* 21 VAND. L. REV. 949 (1968).

[28] Compare Field, *Diversity, a Response to Judge Wright,* 13 WAYNE L. REV. 489 (1967) *with Wright, Federal Courts and the Nature and Quality of State Law,* 13 WAYNE L. REV. 317 (1967).

[29] C. MCGOWAN, ORGANIZATION OF JUDICIAL POWER IN THE UNITED STATES 86 (1969).

[30] Younger v. Harris, 401 U.S. 37 (1971); Samuels v. Mackell, 401 U.S. 66 (1971); Boyle v. Landry, 401 U.S. 77 (1971); Perez v. Ledesma, 401 U.S. 82 (1971).

[31] For a discussion of the import of these cases, *See* 59 CALIF. L. REV. 1549 (1971).

[32] 328 F.2d 483 (1964), *cert denied,* 377 U.S. 935 (1964).

[33] Roberts. *A State Judge Looks at the Federal Courts,* 116 U. Pa. L. Rev. 468 471 (1968).

CHALLENGE TO CONGRESS

Mr. McGOVERN. Mr. President, columnist Mary McGrory has written a provocative piece which appears in yesterday's Washington Star relative to the current struggle between the Congress and the President. This is a subject to which I addressed myself at some length in a recent speech at Oxford University. It is a subject that should be of vital interest to all of us.

I ask unanimous consent that Miss McGrory's article be printed in the RECORD.

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

[From the Washington Star-News, Feb. 18, 1973]

THE UNCERTAIN KNIGHT

(By Mary McGrory)

The Encyclopaedia Britannica, in its section on "tournaments," is perhaps as enlightening a source as any on why, in the present joust between the White House and the legislature, so little money is being put on Congress.

The Britannica tells us of the knightly ritual on the eve of the meeting. The newly dubbed knight spends the night in the chapel, his weapons on the altar. In the morning, there is the caparisoning of the horse, the polishing of the armor, the donning of it piece by piece, the visor, the lance rest, the greaves. The squires wearing the knight's device study the order of battle. The

call goes out for the trumpeter to announce the opening of the engagement.

Except that when the trumpet sounds on Capitol Hill, it's often for milk and cookies. Just as all is in readiness for the big clash, time out is called. Congress gets down from its horse, removes its armor, puts it back in the armory and prepares to go home to see the folks and tell them what it's been doing.

The adversary in the White House, of course, never gets off his horse. He is always battle-ready. Wherever he goes, to San Clemente, to Key Biscayne, the White House goes with him. If he wishes to talk to the country, he raises a hand for four netweeks to convene at once.

Congress clattered into town on Jan. 3, fire in its eye and on its tongue. It was, according to the Congressional Quarterly, one of its chief chroniclers, "in a defiant mood." But 23 meetings later, it was in recess.

There had been much snorting and posturing in those first days. The Christmas bombing still hung on the air, and there was rage under the dome, and high talk. If the President didn't end the war, Congress would.

But not right away, of course. They could hardly do anything before the Inauguration, could they? It would have been a breach of chivalry for which they never would have forgiven themselves.

The President ignored them, went forward with his plans and, when it suited him, dispatched his squire, Henry Kissinger, to Paris to make peace. Considerably deflated, the knights turned their attention to the budget. "He can't do this to us," they fumed.

In the debate over the confirmation of Caspar W. Weinberger, the President's cheese-paring choice for secretary of HEW, the agency that takes baskets to the villagers, Sen. Harold Hughes, D-Iowa, pictured the problem vividly.

"When they say to the people that we cannot afford to do anything for the ones who must rely on themselves, they are talking about the aged, the little old lady sitting in a room somewhere and eating boiled eggs for lunch . . . the children of the country, the poor, the disabled, the alcoholic and the drug addict. These are the people that this administration thinks are contributing to the inflation and the spending."

But only 10 senators, including Hughes, voted against Weinberger, because, as Sen. Jacob Javits, R-N.Y., put it, "We ought, if we can, to give the President those he wants for his Cabinet."

You never hear anyone saying that the President ought to yield to congressional wishes, or that it is impolite or discourteous of him to impound funds they have appropriated or to slash programs they have voted.

The presidency is a popular institution these days, whether the holder of it is personally popular or not. Richard Nixon understood that very well when in the recent campaign he ran as an office, not as a man.

Mostly because of the war, Congress has the image of a dithering, nattering assemblage of anxious conformists, snarled in protocol and haunted by what the neighbors will say.

Actually, it is one of the functions of the President to explain himself, to define the country's actions and goals. But this President spends less time explaining himself than any in recent memory, and Congress, which has ceded him so much power, has assumed his responsibility of defending, expounding and exhorting.

After the Lincoln Day rhetoric of the Republicans, there will be another rhetorical interlude for the Democrats' Jefferson-Jackson Day, and that will be followed by an Easter recess.

Congress spends an inordinate amount of time getting on and off its horse. Maybe if it would just sit through the winter and spring like a state legislature and spend more time acting, it would in time acquire the momentum, cunning and vigilance to give the President the sense that he has formidable opposition in a tournament that has yet to be joined.

NATIONAL DEFENSE WEEK, 1973

Mr. DOLE. Mr. President, I wish to place in the RECORD remarks by the President of the United States commending National Defense Week. As George Washington said:

Every citizen who enjoys the protection of a free government owes not only a proportion of his property but even of his personal services to defense of it.

Along with all patriotic Americans, the Reserve Officers Association of the United States, is observing National Defense Week, February 12–22, honoring the birthdays, respectively, of Abraham Lincoln and George Washington, the latter being the Nation's first citizen-soldier.

President Nixon has declared:

The patriotism and self-sacrifice of our people in time of crisis have fortified our democratic society and helped to preserve and perpetuate the freedom we cherish.

On the occasion of National Defense Week, February 12–22, 1973 it is most fitting that we honor the valor and vigilance of our citizens in uniform. Their loyalty and determination have been invaluable throughout our nation's history. And no where has their courage been more in evidence than at the recent signing of the Truce in Vietnam.

As Commander-in-Chief of our Armed Forces and on behalf of all my fellow Americans, I extend deep appreciation to the members of the Reserve Officers Association. I salute your stalwart support of our efforts to secure a just and honorable peace, and I commend your perpetuation of the National Defense Week observance as a civic tribute to all those who have upheld the security and strength of our nation.

RICHARD NIXON.

LET LITHUANIA BE FREE

Mr. PASTORE. Mr. President, February is rich in American history as we observe important birthdays—that of Washington who led us to life, liberty and the pursuit of happiness—and that of Abraham Lincoln who gave "life and liberty" a meaning for all enslaved people, regardless of race or color or creed.

America is composed of the contributions of many other nations who have given us of their manhood and womanhood to build us to the world power of which we boast.

This month of February the sons and daughters of a particular nation—Lithuania—look back to its ancient days of glory and its more recent days of a newly achieved independence—now submerged by the mailed fist of Moscow.

The student of history reminds us that when America was discovered, Poland and Lithuania, united under the same ruling family, was the largest and most powerful country in Eastern Europe with a proud record of cultural greatness and political achievement.

In the course of time, Lithuania came to know conquest and subjection to foreign will. But 55 years ago there was a rebirth of freedom.

Today is the 55th anniversary of Lithuania's Declaration of Independence.

This day is being celebrated the world over—everywhere but in Lithuania.

Today Lithuania is occupied by the powers of the Soviet Union and its freedom and human rights have been savagely destroyed.

However, the dream and desire for Lithuanian liberty has not died out. Moscow cannot annihilate the Lithuanian courage. In the past year 17,000 Lithuanian Catholics dared to petition the United Nations with charges of Moscow's religious persecution and oppression.

That is only one sample of a nation's spirit that can never be conquered.

Lithuanians look to the approaching European Society Conference in hopes that self-determination may again be a people's right.

They remember the Bermuda declaration of December 8, 1953, in which the President of the United States and the Prime Ministers of France and Great Britain declared that "they cannot accept as justified or permanent the then division of Europe."

Lithuanians remember the Washington declaration of June 29, 1954, in which President Eisenhower and Sir Winston Churchill stated, in the name of their Governments, that they will not be a party to any arrangement or treaty which would confirm or prolong the subordination of the formerly sovereign states of central and eastern Europe now held in bondage by the Soviet Union.

Yes, Lithuanians remember those wonderful words, and they wonder if we have forgotten.

We say "We do remember" and on this February day we affirm the American state of mind—that we will reject any solution of European problems that would prejudice the right to freedom of Lithuania.

We are mindful of the character and patriotic contributions of the Lithuanians we treasure as fellow Americans, and neighbors.

Our hearts go out to their homeland and they will have every possible help from us in Lithuania's struggle for decency and dignity—for liberty and for life itself.

RURAL PRACTICES AND NATIONAL SOCIAL POLICIES

Mr. ABOUREZK. Mr. President, in the months and years ahead, I hope to participate in taking the discussion of rural policies and practices out of their narrow, parochial channels and to put that discussion into the context of national social policy.

The penalty for shortsightedness is bad policy. As far as rural America is concerned, across the board, we have been too limited in our vision.

Mr. Richard Margolis has focused his considerable literary talent upon that shortsightedness and the penalty for it, and brings to light a new term for the disease, "Metropollyana," in the February 5 issue of The New Leader.

I ask unanimous consent that Mr. Margolis' thumbnail sketch of the problem be printed in the RECORD.

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

STATES OF THE UNION—METROPOLLYANA AND RURAL POVERTY

(By Richard J. Margolis)

We suffer in this country from metropollyana, a profane and all but universal belief in the City Triumphant. The word, though not the myth, was invented by Clay Cochran, director of the Rural Housing Alliance, one of the few organizations still raging against urban fatalism. Nearly everyone else, including farmers and their spokesmen, shares the grand illusion.

Secretary of Agriculture Earl L. Butz, for example, recently offered this apologia: "When I said we were going to have upwards of a million fewer farmers in 1980, that didn't mean necessarily that I approved of that. I simply was reporting what was going to happen. I think it is inevitable."

Even the late Charles Abrams, an urban specialist yet no slouch of a social critic, felt compelled to concede the inevitability of world-wide urbanization, and to argue that it was all for the best—in fact, that it might foretell an era without wars. Since we are no longer competing for tillable land, Abrams reasoned, and have learned instead to live together in municipal compactness, we may soon "lay to rest the *Lebensraum* concept that has perennially arisen to threaten world peace." That is metropollyana on a global scale.

Fatalism frequently masks bad social policy. In the United States we virtually ignore the miseries of 14 million impoverished rural people, on the grounds that they are residing in the wrong place at the wrong time. President Johnson's National Advisory Commission on Rural Poverty estimated, in 1966, that one out of every four nonurban citizens was poor. "In the poverty areas of rural America," the Commission noted, ". . . more than 70 per cent struggle along on less than $2,000 a year, and one family in every four exists, somehow, on less than $1,000 a year."

To learn who gets what in America and who doesn't, we need only examine people's houses, the traditionally folk-gauge of economic and social status. ("They think me unworthy," runs an Indian song, "my Midé brethren,/but look and see/the length of my wigwam.") Bad as the housing is in our cities, it is even worse in our villages.

The figures from the latest census indicate that one out of every seven rural dwelling units is substandard, compared to one out of every 25 in the cities. In round numbers, that means nearly 4 million nonmetropolitan families, or about 10 million rural Americans, inhabit housing that is either substandard or overcrowded, or both. And the Commission on Rural Poverty reports:

More than a million rural houses are unsafe for human occupancy.

Less than one in four farm families have water piped into their homes.

About one-third of all rural families still use privies.

Under half of all nonurban residences have central heating.

There is nothing new here—rural conditions have been bad for a long time and a few souls, like the commission members, have always stood ready with the facts. But not many of us take an interest in the problem of rural suffering, leaving the concerned to cry in the night: "The publicity that has attended the urban housing program during the last few years has aided immeasurably in educating the country to the need for better urban housing. Not enough has been said about similar conditions on the nation's farms." That was written in 1940 by Will W. Alexander, then head of the Farm Society Administration.

He went on to make what has now become a familiar plea, beseeching doubters to go and see for themselves. "Here, then, is the picture of rural housing in America. The city dweller can prove it for himself by taking a drive into the country. Along the main highways one will find many large substantial farm homes. . . . But on the back roads . . . he will see leaky roofs, broken floors, the kerosene lamp, the privy, the smoking fireplace. . . ." Five successive Presidents, all but one born and raised on a farm or in a small town, have made public commitments to our nation's rural poor, yet little has changed since Alexander's day.

Why do we traditionally ignore our farms and villages? In the first place, the concept of the city as magnet has seeped into our collective imagination; we are its unwitting captives. In the second place, cities are centers of political influence and contain large aggregations of wealth and technical knowledge; they are able to assert *metropower*, the brother-in-law of metropollyana. I define metropower as the urban ability, for better or for worse, to control America's social, political and economic destiny.

Our belief in urban inevitability seems to have been confirmed by the migratory torrent from farm to city. It began almost as soon as the United States began. In 1790, the year of the first census, only 3 per cent of the population lived in towns of 8,000 or more; by the end of the 19th century a third of the population was classified "urban." During that century, as C. Vann Woodward has pointed out, "the population of the entire country increased twelvefold; but over the same period the urban population multiplied eighty-sevenfold."

And that was just the start. It has been estimated that since World War II about 1 million Americans a year have moved from farm to city. The shift may constitute one of the most gigantic migrations in the history of man. No wonder people tend to view urbanization as the wave of the future.

There have been forces at work, however, shaping all the colossal patterns—forces like industrialization, capitalization, suburbanization. Beware of trends whose names end in z-a-t-i-o-n: Neither as impersonal nor as inevitable as they sound, they are the consequences of human decisions, made by the same people who invented metropower.

The critical moment occurred early, when Alexander Hamilton's metropolitan pragmatism, or cynicism, conquered Thomas Jefferson's pastoral idealism. From that moment on, with their growing accumulations of wealth and power, cities began to enforce their will.

Not even the Homestead Act of 1862, specifically written to prevent land monopoly by absentee (read "urban") owners, and to head off rampant land speculation, could appreciably alter the drift of affairs. In the country's first 40 years of homesteading, only 600,000 homesteads were patented, accounting for less than one-fifth of all the new acreage that was added to the total land in farms. Few prospective homesteaders possessed either the capital or the know-how to settle the land and wrest a living from it. So speculators from the city moved in and had a field day. And they've been having one ever since.

Everyone knows about the railroads, the banks, the mills—all urban institutions calculated to win a smile from Hamilton's gloomy ghost. These aggregations of metropower first kept people *down* on the farm, and then, ultimately, sucked them into the city.

But we need not belabor the past. The present is replete with examples of metropower policies that throw people off the land and drive them into our teetering cities. Take welfare. Rural families comprise about one-third of the total population, yet HEW allocates only 25 per cent of its health welfare funds to these families. Similarly, the low-income elderly in rural areas make up 46 per cent of the national total, but receive only 38 per cent of Social Security and Old Age Assistance benefits. Should we characterize these discrepancies as inevitable, the legacy of forces too large to oppose? Or should we call them what they really are: the offspring of bad social policy?

Agribusiness is another branch of metropower. At present only 800,000 farms produce 90 per cent of all our food and fiber. This is one of those "historic trends" that experts like Butz view as natural, though in fact the big farms have been pampered and promoted by national policy. Our Secretary of Agriculture has never conceded that present laws encourage creeping "agribus" by offering fat tax shelters and generous depreciation benefits to corporations engaged in farming. Nor has she intimated that his own department wastes millions of dollars each year in research, through stipends to land grant colleges, aimed at mechanizing and automating the nation's farms.

As Jim Hightower observes in *Hard tomatoes, Hard Times*, "Land grant college research is agribusiness research. Projects are designed with agribusiness interests in mind, frequently with agribusiness participation. Whether the need is an irrigation system, a new shaped tomato . . . a chemical solution for processing vegetables, a new food product or an electronic checkout system for supermarkets, land grant researchers stand ready and able to assist, irrespective of other interests in rural America.

The Office of Economic Opportunity (OEO)—hailed only a few years back as the poor man's salvation—provides us with another melancholy example of metropower. A decade ago, it will be recalled, liberal political scientists were noting the existence of two national parties cutting across traditional Republican and Democratic boundaries. The "Congressional party" was said to be conservative, unimaginative and unsympathetic to the poor; the "Presidential party," on the other hand, was considered liberal and humane.

A different picture emerges, though, if these groupings are considered along rural-urban lines. The "conservative" Congressional party, with its heavier farm and small-town representation, retains a sympathy for the rural poor, while the "liberal" Presidential party, dependent on electoral largesse from large industrial states, is urban or suburban in its thinking. The result has been much prorural legislation followed by little prorural administration. A case in point is the alleged "war on poverty."

In the original Economic Opportunity Act of 1964, the Congress called for equitable distribution of OEO funds between rural and urban areas, instructing the OEO director to establish guidelines to insure that the intent of Congress was carried out. To date, OEO has established no guidelines. In 1965 Congress reaffirmed its concern for equitable allocation of antipoverty funds and even wrote in some specific measures aimed at helping to get the job done. None of this had any effect on the bureaucrats at OEO.

In 1966 the Senate Committee on Labor and Public Works reported: "After careful consideration of the nature and scope of program activity in rural areas, the committee has determined that the Congressional intent respecting rural poverty has not been adequately implemented." Although rural areas accounted for 43 per cent of the nation's poverty, continued the committee, they received only 15.5 per cent of all OEO community action funds.

In 1967 Nick Kotz, then a reporter for the Minneapolis *Tribune*, charged that OEO Assistant Director Robert A. Levine "has actively opposed programs to establish housing,

job training and economic development to help the hard-core rural poor stay where they are. He believes these programs are doomed to failure and that migration to the city is inevitable."

The same year, a House committee inserted strong language in its report on amendments to the antipoverty law, calling for an expansion in OEO's rural programs: "The committee wishes to discourage any policy which relies on or might tend to reinforce the migratory flow from rural to urban areas..." Consequently, Congress rewrote the objectives of the community action program to include the following: "It shall not be the purpose . . . of OEO to encourage the rural poor to migrate to urban areas, since it is not in the best interests of the poor. . . ."

Despite this series of clear expressions from the Congress, OEO administrators have made only limited progress toward equalizing assistance to the rural poor. Three years ago OEO officials admitted to Congress that rural programs would account for less than one-fourth of all community action funds spent from 1969 through 1971. And just last month President Nixon casually declared an 18-month moratorium on nearly all of the rural housing funds that Congress had appropriated to OEO and the Farmers Home Administration.

Three patterns of metropower—typified by inequities in OEO and welfare grants, and by Federal subsidies to agribusiness—have engulfed millions of rural Americans, keeping them locked in poverty. And they have been perpetrated not out of a desire for human social policy, but—as Federal officials keep saying—in the name of inevitability. Meanwhile, to borrow from Franklin P. Adams:

> The rich man has his motor car,
> His country and his town estate.
> He smokes a fifty-cent cigar
> And jeers at Fate.

DAVID LAWRENCE—A CREDIT TO AMERICAN JOURNALISM

Mr. HELMS. Mr. President, last week I attended memorial services here in Washington for Mr. David Lawrence. I went in sadness, because I had lost a friend—an esteemed friend, a friend whom I admired and respected, a friend who possessed the kind of decency and integrity and dedication that supplied a goal that others of us could strive to achieve.

Mr. Lawrence was, as Senators know, editor of U.S. News & World Report, a thoroughly credible, always reliable news magazine which thoughtful Americans rely upon each week for a factual review and analysis of the events of our time. David Lawrence gave this publication its noble sense of direction. He imbued it with his personal character. In a very real way U.S. News & World Report is a great publication because David Lawrence was a great man.

Mr. President, I said that I went to the memorial services for Mr. Lawrence in sadness. But I came away inspired and grateful for the life of this man who passed our way. For on that occasion, an eloquent eulogy to David Lawrence was delivered by perhaps his best friend, the distinguished Arthur Krock, who like Mr. Lawrence, brought a certain nobility to American journalism.

This nobility is, sadly, being seriously diminished today by the far lesser men than David Lawrence and Arthur Krock who now control so much of America's journalism. There has been, Mr. President, an appalling drift away from truth and accuracy and responsibility—a drift that was surely depressing to Mr. Lawrence and Mr. Krock, and dismaying to countless other Americans who have had their fill of the kind of journalism that so often has torn at the very fabric of this Republic.

But the tribute paid to Mr. Lawrence by Mr. Krock spells out what American journalism could once more be if it can regain its character, courage, and perspective. I commend it to Senators and to all others willing to invest the time to read an eloquent measurement of the greatness of one American as spoken by another equally great American.

Mr. President, I ask unanimous consent that the eulogy by Mr. Arthur Krock be printed in the RECORD.

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

EULOGY TO DAVID LAWRENCE

(By Arthur Krock)

On December 23, 1963—two days before his 75th birthday—the National Press Club gave a luncheon in honor of David Lawrence. Although we used words extravagantly in my profession, it is not extravagant to describe the occasion as memorable.

It was memorable for several reasons, but two were outstanding. The speaker had accomplished an almost impossible feat. "I've tried to figure out," he remarked, "what it is a fellow can say about himself and remain modest at the end." But he had. Moreover, a member of the audience had arisen to tell David Lawrence something about himself that applies equally to this occasion. "Do you know," he asked David, "that every person here and many more who are absent have a real affection for you?"

But true as the statement was, on this day as well, it enumerated only one of the qualities inherent in David Lawrence that account for the noble contribution he made: as a journalist to the enlightenment of his time, and as a humanist to the store of compassion for the less fortunate that is ever in scant supply. His contribution was substantially professional integrity, personal honor, and courage in serving principle at risk of the loss of a fortune hardly won. For frequently articles under his byline, involving the risk of crippling financial boycott of his magazine were palpably written in full awareness of it.

If the *personal* standards David Lawrence lived by were common to us all, there would be much more evidence to sustain his faith, as he expressed it that day at the National Press Club, the faith that for mankind "there is an inspiration somewhere." If the basic *professional* standard by which he was guided were common to all his contemporaries, the press would be much better armed in defending itself from those who fundamentally and knowingly—and I do not agree there are many such in office—would shackle its freedom to search out and circulate the facts the people are entitled to know.

In using the reservation "entitled to know," I have in mind the widespread position in the press that the people are "entitled to know" *concurrently* all details of a negotiation of government policy, however sensitive or momentous. But, in my judgment, if this procedure had been invoked, for example, by opening to the public the secret sessions by which the writers of the Constitution arrived at the delicate compromises which made the agreed text possible, the National Charter of 1787 would never have been ratified.

As reporter, columnist, editor and publisher, David Lawrence upheld a basic professional standard. It was: in news reporting, to set down coldly the vital statistics of a happening, a condition or a situation and leave judgment of its significances to the reader. If the product were a commentary it should be plainly so marked, and the author's primary mission was to clarify the issues involved, provide all pertinent information, and, with due acknowledgement of the opposing point of view, modestly present his own.

I have tried to recall any column or editorial he wrote in which he turned to the pejorative to buttress his position. Although, two classes after mine, David Lawrence took the same freshman English courses I did at Princeton, under the same professors, he seemed never to have learned any of the parts of speech in the category of abuse. Nor do I recall any column or editorial in which he repaid the source of exclusive information by ornamenting subsequent mention of his name or his source with "able," "forthright," "astute" or any of the expressions by which such repayment is made by some of his colleagues.

Adhering to these standards, as David Lawrence did, does not set the river of print on fire. But it helps greatly to keep that river clean, and sustain the flow of reliable information that serves our government process.

When first I met David Lawrence he was the new boy at the Press Club, relieving me of that lowly status which I had acquired a few months before in the year 1910. The Chief of the Associated Press Bureau in Philadelphia must have had a good eye for promise when he recommended that Lawrence be transferred to Washington. It was not long before the slim, eager young man, with a most agreeable personality, was upsetting the complacent hierarchy of Washington correspondents—some of them wore silk hats then, and carried canes—with exclusive news stories, written with a clarity and personal detachment that won him the highly respected position of Washington correspondent of the New York Evening Post—then a literate newspaper resembling the present one in name only.

To those who knew David only by his journalism it may be surprising to be told that in his youth he was filled with a spirit of merriment, and one which wasn't always "innocent," as Gilbert & Sullivan's "Makido" described his own. I learned of this trait early in our acquaintance. David, being an extra young man around town in the first Wilson Administration, often came to dine with my wife and me. One of these evenings the telephone rang while we were at dinner, and it was not until later that I recalled as an odd circumstance how quickly our guest sprang to answer it. "It's for you," he said, in a tone so lugubrious that I picked up the instrument prepared for the worst, and it was.

The caller's voice was unquestionably, I thought, that of the Member of Congress from Kentucky he identified himself to be, a Member, moreover, whom I knew to be resentful of a news story concerning him that I had sent to my paper, The Courier-Journal of Louisville. "I hereby give notice," were the statesman's opening words, uttered in a resounding shout, "that when next we meet, and I shall see this is soon, I shall disembowel you unless you have retracted that lying article."

I knew from the gentleman's record in various taverns that he was wholly capable of attempting the operation on me—unless by chance his chosen instrument was a gun. But the apprehension that my wife and guest would gather enough from my side of the conversation to conclude I was a coward, a renegade reporter, yielding to threat, impelled me to make something like the following statement before banging down the re-

ceiver: "Sir, you cannot intimidate me, and I will prove this the next time our paths cross."

Suffused with a mixture of fear and personal pride, I returned to the table to find Lawrence doubled up in mirth and my wife disappointingly unimpressed with my heroism. For, as it developed, Lawrence knew, and had informed my wife, that the belligerent who called was not the Kentucky representative at all, but Joe Tumulty, President Wilson's secretary and a close pal of David, the two having planned the joke together.

As age came upon David Lawrence, and fate inflicted on him two of the most poignant griefs in human experience, his youthful sense of merriment was subordinated to a kind of amused contemplation of the pretentiousness that is deeply woven in the fabric of Washington life. This amusement extended to his own ways and works—equally he would turn off compliment or complaint with banter. For, as Disraeli noted, "Those who have known grief rarely seem sad," and so I feel that we should bid farewell to David Lawrence without sadness. For he met his last deadline well in advance, as he had for sixty years, when he arose from his typewriter for the final time.

In his Press Club "talk" he answered one question by saying that "The moral principles Woodrow Wilson expounded in international affairs were . . . the greatest thing I've ever known. . . ." We here today can praise in similar terms the moral principles which David Lawrence, expounded in everything he did, wrote and thought.

I do not *believe* he ever did a petty thing. I *know* he never wrote a petty line.

AMERICAN BAR ASSOCIATION SUPPORTS CONGRESSIONAL STUDY OF PROPOSED RULES OF EVIDENCE

Mr. ERVIN. Mr. President, at its recent midyear meeting in Cleveland, Ohio, the American Bar Association House of Delegates overwhelmingly adopted a resolution urging the Congress to adopt legislation similar to S. 583, which the Senate passed on February 7, 1973, and which provides Congress with the time it needs to consider carefully the proposed rules of evidence for Federal courts prescribed by the Supreme Court on November 20, 1972.

It is my understanding that both Mr. Robert Merserve, the present president of the American Bar Association, and Mr. Whitney North Seymour, a former president of the American Bar Association, expressed strong support for this resolution. As adopted by the house of delegates the resolution reads:

Whereas the Rules of Evidence for the United States Courts and Magistrates, which were authorized to be submitted to the Congress by order of the Supreme Court of the United States, dated November 20, 1972, have never been submitted to any committee of the American Bar Association, and contain new matters which were not included in any earlier draft, submitted or considered by the American Bar Association;

Resolved, that the American Bar Association urges the Congress to adopt legislation such as S. 583, 93d Congress, a copy of which is attached.

Under present law, pursuant to section 3771 of title 18 and section 2072 of title 28, the Supreme Court has authority to prescribe rules to govern procedure in the Federal courts. These rules have the full force and effect of law 90 days after submission by the Court to Congress.

The particular rules proposed by the Supreme Court in its order of November 20, 1972, and subsequently submitted to the Congress on February 5, have caused considerable controversy not only among members of the bar, but among many citizens concerned about their impact on our judicial system and individual liberties. Testimony presented earlier this month to a House judiciary subcommittee, chaired by Congressman WILLIAM HUNGATE, underlined the widespread concern about these rules and the present procedure by which they are to be adopted.

I believe that the Senate acted wisely in adopting S. 583 and am encouraged in this belief by the recent action of the American Bar Association. I am confident that the House of Representatives will act as quickly as possible to insure that Congress has sufficient time to consider the proposed rules.

In addition, I ask unanimous consent to have printed in the RECORD a letter which I have received from Mr. E. Barrett Prettyman, Jr., president of the District of Columbia Bar Association, which also urges Congress to give careful attention to these rules.

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

THE DISTRICT OF COLUMBIA BAR,
Washington, D.C., February 8, 1973.

The Honorable SAM J. ERVIN, Jr.,
Chairman, Constitutional Rights Subcommittee, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: I am writing to you on behalf of the District of Columbia Bar, an organization of all lawyers in the District of Columbia, with respect to the proposed Rules of Evidence for the federal courts.

The District of Columbia Bar has almost 16,000 members. It is the largest Bar of any city in the United States and is larger than the Bar of all but four states. The proposed Rules of Evidence are of vital concern to our membership. A high percentage of all civil cases tried in the District of Columbia are tried in the United States District Court here. That Court also tries more federal criminal cases than any other federal court in the United States. These proposed Rules of Evidence would undoubtedly have a more far-reaching effect on practitioners in the District of Columbia than on lawyers in any other jurisdiction in the United States.

The District of Columbia Bar takes no position at this time on the merits of any of the proposed Rules of Evidence or on whether uniform Rules of Evidence should be adopted at all. We do urge the Congress to give the most careful and painstaking scrutiny to the proposed Rules. It would be unfortunate if the Rules became effective before the bench and bar of the United States and the Congress had adequate time to study them.

We recognize, of course, that the proposed Rules have been approved by the Supreme Court and that this approval warrants a high degree of respect and attention. We believe, however, that in view of the importance of these Rules and the changes they would work, even the Court itself would not object to a careful review by the Congress.

The Rules were the product of a long period of study and went through several versions before they were proposed. They deal with many of the most complex problems of the law, including the hearsay rule, and many of the most controversial, such as governmental privileges to withhold information in litigation. Therefore, it is only appropriate that, before being put into effect, they receive close study by the Congress and all persons concerned with the administration of justice.

We respectfully request that this letter be made part of the record of any hearings conducted on these Rules.

Sincerely yours,
E. BARRETT PRETTYMAN, Jr.,
President, District of Columbia Bar.

ADDRESS BY S. DAVID FREEMAN TO CONSUMER FEDERATION OF AMERICA

Mr. DOMINICK. Mr. President, on January 25, 1973, Mr. S. David Freeman, director of the Ford Foundation energy policy project, spoke to the Consumer Federation of America. To say the least, Mr. Freeman's speech sparked considerable controversy. His rhetoric included such phrases as "windfall profits," "soak the consumer," and "so-called energy crisis."

In the interest of a balanced perspective, I invite the attention of Senators to the "Fiction and Fact" article in the February 5, 1973, issue of the Oil & Gas Journal. I ask unanimous consent that the article be printed in the RECORD.

The issue of energy is currently a matter of in-depth discussions within Congress and, in my opinion, deserves the thoughtful and balanced judgment of every Member of this body.

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

FICTION AND FACT

THE FICTION

"This winter's so-called energy crisis was manufactured right here in Washington. It could have been averted with a stroke of the President's pen."—S. David Freeman, director of Ford Foundation Energy Policy Project, in Washington address to Consumer Federation of America, Jan. 25, 1973.

THE FACT

Freeman performed a disservice to any studied solution to the nation's energy problems and particularly to the nation's energy consumers in his rabble-rousing address.

He resorted to such exhortations as warning against "whoppingly higher prices," against falling into the trap of "soak the consumer," against "windfall profits into hands of energy companies." He declared "increased reliance on coal or drilling for oil and gas offshore could make our spaceship earth an even more unhealthy place to live." His solution is "scrap the import-quota system," reduce energy demand by "abandoning our more wasteful patterns of consumption," and "launch a unified, vigorous R & D effort into alternative energy sources."

Freeman's simplistic solution of ending import controls by the stroke of a pen ignores all the complex factors in the nation's energy problem. Allowing free movement of energy into this country from abroad is not the single solution—either in the present emergency or long-term. Foreign sources this winter could not supply immediately the volumes of crude and products needed in an emergency nor could the tanker fleet or American ports and distributors handle them. Imported products also would have a hard time reaching inland areas in time to benefit. Price was another problem—spot distillate prices, for example, were higher in western Europe than the price freeze allowed on domestic distillate in this country.

In the long-term, complete reliance on imports is no bargain. Price of LNG in import projects being considered is three times the wellhead price of domestic natural gas. Price of crude and refined products inevitably will be moved up by new heavy demand from the U.S. Consumers in Europe and Japan are acutely concerned about this, knowing it will boost their energy costs. There's also an environmental consideration; the U.S. needs to build huge port facilities to handle supertankers, a move strongly opposed by environmentalists because of the fear of oil spills.

Freeman's advocacy of conservation as a means of reducing energy demand is a weak crutch with little prospects of helping in the next few years. The nation has no mass transit worthy of the name, won't have for many years, and then only by spending billions and forcing Americans caught up in urban sprawl to use it. Americans probably won't rebuild glass-walled skyscrapers or poorly insulated homes for more efficient heating and cooling. They won't scrap their big, gas-guzzling autos overnight. Changes that will conserve fuel are definitely needed but their effect will have to come gradually. Any reliance on them for near-term relief is a false hope.

Freeman really bares his fangs at the smell of higher prices and becomes blinded to the inflated costs that petroleum companies, like all Americans, must face. He equates higher prices with windfall profits—no matter that costs of leases, drilling, construction, operation move steadily up while the prices of crude and products lag. His attempts to differentiate in price between resources already discovered and those newly found is only a slick method of seeming to offer explorations incentives with one hand while taking them away with the other. Ignored is the reality that any operator needs the cash flow from production to help finance further drilling.

Freeman is on somewhat firmer ground in advocating research into new energy sources but he still neglects to tell the consumers that both environmental tradeoffs and much higher energy costs are involved in nearly all of them, too. Present energy costs will seem trivial when Americans start footing the bill for alternate choices.

The major factors Freeman mentioned—imports, conservation, alternate sources—are all parts of America's energy puzzle; plus one he spurned—development to the fullest of domestic petroleum resources. The problem is far from a simple one and will never be solved by "a stroke of the President's pen."

THE FEDERAL BUDGET—A QUESTION OF PRIORITIES

Mr. BIDEN. Mr. President, President Nixon's budget for the 1974 fiscal year has caused considerable consternation among those groups who have looked to the Federal Government as an ally in the struggle to build a better America. The cutback of Federal social service funds and the elimination of important programs, such as those administered by the Office of Economic Opportunity, have done little to portray the present administration as a friend of the people.

Both the distinguished Senator from Minnesota (Mr. HUMPHREY) and the Washington Post have addressed this problem.

For his part Mr. HUMPHREY, writing in the New York Times on February 14, 1973, described the President's budget as another "effort to protect the interests of business and the affluent against the broad spectrum of Americans who are not so fortunate."

The President's budget actions, he said, will impose an increased tax burden on State and local communities if they wish to continue the programs the President eliminated. Mr. HUMPHREY continued:

The Nixon way is to solve problems by dumping them back on the states and local communities.

The alternative, he pointed out, is for Congress to create "its own office of budget analysis and program evaluation to make judgments about budget ceilings,.national priorities, and program effectiveness. It must reform its procedures."

An editorial in the Washington Post on February 13, 1973, sums up succinctly by suggesting that Mr. Howard Phillips, Acting Director of OEO, has been assigned the task of "dismantling a powerful vehicle for humane hope." One of the major benefits of the program, said the Post, has been what it has done for the people: "It has given thousands a new sense of their own dignity and worth and some stake in the society," and this was a primary aim of the program.

The remarks of Mr. HUMPHREY and those in the Post are particularly incisive, in my judgment.

In addition to these, I also include in my remarks a news story printed on page 1 of the Washington Post on February 12, 1973 .

I ask unanimous consent that the complete text of these three articles from the New York Times and the Washington Post be printed in the RECORD.

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

THE OEO: DISMANTLING HOPE

The Office of Economic Opportunity is going to be dismantled because the administration thinks that by and large it has been a failure. An acting director, Mr. Howard Phillips, has been appointed and this is how he expresses his (and presumably the administration's) point of view: "I think in many ways OEO has had a negative impact . . . When we spend public dollars, we have to decide not merely whether they're being spent effectively, but whether there are some ways in which they've been harmful. And to the extent that we have promoted the welfare ethic out of OEO . . . then I think OEO has done a great disservice to this country." So the office is to be spread around the federal government and its most important parts, the community action agencies around the country, are to be pretty much set adrift. There are a number of people around who think this policy is neither wise nor humane and we are among them.

So, evidently, is the OEO's own Office of Operations which seems to have taken a different view in the "Utilization Test Survey" of 591 community action agencies released just last month. After looking at whether the agencies had been doing their jobs in mobilizing resources for the poor and helping the poor to achieve self-sufficiency, the report stated that the administration's emphasis had produced "closer working relationships between CAAs and state and local governments, which offer genuine help in making the decentralization of government succeed during the next few years." The report also asserted that "even at this early stage in the project [the utilization survey], the picture clearly shows that the administration's redirection of Community Action was on target."

The report underlines the first reason for thinking the administration's new policy is wrong. Americans are an impatient people and often want instantaneous results from large and complex governmental endeavors with little or no tolerance for shakedown periods and experimentation. Premature judgment of failure are often the result. But as the OEO evaluation of the CAAs demonstrates, time was working on the side of the program and after eight years, seemed to be making steady progress toward achieving its goals. Yet, although the agency was indeed moving toward enlarging the self-sufficiency of the poor and obtaining institutional change to benefit the poor, Mr. Phillips thinks the programs have tended to "erode the kind of normal majoritarian democratic safeguards that are incident to the electoral process" and that it is wrong to "treat the poor as a class apart with interests separate and distinct from those of society as a whole."

To our way of thinking, Mr. Phillips has got it just backward. Long before OEO came along, the poor were a class apart because they were poor and powerless and because our "normal majoritarian democratic safeguards" left them that way. OEO programs, and particularly the community action program were designed to help remedy that. The programs were designed to give the poor some stake in their own destiny, and in the society, and to enlarge significantly their ability to help themselves. And that, despite Mr. Phillips' assertion that the programs have promoted the welfare ethic, is just what OEO's own evaluation says they were beginning to do well.

Anyone who has the slightest familiarity with the program knows that one of its major benefits has been what it has done for people. It has uncovered—from the ranks of the poor themselves—several new layers of leadership in communities around the country. It has given people the opportunity to develop skills that help them participate in the management of their own communities and of their own lives. It has given thousands a new sense of their own dignity and worth and some stake in the society. There clearly have been excesses, mistakes and false starts. But the gains in terms of human growth and the institutional achievements documented in the OEO study destroy both the factual and the philosophical underpinnings of Mr. Phillips' arguments.

In his cheerfully assumed task, he will be dismantling a powerful vehicle for human hope.

BIG-BUSINESS BUDGET

(By HUBERT H. HUMPHREY)

WASHINGTON.—With a deft political touch, the President has submitted a budget to Congress designed to capitalize on citizen discontent with government.

The President's intention is to put tax reformers on the defensive by substituting spending reform for tax reform; to blame Congress for the current budget squeeze, and to reduce Federal responsibilities with the admonition that Federal programs are ill-founded and not working.

The Nixon budget is a retreat to traditional Republican conservatism. It is an effort to protect the interests of business and the effluent against the broad spectrum of Americans who are not so fortunate.

The trouble with the Nixon budget is that it seeks to employ moralizing, ideology, and scolding, rather than to apply effective financial measures to problems.

The President has called for a $268.7-billion spending ceiling. And he has threatened Con-

gress to go along or else. But I want to know why $268.7-billion? What gives that particular figure credibility? Why not $265 billion or $275 billion? Where is the justification?

The point is that the budget ceiling ought to be set, not by executive edict, but by Congress working together with the President on a ceiling that both meets the needs of our nation and is fiscally prudent.

The President doesn't want a tax increase. But neither does he want the tax reform that he pledged during the 1972 Presidential campaign. Instead, he seems bent on protecting the large tax windfalls of big business.

It is startling indeed to discover that the Federal Government collects only 16 per cent of its revenues from corporations, compared to 30 percent which came from this source twenty years ago. It collects twice as much from regressive payroll taxes and almost three times as much from personal income taxes as it does from corporate sources.

Someone is going to have to pay the increased tax bill which the President's budget actions will impose on states and local communities. I predict that the average American will find that it will be through increases in sales and property taxes, where the burden hurts him the most.

The Nixon way is to solve problems by dumping them back on the states and local communities. So without the slightest hesitation the President proceeds with the dismantling of such programs as vocational education, job training and placement, Medicare, mental health, manpower training, child nutrition, housing and hospital construction.

But every one of these problems calls for the vigorous and concerted action of government at all levels, in partnership with the private sector. I do not believe that the President understands this.

The fact is that less than one quarter of President Nixon's budget goes for solving such massive national problems as urban decay, crime, drugs, health, mental illness, low-income housing, job training, mass transportation and pollution.

Congress cannot allow Richard Nixon to slice into the heart of human resource programs while adding $5-billion to military spending—all at a time when the President loudly proclaims a "Generation of Peace."

Congress must create its own office of budget analysis and program evaluation to make judgments about budget ceilings, national priorities and program effectiveness. It must reform its procedures. It must realign its committee jurisdictions to legislate public policy more effectively.

Congress must take a hard look at the tax laws—and it must examine the real needs of the country. It has to invest in the public sector, because right now our country is publicly poor and privately rich.

CUTBACKS PLANNED IN SOCIAL SERVICES

(By Austin Scott)

The Nixon administration is preparing to make major changes in the way the federal government supports programs in day care, aid to the elderly, mental retardation, juvenile delinquency, and other social services.

Although new social services regulations aren't scheduled to be announced by the Department of Health, Education and Welfare for another week or so, some affected groups have obtained copies and are gearing up for a fight.

Rep. Bella Abzug (D-N.Y.), a vocal supporter of day-care centers, denounced the new proposals as "unconscionable," and said she will call for congressional hearings into their effect on day care. Arkansas Gov. Dale Bumpers said parts of them are "patently absurd."

While the proposed new regulations would change the ground rules for federal aid to a number of important social services programs, most of the comment so far has been aimed at their effect on day care.

As written now, they would eliminate existing mandatory federal child care standards, and end the $3 in matching money that the federal government gives for every $1 private contributions. However, they would permit the government to continue matching, 3 for 1, state and local funds.

That end to the federal matching of private money applies to all the programs, not just day care, and it is what Bumpers termed "patently absurd."

"To give you an example of the effect it would have on our mental retardation program," he said, "when I was elected [in 1970] we had fewer than 20 community facilities caring for a little less than 400 children.

In the past year and a half . . . we have expanded that to 82 facilities caring for over 2,000 children.

Quite frankly, with the guideline prohibiting the use of private funds and the further restrictions . . . we will probably wind up closing virtually every one of the new ones we have started in the past year and a half."

"It's such a bad law I can't conceive of it standing," he said. "I have heard they expect to save $1 billion. My guess would be they'll save $2 billion with the guidelines as they are now."

Among the changes in the proposed regulations are:

Quarterly recertification of applicants for some programs, instead of the yearly recertification.

Tightening day-care eligibility requirements. Current rules allow day care for children who have been on welfare within the past two years, or are prospects for welfare in the next five years. The new ones change those figures to three months and six months, respectively.

Elimination of the "special need" category, allowing services for the handicapped regardless of income.

Elimination of federal money for code enforcement, to make sure state standards are being enforced.

Setting of a maximum income figure for day-care eligibility that in some states works out to below the poverty level for a family of four.

HEW officials point to their plans to increase the amount of money spent on day care, and the number of children covered.

Federal budget estimates show one portion of the government's support for day care jumping from an estimated $82 million under the Work Incentive Program in Fiscal 1973, to $204 million in Fiscal 1974 which will begin July 1.

Some child-care groups, however, are convinced the dropping of federal standards will mean more "warehousing" of children with little attention paid to their education or other needs.

The new regulations drop all reference to existing federal interagency regulations about the ratio of children to adults at day-care centers.

Instead, a set of HEW Model Day Care Codes, currently on Secretary Caspar Weinberger's desk, recommends approximately twice as many children per adult as the standards now in effect.

The opening pages of the Model Day Care Codes indicate they are to be used as guidelines for states to draw up their own codes, but are not requirements.

"It's all a matter of money," said the source who gave a copy of the proposed regulations to The Washington Post, and who asked not to be identified.

"The key thing to remember is that most experts say the child-to-staff ratio accounts for 75 per cent of all the costs. They were spending $800 million for day care at the end of fiscal year 1972. If you double the child-to-staff ratio, as they're proposing, that's a saving of $300 million."

"These regulations are unconscionable," said Rep. Abzug. "They effectively shut out children from middle income families from federally assisted day care, and they will substantially reduce the number of senior citizens eligible for vitally needed services."

An advance copy of the proposed regulations was floated by the Council of State Governments in November for that group's reaction.

"We are quite sure that the states will have major objections to the denial of the use of private funds for matching," said Allen Jensen, a special assistant on human resources to the group.

"They feel this is a way to have community involvement and community participation in delivering these services."

Jensen estimated that private donations along with the three federal dollars that can now be given for each private dollar, supply about $55 million worth of day-care services around the country.

The private money comes from many sources, including charitable organizations such as United Way, and even bake sales or garage sales conducted by the day-care centers.

Along with eliminating such federal fund matching, the new proposals also eliminate federal matching for the value of "in-kind contributions," such as when furniture or a building are donated.

A number of experts are saying that politics is playing a heavy role in the federal matching section of the new regulations.

They point out that the government's proposed policy is opposite the position taken by former HEW Secretary Elliot L. Richardson when he said to several members of the House last summer that he supported federal matching for private donations.

The proposed policy, however, does go along with a directive from the Senate Finance Committee, which said during last year's debate over welfare reform that the kind of matching should be stopped.

There are predictions that federal matching for private money will be reinstated before the regulations become final, and the administration will make its real fight over the elimination of federal standards, and a new ban it proposes to place on transferring social services money to other state programs.

"It's a foolish (HEW) Secretary who ignores a directive from the Senate Finance Committee," said one source, "but they'll be able to say they tried, and the real money is saved in other places."

"They certainly tighten up in terms of eligibility, definitions, and range of authority," said Elizabeth Wickenden, professor of urban affairs at the City University of New York.

"The two most severe restrictions in them are the direct result of Senate Finance Committee instructions to the Secretary . . . All of this I think is quite consistent with the current philosophy of the administration. They have on one hand loosened up insofar as the state decision-making is concerned . . . And on the other hand they've tightened eligibility on who can get the service."

REA FINANCING PROBLEM

Mr. McGOVERN. Mr. President, one of the important issues facing the country today and for the future, is the financing of the growing needs of our rural electric cooperatives. As chairman of the sub-

committee of the Committee on Agriculture which has jurisdiction over this program, I have given considerable thought to its solution. I believe we must preserve low cost REA loans for the sparsely settled States such as my own. We will at the same time need to seek supplemental sources for increased power needs.

Mr. Phillip Sawicki, former editor of Rural Electrification magazine, has written a thoughtful survey of the REA challenge which appears in yesterday's Washington Post. 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:

RURAL ELECTRICS GO TO WALL STREET

(By Phillip Sawicki)

Old Roosevelt haters probably never thought they would live to see the day. The rural electric cooperatives that once upset them, those associations of country people building electric lines with the help of cheap federal loans, are scouting for high-cost money on Wall Street.

This new order of things has been some time in coming, but it is clearly here to stay now, with the Nixon administration giving it a considerable shove.

The change is not difficult to understand. Rural electrification as a cause no longer has the wide appeal it had when life on the farm was primitive, when the Dust Bowl blanketed the plains, when the Okies were streaming to California. With a demand for investment capital now at $900 million a year, with growth rates exceeding those of the big power companies, rural electrics look only mildly convincing as an underdog.

Moreover, rural electric leaders, in charge of healthy systems for the most part, have moved into the rural—and, in some cases, suburban—establishment. Idealistic feelings have faded with the deaths of the old farmers who were there when it all began. And while systems in most states are still wary opponents of the big power companies, the trend is toward accommodation between these old antagonists; in some places they have even reached the point of sharing the same power plant and feeling equally abused by the environmentalists.

THE "SPITE LINES"

This is all a far cry from 1936, when the rural electrics were created by the Rural Electrification Act. At that time, 90 out of 100 farmsteads in the Midwest, the South, the Great Plains and the Mountain States lacked a line to a utility plant. A handful of the 90 had Delco home generating units, but most farmers did their chores with the help of farmhands, horses and mules. Farm women cooked over wood stoves by the light of candles or oil lamps and washed clothes themselves.

As the big power companies saw it, the farms in the heart of the country were too far apart, wouldn't use enough electricity to make it profitable, and wouldn't pay for what they did use because of the Depression.

That is, they saw it that way until the REA bill was close to passage. Then they worked overtime putting up "spite lines" in territories they had previously disdained, hoping to sign up enough rural customers to make the creation of cooperatives impractical. Some of them also sent out hired men to warn any gullible farmers they could find that, among other things, co-op kilowatts wouldn't be as "hot" as the company's.

Nonetheless, by 1970 the Rural Electrification Administration had approved loans of more than $7 billion to about 1,000 rural electric cooperatives and 80 public power districts and similarly named organizations for the distribution of electric power to about 20 million people. Rural electric systems had put up 1,676,000 miles of line, thousands of substations, and 183 generating plants. The systems existed in every state except Massachusetts, Rhode Island, Connecticut and Hawaii. They were still small, serving on the average about 20,000 people, and they were usually more numerous the further the state was from New England or California.

In 35 years cooperative rural electrification had come a long way since the time when farmers grinned and wives wept at the first sight of a light bulb brightened by the current. But 1970 was significant for more than a 35th anniversary; it was also the year the Cooperative Finance Corporation made its first loan.

NEEDING MORE CAPITAL

CFC was the product of a concern about REA's future that had dominated the thoughts of rural electric system leaders since the Eisenhower presidency. During his second term, Eisenhower had backed unsuccessful legislation to double the low 2 per cent REA interest rate and had urged the systems to hie themselves to Wall Street to borrow money.

Even though Ike was succeeded by public power stalwarts Kennedy and Johnson (the latter a member of the Pedernales Electric Cooperative), leaders like Clyde Ellis, then general manager of the National Rural Electric Cooperative Association (NRECA) in Washington, saw problems ahead.

Virtually all the farms finally had electricity. Court reapportionment verdicts were shifting political power away from rural areas, meaning in all probability less support for REA appropriations in Congress. The problems of the cities were getting increasing national attention.

At the same time, rural electrics found themselves needing larger amounts of capital. Suburban subdivisions were spreading into territory historically served by the co-ops. Factories were moving to the country. A boom in vacation homes was apparent. And even though the number of farms had been cut in half from the 7 million of 1935, the remaining farmers were becoming steadily more dependent on electric power as a substitute for human labor.

The estimate was that rural electrics would need about $1 billion a year in investment capital by 1975, if not earlier. Through 1965 the largest REA appropriation had been the $425 million of the previous year. It seemed obvious, given the political climate, that rural electrics would never get all they needed from REA.

CFC was to be a private supplemental financing institution that would permit the "stretching" of REA funds. It would get its money from investments in it by rural electrics, and then provide 10 per cent of an REA loan at close to money market interest rates. Gradually, CFC was to provide a larger portion of the loans as its financial base grew. Eventually, it would raise money on Wall Street. But for all this to happen over a period of years, REA had to stay alive and well, its cheap loans still the heart of the program.

Despite Richard Nixon's election in 1968, rural electrics felt fairly confident that REA and its low interest rate would survive. Although Mr. Nixon's congressional record was bad from their standpoint, and although he had served under Eisenhower, he had said nothing threatening during the campaign. With the creation of CFC only weeks after his inauguration, rural electric leaders felt they had demonstrated their willingness to move gradually away from total dependence on REA.

But in 1970 the administration began to tread heavily. REA administrator David A. Hamil said the agency would make no more full loans for generating plants. Such loans had always been one of the causes of weeping and wailing among the power companies. Every government-financed plant cut into their old monopoly on wholesale electricity. (But not very far, in the case of REA. Rural electrics generate only 2 per cent of the electricity used in the nation.)

When Maurice Mann, then assistant director of the Office of Management and Budget, spoke to a Washington meeting of cooperative power officials in June, 1970, it was clear where Hamil was getting his orders. "If you haven't heard," Mann said, "let me tell you there are some of us who are disturbed about 2 per cent direct loans. And there is a move under way, as some of you may have heard, to phase these out over time.

"Let me remind you that a 2 per cent direct loan, although you recognize fully it is a loan, isn't really a loan. It's a subsidy. It's a grant, because in today's money market, with Treasury paying 7 or 8 per cent, in effect it represents a five or six percentage point subsidy. I think what we're really saying is that we'd like to see a shift toward more reliance on a private financing bank . . . which some of us think is a fine idea."

KILLING 2 PERCENT LOANS

Early in 1970 and 1971, OMB impounded relatively small amounts of REA funds. Then, in the fall of 1971, it became evident, although no announcement was made, that OMB was holding up $216 million, the difference between the administration's budget request of $329 million and the congressional appropriation of $545 million. Rural electrics protested, the election came closer, and the government's financial situation miraculously improved. By spring of 1972 the freeze was lifted.

The thaw proved deceptive, however, for in the week between Christmas and New Year's the Agriculture Department announced that 2 per cent REA loans were now extinct. Instead, rural electrics would pay 5 per cent, and the agency would get its money solely from the sale of federal securities. The new program, the department said, would "reduce the impact on the federal budget and the public debt" of REA loans.

The administration contends that its authority for the change comes from the Rural Development Act of 1972. Rural electric leaders argue that Congress intended no changes in REA when it passed the development bill. Robert D. Partridge, general manager of NRECA, calls the administration's action "repeal of the Rural Electrification Act by executive action" and has warned that it may wreck the supplemental financing arrangement. And as in other cases where the administration has reshaped federal programs unilaterally, the revamping of REA has drawn a barrage of protest from Congress.

The change, if it sticks, will mean higher bills for rural consumers. Their bills were already rising because rural electrics, like power companies, are paying more for everything from fossil fuel to labor. The long-range effect is likely to be stronger interest among members in poorer areas to sell out to neighboring companies. In the past an occasional system has succumbed to a company offer, combined with promises of lower electric bills. The promises haven't always been met, but in some places they will sound more attractive than ever.

GOING THE SAME WAY

Yet whether the President or Congress wins the battle over REA, the time is obviously coming when 2 per cent loans, if available at all, will go only to the weakest systems in states like New Mexico, Wyoming, North Dakota and Alaska.

With the creation of CFC a majority of (the members signaled that they were ready to give up the 2 per cent rate. The supplement financing program has progressed rapidly enough that in 1972 CFC and private sources provided a substantial amount of investment capital, $353 million compared to REA's $438 million.

Most loans now carry an interest rate of more than 2 per cent but less than 5 per cent. A significant exception to that, though, occurred last June, when two co-op power plants costing $365 million were financed by combined loans from REA, CFC and a consortium of insurance companies. The interest rate on the combined financing will be close to 6.5 per cent.

The desire of rural electrics to move cautiously away from dependence on 2 per cent REA money was natural, given their size and their history as outsiders in the electric power industry. Now the administration has given them a hard push in the direction they were already going—toward Wall Street.

ADDRESS BY SENATOR DOMINICK

Mr. DOMINICK. Mr. President, I ask unanimous consent to have printed in the RECORD a speech delivered by me to the National Western Mining Conference and Exhibition on February 9, 1973.

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

SPEECH BY SENATOR PETER H. DOMINICK

The energy crisis is now a favorite topic of speakers from all segments of our society . . . public officials, industry people, environmentalists and consumer groups.

At the risk of saying "I told you so," let me point out that I have been conscious of the impending crisis and have talked about it for years. In my position as a member of the Joint Committee on Atomic Energy, and to a lesser extent, perhaps, as a member of the Senate Armed Services Committee, I have been listening to testimony concerning our energy resources and the potential dangers associated with our policies toward them for as many years as I have served on those committees.

Back in August of 1971 when I was out here on a speaking tour during a recess, I used portions of a scenario developed by Glenn Seaborg, the former Chairman of the Atomic Energy Commission. That scenario assumed that a moratorium was suddenly placed on the use of atomic energy as a power source and it described the resulting havoc when the nation had to rely almost exclusively on a dwindling supply of fossil fuels to meet its power needs. Schools closed, hospitals went on emergency power, businesses shut down, fuel for transportation was rationed, buses, trains and airplanes were on reduced schedules or not operating at all. Environmental restrictions were waived to permit greater use of high sulphur coal with resultant increases in smog in all the major cities. Mines went into increased production with health and safety considerations pushed to the wall, prices skyrocketed, miners threatened and then went on strike, federal troops were called in to get the mines back in operation, and so on. This was a hypothetical scenario, you understand.

Thank heaven we haven't declared a moratorium on the use of atomic energy, even for the 3 to 4 percent of our power needs which it provides. But perhaps you recognize some similarities between our present situation in Denver and other cities around the country, and this story I have just paraphrased.

I mention this to indicate that while I recognize that energy speeches are in vogue today, I am not a Johnny-came-lately to this area, and I firmly believe that while we will *probably* get through the present emergency without the chaos contained in Seaborg's scenario, some of these forecasts are facing us and if we do not get on with the business of developing some long term solutions to this major challenge right now, all may face us.

Before we even attempt to discuss what some of the solutions may be, permit me to explore the reasons that I think we find ourselves in this situation today. A recent issue of Newsweek Magazine described it this way: "America has passed from a long period of dirt-cheap energy that made it the world's leading industrial power into an era in which its ability to meet its own growing demands for energy comes more into question with each succeeding year." The magazine reveals that "With but 6 percent of the world's population, the U.S. guzzles 33 percent of the globe's energy. . . ."

In a recent speech to the American Gas Association, Stephen Bechtel of San Francisco, pointed out that" For almost every year in our history until 1953, we had a surplus of energy and were not exporters. However, in each of the last 20 years we have become a net importer; and currently about 15 percent of our supplies come from foreign sources." The Bechtel speech, by the way, is an excellent thesis on the whole energy question and contains some sound proposals for bringing it under control. I will be drawing further upon that speech as I continue.

But here we are in 1973 with our demands for every source of energy outstripping our own readily available supplies and the other industrial nations of the world rapidly reaching out to the same foreign sources which we have been using to meet their own skyrocketing demands.

Ironically, the United States is not even close to having exhausted the *minerals* which are the sources of energy contained without our borders. Experts differ on the exact figures, and all are estimates, of course, but most will agree that we have enough coal in this country to furnish our total energy requirements for over a hundred years. There is an ample supply of uranium to serve our energy needs for years to come, even using the reactors now being installed, and with the implementation of the fast breeder reactor, these supplies could become practically inexhaustible. It is true that our demands for oil and gas have already exceeded our production capacity, and there is little optimism that this trend can be reversed, at least so long as we continue to employ these products for the wide range of requirements which they must satisfy today.

Then, what is the problem? With regard to coal, you are well aware that environmental constraints have been largely responsible for the trend toward substituting other fuels—and I think we will start to refer to them as "Premium Fuels"—such as oil and natural gas for coal. Natural gas became an attractive substitute for coal as a source of electrical power and for use in factories because it burned cleaner and was much cheaper. The same is true of oil. As more factories and power generating plants began to turn to these products, the demands went up, and the supplies were taxed with the resulting alteration of our export/import situation.

The picture with regard to atomic energy is somewhat different. It must be remembered that we did not begin to develop atomic energy for generating electrical power until about twenty years ago, and nuclear power has yet to become a major operating alternative source. Progress in getting additional nuclear generating plants on the line has been slowed by court actions and executive decisions based on environmental considerations. The breeder reactor, which many, including me, see as a potential medium range answer to our energy problems is still some years away—perhaps as much as twenty years away.

The Congress, the President and industry are involved in developing sound programs which each considers will be the blueprint to meet this most important domestic challenge. Within Congress, there is probably more of a divergence of opinion than in any other segment of society. My colleagues who feature themselves as the champions of the consumer (and frankly any of us who don't act in what we consider to be the best interests of the consumer *and* the nation won't be around very long!), but those who seem to seek the label of consumer advocate to the exclusion of all else, will be looking for some program which will give us ample energy, clean air, an adequate balance of payments situation and sound national security—at no increase in costs to the constituents! The man who can deliver that under the conditions we now face is not on this earth.

My point is, any program which will accomplish the objectives I have just stated, and I consider them sound objectives, is going to cost plenty. Peter Flanigan has summed it up rather well as quoted in that Newsweek article: "Everything must give a little—national security, environmental quality, and price." To which Newsweek responds, "Compromise pleases no one completely, of course, but the alternative seems to be to throw the nation out in the cold."

Let us begin with those thoughts as our frame of reference, and examine what I consider to be some possible short range and longer term solutions to this problem. Two immediate steps must be taken: First we must increase our imports of oil and to a lesser extent natural gas, and second, we must convert industry from those fuels to coal.

The National Petroleum Council's "U.S. Energy Outlook" has concluded that "Because of long lead times required to increase domestic production, energy imports must increase over the next few years. In the short term, through 1975, options are limited for altering the trend toward greater dependence on foreign energy sources."

This is a solution which I suggest with the greatest reluctance for two very significant reasons: balance of payments and national security. Again quoting from the NPC's Energy Outlook, "Greater oil and gas imports will have a major impact on the nation's balance of payments. The cost of imported fuels, less the sales revenue from fuel exports results in a sizeable net dollar drain. This dollar drain was $2.1 billion in 1970. It will range from about $9 to $13 billion in 1975 . . ." The report projects a threefold to fifteenfold increase in foreign exchange requirements by 1985 over current levels. The Council concludes that "To pay for our imports of fuel, we will need to seek additional exports of other goods and services. The magnitude of the potential problem in this area is highlighted by the fact that today our total annual exports of all goods and services is only about $65 billion."

And a U.S. Commerce Department report discussing the growing reliance on Saudi Arabia for oil says it is only a matter of time before the U.S. slips into a net deficit in trade with that country for the first time in history. It concludes that: "The aggressive selling on the part of U.S. exporters that might possibly prevent this from occurring has yet to develop." Nevertheless, this increase in imports must be taken as one *short-term* solution, and I emphasize that for my part, I would like to see it terminated at the earliest possible opportunity.

Part of my reason for that is as I suggested a few minutes ago, the matter of national security. Again from the Petroleum Council

Report: "Besides the possible large increases in volumes of imports, a shift in the source of those imports through 1985 is indicated.

A larger share of U.S. imports will come from the Eastern Hemisphere. Thus, as imports rise, the country will become increasingly dependent on the political and economic policies of a small number of distant countries. This, in turn, can have important consequences with respect to the military, political and economic position of the United States. Consideration should be given to the need for additional storage to cushion the impact of possible near-term interruptions of foreign supplies, and the desirability of utility plants being constructed to burn more than one type of fossil fuel."

On this same note, Ray Vicker, writing from Saudi Arabia in the January 23 edition of the Wall Street Journal notes, "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."

So far all of this talk about reliance on foreign resources has centered on the political considerations within the countries with whom we will be doing business. But let me add some personal observations from my seat on the Senate Armed Services Committee.

You need only recall the events of June 1967 to realize how quickly the international situation can change with regard to our traditional sources of supply and the routes by which we receive them. The Middle East War could have dried up our supplies in a matter of weeks, had it gone on. But further, the supplies cannot reach us if our free access to the seas and waterways of the world is challenged.

As you know, for many years this country went unchallenged as the major sea power of the world, able to guarantee without question the right of access to the sea lanes of the world to all nations. However, our superiority is facing a serious challenge. The Russian Navy has grown dramatically in the last ten years. Most of their ships are less than 20 years old while many of ours should have gone into moth balls years ago. They have weapon and missile systems equal to and in some cases perhaps superior to our own, and the Russian submarine force presents a very serious potential threat to our traditional freedom of the seas. In addition, the Soviets seem to have made inroads into many countries positioned along the narrow waterways and straits through which we must pass—and which we must keep open—to insure delivery of foreign oil to this country. President Nixon has made progress in his talks with the Soviet Union, and we are in less danger of an international confrontation now than we were even a year or two ago, but all of these factors, together with the tenuous cease-fire arrangement which still exists in the Middle East must be considered, and we must reduce our reliance on foreign imports as quickly as possible.

The second portion of my short-range solution is of particular importance to you. We must begin right now to convert industry from oil and gas to coal. Most studies I have seen conclude that gas is an improper source of energy for industrial uses. *Gas must be considered a premium fuel.* It must be reserved for that segment of our markets which cannot economically or for other reasons utilize coal—residential, commercial and other special areas.

My friend, Russ Cameron, in an address in Billings, Montana, last fall declared that between 25 percent and 40 percent of the gas being consumed in this country today is used for purposes for which other fuels are suitable. But he points out that we are now about to reverse the substitution process which accounts for those percentages, because we are nearly out of that low cost gas that started the change in the first place.

A similar situation exists with oil. Oil supplies about 45 percent of our total energy requirements, and a good percentage of that requirement cannot be economically satisfied in any other way. Autos, airplanes and buses are not likely targets for coal substitution, and it is doubtful that we could convince the railroads to go back to the steam locomotive, even though many a romantic railroad buff still longs for the sound of old number nine. But we must change over those uses of oil that can be switched to another fuel, and one excellent alternative fuel is low sulfur coal. The only problem is that the transition is still going the other way: industry is still converting to low sulfur oil and the supplies are getting scarce.

In order to begin the transition in earnest, we must make such a step attractive to the industry concerned. There are some obvious incentives, of course, and others must be developed. The most obvious incentive to any industry is economic. Another winter with interruptible natural gas service and resultant shut down of operations would not be a pleasant prospect for anyone trying to make a profit. Scurrying around later this year to nail down contracts for enough low sulfur fuel oil appears to be a similarly unenviable prospect. But if the costs of low sulfur coal are significantly higher, transition to coal will proceed at a much lower pace. Frankly, I don't believe this will be the case in the forseeable future, because the only way we will meet even the present demands for natural gas and oil is through the increased imports we have talked about and new exploration and development at home. Neither of those alternatives is cheap, and it is anticipated that costs from either alternative will drive prices up to the extent that low sulfur coal will be quite competitive. It may be that we will have to come up with some other means to encourage transition to coal, such as rationing, tax incentives and certainly an intensive public relations and sales program aimed at, as Russ Cameron puts it, taking gas and oil out from under the industry's boilers and putting it where it's needed more.

We have plenty of low sulfur coal to replace some uses of gas, oil and even high sulfur coal. We can see it becoming competitive in cost through improved mining techniques, new innovations in transportation, such as coal slurry pipelines, and the inevitable increases in the costs of oil and gas.

There is one more problem, and this is the matter of environmental considerations. While the end product may be compatible with emissions standards now in effect, the means of obtaining the product—the mining operation itself—is, as you all know, coming under ever-increasing scrutiny because of the effects on the natural environment. And this applies to the entire mining industry, not merely to coal mining, of course. But even in 1970, 44 percent of all coal came from surface mining and current trends seem to indicate even greater emphasis on surface extraction in the future.

Let me tell you before I go on that I am in no way suggesting that we abolish surface mining operations for coal or any other minerals. I recognize too well the disruption in our economic structure and the deleterious effect on our standard of living. But what I am saying is, there are pressures from segments of our society to do just that, and there are others of us in this society who are unwilling to accept unrestricted, or insufficiently regulated surface mining in those remaining portions of our country which are essentially unspoiled.

Pollution of lakes and streams, dust and noxious gases in the atmosphere, unreclaimed stripped areas, and the dangers of accessible open pits or other terrain characteristics remaining after abandonment of strip mines have left their mark upon the land and in the minds of millions of people who desperately desire to protect our dwindling natural resources, one of which is the many wilderness areas of our country.

Many of you know that late last year, in response to the concerns of people on the Western Slope and articles in the Ouray County Plaindealer and Herald, I wrote the Bureau of Land Management expressing my concern over a leasing arrangement for strip mining coal by Kemmerer Coal Company in our Cimmaron Ridge District. It is my feeling that such an operation is not compatible with the present uses assigned that land, namely hunting, fishing, grazing, camping and general outdoor activity. At the very least, I sought assurances that every possible consideration be given to environmental impact, and if such consideration resulted in negative conclusions, that we seek to terminate the leases.

Again, let me emphasize that I probably recognize our national energy needs more than most of the people with whom you will be facing similar objections. And I further recognize that as we move toward resolving our energy crisis, compromise will be necessary. But compromise means movement on both sides, and my point here is that as we place heavier demands for low sulfur coal, and for that matter the many other minerals which must be surface mined, you must be prepared to spend larger sums on reclamation, and you should also be prepared to explain your plans in the greatest possible detail to the public prior to commencement of your operations.

Environmentalists are not unreasonable or unintelligent people. I believe that compromise is essential for the benefit of the nation's mineral needs, but it will take some increased spending on your part for environmental controls and reclamation, a willingness on the part of the public and some of their representatives in the Congress to accept the resultant higher costs of the end product, and concerted effort to exchange information and ideas among all the parties to indicate good faith. Along this line, incidentally, I have been told recently that coal producers like to think in terms of spending about $200 an acre on reclamation. It has been said that even spending up to $25,000 an acre in some areas, the cost of the coal would not increase by more than 10c a ton. Now before you react too strongly, let me add that I recognize the many factors which determine both the cost of reclamation and the cost per ton of coal, and similarly I understand that an acre of land which might be in an area where the going price for undeveloped land was $75 an acre would not be a likely target for a $25,000 per acre reclamation project! But again, the need for greater concern for our remaining undisturbed lands, streams and lakes must become a major consideration as demands for surface mined minerals increase in the wake of our present crisis.

Increased imports of oil and liquid natural gas and increased use of low sulfur coal as a substitute for them where possible are my two primary short-range solutions. Others include an immediate effort toward more efficient use of energy through improved operation of our appliances and automobiles, for example. Some have suggested at least a temporary waiver of further emission control devices for autos because the controls put into effect thus far have reduced efficiency of the engines to the extent that fuel consumption is up about 7 percent and still rising. This *is* an area where compromise may be necessary. And it is another reason why better means of transportation—such as the proposed people mover project in the Denver area—must be developed as rapidly as possible.

In the immediate future, we must work to overcome environmental problems—real and imagined—which hamper immediate construction of more nuclear power plants for electrical power.

Also in the immediate future, we in Congress must pass some legislation deregulating the price of natural gas at the well head, a step which would, of course, result in price increases, but which would also be a factor in encouraging industrial users to move to coal and which would insure home dwellers and other premium customers adequate supplies of gas. The other factor in deregulating the well head price, of course, is to stimulate additional exploration and development of our domestic natural gas resources.

We can also look for some sharp increases in oil costs and I believe that we must not entertain the slightest thought of tampering with the 22 percent oil depletion allowance at a time when additional incentives may be necessary.

This will not be a pleasant pill to swallow. We have enjoyed an energy bargain in this country for years, but experts now predict increases in total energy costs of 50 to 150 percent over the next ten years, and some estimates are even higher.

The longer range solutions to our energy needs are fascinating. The breeder reactor, which I have already mentioned and which uses plutonium to generate more fuel than it actually uses, the concept of harnessing solar energy, and beyond all of this, the great adventure of controlled thermonuclear fusion. It is my hope that we can have a large economically feasible thermonuclear demonstration power plant in operation by the year 2000. These are just a few of the longer range possibilities.

Closer, perhaps, is oil and even gas from shale, with the work on our Western Slope most important to the future of this energy source. Oil from coal and coal gasification are two possibilities which are now economically infeasible, but which through increased research and development and the projected cost increases of our conventional energy sources, could very well become medium range alternatives. The nuclear stimulation of natural gas deposits, such as proposed in Rio Blanco and accomplished in Project Rulison is another possibility. There are others, of course, and this subject becomes more fascinating as it becomes more challenging.

In reflecting on the situation in which we find ourselves, I think there is some interesting food for thought. It seems to me that over the hundred and some years that we have occupied portions of this continent, we have always been faced with the challenge of pushing farther out, opening new territory, and taking the resources we needed as we continued to grow and prosper. I believe we are now turning our attentions to a new challenge, that of conquering our environment. The challenge is the maintenance of a quality of life and the effective management of the resources necessary to maintain it. It seems to be that the transition from conquering nature in the form of new lands to conquering our environment and the challenges it presents may be difficult but it is necessary. It means acquiring a new understanding of the value and availability of our resources and a recognition that we have attained a highly developed and advanced society but not without paying a high price in terms of resources expended to accomplish it. Over the remainder of this century, much more of our attention will be expended toward increasing the efficiency of our technology, and encouraging the conservation of our natural resources in search for an even better quality of life for all mankind.

RESOLUTION BY COLORADO LABOR COUNCIL

Mr. HASKELL. Mr. President, I know that many Senators share my concern about the administration's usurpation of authority in many areas which rightly belong to Congress.

One primary area of concern is the executive refusal to spend the funds which have been authorized and appropriated by the Congress. We have the power and the obligation to determine the spending priorities of this Nation. I, for one, am appalled by recent actions which indicate that the administration has completely ignored our expressed desires by impounding already appropriated funds.

The members of the executive board of the Colorado Labor Council share my point of view that Congress must exert itself and take action to resist this unfortunate trend.

I ask unanimous consent that a resolution which was unanimously adopted by the Colorado Labor Council be printed in the RECORD.

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

ASSERTING CONGRESSIONAL AUTHORITY

Whereas, This Council is concerned with the assertion of the unusual proclamation of power through the control of the expenditure of appropriated funds by the President of the United States as a means of controlling and/or subverting the authority of the Legislative Branch of the Federal Government; and

Whereas, The proclaimed righteousness of the President obviously designates his approach to his reasoning that the Office of the President is entitled to this kind of subjective autocracy; and

Whereas, No reasonable American can stand by and watch the demise of beneficial programs (which the people, themselves, have willed through the Congress of the United States) by Presidential proclamation to eliminate appropriations already made to such programs as: Urban Renewal, Model Cities, War on Poverty, Job Training for Disadvantaged, and Elementary and Secondary Education Facilities for Children of Impoverished Americans; and

Whereas, State Government, even if it is ready to assume its rightful role in its relationship with the Federal Government to assume the responsibility for the programs that are so urgently needed in the area of human welfare relating to both urban and rural America, the fact of life is that no State government—including Colorado's—can act to evaluate what the State should do to relieve the arbitrary cutoff of programs by the President of the United States before June 30, 1973, therefore be it

Resolved, That this Council call upon the five members of the House of Representatives and the two members of the Senate of the United States from Colorado to take leadership in having the Congress, itself, establish its own executive agencies to be administered by the Congress to assure that the programs funded by the Congress in spite of the President of the United States are administered outside of the Cabinet of the President in the fields of Urban Renewal, Job Education, Farm Family Maintenance, Job Training for the Poor, and Development of Full Employment (among others) both in the public and private sector; and be it further

Resolved, That the Colorado Congressional delegation considers this whole area of Congressional integrity as demanding the first call upon its business so that Congress does not continue to rock along in its usual manner but does not arise in these few months immediately ahead to the occasion of giving leadership to the American people; all of this in spite of the unabashed and authoritarian display of judgment in the monarchical role assumed by the President of the United States, even if such action by the Congress moves its own leadership in the direction of a parliamentary type of executive action, responsible to the political majority of the U.S. Congress for the purpose of Government serving the people.

PROBLEMS OF ELECTIONS

Mr. McGEE. Mr. President, on February 1 and 2 the National Association of Secretaries of State met in conference in New Orleans. Significantly, the full 2 days were spent by these important State officials discussing our voter registration and election laws. For the first time in the history of the organization, they gave their undivided attention to the problems of elections.

It had been my hope to be with the secretaries of state in New Orleans so that I might receive the benefits of their accumulated talents and experience; however, storms on the east coast and plane schedules disallowed my attendance. I was fortunate enough to get an enthusiastic report from one of my staff members who was there about the determination and concern election officials have for uniform election laws.

In passing, I might note that there was great interest in the Voter Registration Act—S. 352. Certainly, the time and effort by election officials in New Orleans is indicative of the responsibility the Senate has to give close attention to problems of voter registration.

The secretaries of state in New Orleans passed what I think are two landmark and related resolutions which recognize the need for the Federal Government and State governments to work in tandem to improve voter registration.

The first resolution was submitted by the very able secretary of state of Louisiana, Wade O. Martin, Jr., who is chairman of the organization's standing committee on elections. The second resolution was submitted by the equally able secretary of state of Connecticut, Gloria Schaffer, a member of the same committee. I ask unanimous consent that the two resolutions be printed in the RECORD.

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

RESOLUTION NO. 1

Whereas the problems inherent in the elections process are common to all states of the union and;

Whereas it has become increasingly obvious that there must be more interchange of ideas and cooperation among the several states and between the federal government with respect to changes and improvements in the election laws and;

Whereas there does not exist at the present time any national organization of chief state election officials which can exclusively devote its purpose to the improvement and problems of the elections process and;

Whereas this can best be done through a national association of chief elections administrators;

Now therefore be it resolved that we, the chief state elections officials in attendance at the National Conference on Elections held in New Orleans, Louisiana, on February 1 and 2, 1973, do hereby recommend and support the creation of the National Association of Chief Elections Administrators sponsored by the National Association of Secretaries of State.

This resolution adopted at New Orleans, Louisiana, this 2nd day of February, 1973.

RESOLUTION No. 2

RESOLUTION—LIAISON COMMITTEE

Whereas, our Nation and its several states are in the midst of a critical period in the evolution of our election system; and

Whereas, it is essential to the Congress that in considering the enactment or the amendment of legislation relating to the acquisition and exercise of voting rights, it has available the advice and consultation of those officials possessing the highest level of expertise in election administration; and

Whereas, the majority of the members of the National Association of Secretaries of State are charged with the responsibility of administering the election laws in their respective states and said members are keenly aware that the administration of elections involves a function of the greatest public concern; and

Whereas, said members recognize further the need for their being available to the Congress to present their analyses, evaluation and views as to the effectiveness and workability of existing and/or contemplated legislation relating to voting rights and voting in federal elections; and

Whereas, said members recognize the desirability of making available to our national legislature a committee of its members prepared to testify with regard to voting rights legislation, and particularly charged with the responsibility of analyzing and evaluating the same as to its procedural effectiveness and workability and its potential for an orderly integration into the several states elections systems;

Now therefore, be it resolved that the National Association of Secretaries of State consider the designation of a liaison committee of its members who shall upon the direction of the president and/or executive board testify on proposed legislation relating to the acquisition and exercise of voting rights and the conduct of elections.

FORT LEE MILITARY SERVANT TRAINING CAMP

Mr. PROXMIRE. Mr. President, during my investigation of the use of enlisted men as personal servants to high-ranking generals and admirals in the U.S. Armed Forces, the name of the Army installation at Fort Lee, Va., has constantly appeared.

FORT LEE TRAINS SERVANTS

Fort Lee is the place where the Army trains enlisted men in the graces of personal service. Fort Lee offers an extensive course of instruction broken down into a certain number of hours per subject. Volunteers for the Army's enlisted aide program come to Fort Lee, mainly on temporary duty assignment—TDY.

The course lasts about 8 weeks and runs continuously throughout the year. There are 24 slots per course, mainly for Army personnel but occassionally also for the Air Force.

The enlisted men at Fort Lee receive some extraordinary training. They are thoroughly briefed on how to take care of the every need of the admiral or general they serve and, in addition, the needs of the officer's family. They learn how to set a proper table, arrange flowers, prepare gourmet food such as petit fours, carve delicate and intricate designs from blocks of ice for table decorations and serve beverages at parties. They also are told how to provide for the essentials of everyday living for their officers.

MOCKUP OF GENERAL'S QUARTERS

Fort Lee contains a mockup of several generals quarters complete with beds, living rooms, dining rooms, bathrooms, and kitchens. Here they practice the specifics gleaned from the many hours of lectures. Large manikins are provided so that they can practice arranging medals and properly placing decorations.

While at Fort Lee, the enlisted men receive their own type of uniform. They are issued a special set of tuxedo-type pants and white mess jackets to wear around the officer's house.

The Army's enlisted aide program is managed by the Office of Personnel Operations, Enlisted Aide Unit, 1E680 in the Pentagon. When colonels become promotable, they call the enlisted aide unit and request that they be put on the waiting list for a personal servant. About 80 new generals are now on this list. It frequently is the first thing a new general does.

GOURMET COOKS RECRUITED

The Army combs the military for enlisted personnel with special service capabilities. The enlisted aide unit keeps in touch with the Culinary Institute of America to recruit men who graduate and then happen to serve in the military. When found after basic training, they are asked if they want to volunteer for the personal aide program. Gourmet cooks are recruited in this manner.

PHYSICAL APPEARANCE IMPORTANT

Not every enlisted man can make it through the Army's aide program. If an enlisted man is physically unattractive for some reason, such as a bad complexion problem, he is not judged to be of sufficient military bearing to be around a general or admiral. He is weeded out.

OTHER WAYS TO OBTAIN SERVANTS

Being assigned a personal servant by the enlisted aides unit is not the only technique used to acquire help. If the commanding officer of a base wants his grass cut, he simply orders it done. The same goes for car washing, laundry, and errand running for the wife. Since the commanding officer is in full control of the base, his word is law, and he can command that his personal desires be fulfilled.

S. 850

I have introduced S. 850 to prohibit the use of enlisted men as personal servants by officers or family members and to shut down training facilities such as at Fort Lee, Va.

It is unethical to cater to the every whim of generals and admirals at a time when the poor are being asked to sacrifice and the elderly are being told to expect less assistance. It must stop now. The $13 million for pay and allowances alone for the 1,722 enlisted aides can be put to better use.

Mr. President, I ask unanimous consent that a recent newspaper article by an enterprising investigative reporter, Ann Blackman, be printed in the RECORD together with an editorial from the St. Louis Post Dispatch of February 4, 1973.

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

AIDE OR SERVANT?—HE COOKS, CLEANS, AND WALKS THE DOG—ALL FOR HIS GENERAL

(By Ann Blackman)

FORT LEE, VA.—Here the Army trains soldiers to make tasty penguins out of hard-boiled eggs, carve swans out of ice, groom dogs and empty ash trays.

Other lessons range from bartending to flower arranging.

The purpose is to prepare enlisted men, all volunteers for the program for the job of making Army generals and their families more comfortable. Or, as an Army spokesman explains it, "to put the commanding officer and his family in the forefront of the Army installation and the community."

Some program critics call the personal aides servants. Most generals get one aide for each star on their shoulders.

A General Accounting Office report says that in pay and allowances alone the personal aides program costs the Army $3.6 million yearly. The Navy spends $4.4 million, the Air Force $4.3 million and the Marines $837,000 on similar programs, the report says.

What sort of enlisted men volunteers to be an aide?

"It takes a special boy, one who will take an order from a female, like the general's wife," a spokesman at Fort Lee replied.

During a visit to Fort Lee, an officer was asked directions to the training school. "An enlisted aides course?" he said. "Oh you mean the charm school. Over there."

He pointed to a two-story, World War II era building that has been remodeled to include five apartments. Each resembles a general's quarters and includes a living room, dining room, two bedrooms and a bathroom. Red and white carnations are carefully arranged on many tables.

Such delicacies as chocolate-covered petit fours, the work of aides, are stored in freezers.

The Army's enlisted aides course has been located in the building since the program started in January 1969. Courses are given six times a year, and the Army reports a total of 404 graduates. The waiting list of generals requesting aides is now at about 80. Some generals don't ask for aides, according to the spokesman.

He said soldiers spent 70 hours learning the duties and responsibilities of an enlisted aide, 109 hours on management of dining facilities and 137 hours on "the advanced principles of cooking, baking and garnishing."

Duties listed in the course outline include pet care, cleaning a general's quarters, care of officer's uniform and equipment, preparation of center pieces and ice carvings and watering plants.

A section called household duties includes these responsibilities: empty and wash all ash trays; sweep off steps and porch; scour tub, shower, lavatory and all fixtures; empty laundry hamper; insure adequate supply of soap, facial tissues, toilet tissue and tooth paste.

Helping a general's wife includes reminding her of appointments, providing her with transportation and assisting her role as hostess, according to the outline.

Critics, including Sen. William Proxmire (D-Wis.), say taxpayers should not have to pay for personal aides to generals and other military brass. The Army says the taxpayers are getting a good deal.

SNEAKY ATTACK

Rank, as the saying goes, has its privileges. But if Senator William Proxmire has his way, the privilege of having a "military aide" who is actually a little more than a domestic servant will not be one of them.

According to a recent study by the General Accounting Office, there are 1722 enlisted men (annual expense of about $13,000,000) assigned to aide duty. Many of them, according to Senator Proxmire, spend their time walking dogs, tending bar at private parties, cooking meals, gardening, doing the family laundry and cleaning out the swimming pool.

In a recent Senate speech, Mr. Proxmire attacked this regal system as "one of the last trappings of aristocratic privilege" and argued that the time had come for the military to stop doling out domestic help at the rate of one per star.

Although the Pentagon has come to expect criticism from the Senator from Wisconsin, this assault hits the military brass where it hurts—on the home front. Almost any general would be willing to stand eyeball to eyeball with the Russians. But few, we suspect, want to be forced to tell the little lady that she will have to drive the kids to school herself.

COHERENT NATIONAL ENERGY POLICY

Mr. STEVENSON. Mr. President, the need for a coherent national energy policy was demonstrated by the President's failure to meet fuel needs this winter despite insistent prodding over many months by myself and others who foresaw the impending shortages. The shortage of oil illustrates a far more general and growing shortage of energy. Yet, the Nation has no solution to its longer term energy requirements, nor even a coordinated effort to match our energy requirements with our vast energy potentials.

Testifying recently in support of S. 70, to establish a Council on Energy Policy, I cited the Nation's failure to develop coal as an environmentally sound source of energy. With some effort and money systems could be developed for the extraction of coal in environmentally sound ways. Systems in process of development could also permit coal to be burned without pollution and to be converted into oil and gas.

We have heard much about the possibility of investing billions of dollars in the development of natural gas reserves in Siberia. I suggest, Mr. President, that we should attach a higher priority to the development of our own fuel reserves, though the need is such that it may well be necessary to proceed expeditiously in many directions at once.

The Nation's reserves of coal could theoretically be converted into more than 4,000 billion barrels of oil which is 10 times the world's proven oil reserves. I suggest that for the long haul the development of nuclear energy and coal is more important than the development of more expensive and highly vulnerable foreign sources of oil and gas. The Nation is largely unaware of the potentials for coal. I ask unanimous consent that my statement of February 8, 1973, before the Commerce Committee be printed in the RECORD.

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

STATEMENT OF SENATOR ADLAI E. STEVENSON III

Statement by Senator Stevenson on S. 70, to establish a Council on Energy Policy, before the Committee on Commerce:

Mr. Chairman, I want to commend this Committee for focusing the attention of the Congress and the nation on the need for a coherent national policy on energy.

Experience in my own state dramatizes the need for national short-term and long-term responses to growing energy shortages.

This winter brought the lesson home. I have been appalled at the inability of the Administration to even determine the extent of the fuel shortage. In November I wrote to Secretary Morton and former OEP Director Lincoln to ask for a modification of the Oil Import Regulation to allow independent operators in Districts II through IV an oil import quota. I believed this would safegard against a winter fuel shortage. My letter received a mere acknowledgment.

On December 21, after the shortages in No. 2 heating oil, propane and natural gas were becoming apparent, I wrote to the President, citing the reasons for the fuel shortage, calling for a temporary end to the oil import quota program, and suggesting other measures that might be taken to relieve the shortage. Other Senators in the Midwest and elsewhere were doing likewise. Our letters received mere acknowledgments.

On January 10, I joined other members of the Senate Midwestern Democratic Caucus in another letter to the President, again calling for a suspension of the oil import quota program. Again, nothing happened.

Finally, and only as Senator Kennedy and I prepared S.J. Res. 23 to suspend oil import quotas, did the President act to suspend the program. The President's action, however, was too late and too little, and it does nothing about next winter, when we may well be facing the same problems.

The Executive Branch is plainly unable to gauge our short-term energy needs, let alone our long-term requirements.

The necessity is to forecast our short- and long-term needs and to plan a coordinated policy in response to those needs. I believe that a prospective answer is at hand to meet this necessity in S. 70, the bill before the Committee which would create a Council on Energy Policy within the Executive Office of the President.

This three-member Council, as is set forth in S. 70's "Declaration of Purpose," would establish a central point for the collection, analysis and interpretation of energy statistics and data necessary to formulate policies for wise energy management and conservation. The Council would also prepare a long-range comprehensive plan for energy utilization in order "to foster improvement in the efficiency of energy production and utilization, reduction of its adverse environmental impacts, conservation of energy resources for future generations, reduction of excessive energy demands, and the development of technological capabilities to produce alternative clean energy."

Perhaps most important of all, the Council would coordinate all energy activities of the federal government, and provide a measure of leadership to state and local governments and various other persons and organizations concerned with energy.

Moreover, although this bill focuses on the Executive Branch, and its ability to forecast and respond to our energy needs, the Section 6 requirement of an annual energy report to the Congress will help us revise present law and policy dealing with energy in order to deal with our ever-changing and expanding energy needs. In fact, one duty of the Council would be to advise the Congress as well as the President on how to resolve conflicting energy policies of various federal agencies.

The efficiency of our currently fragmented approach and the need for the coordinated energy policy which S. 70 could provide are convincingly illustrated by the incredible imbalance which has developed between our nation's natural energy reserves and our patterns of energy consumption.

Of the basic fuel sources of coal, oil, gas, and uranium, our 3,000 billion tons of coal constitute about 80% of the total fuel resources of the nation, while gas constitutes only 9% of our total energy resources, oil only 8%, and uranium only 4%.

Yet as consumers we depend on gas and oil to supply 79% of all our energy needs. Because no one has been responsible for overall energy planning, we have come to rely on those fuels in shortest supply for the greatest part of our energy requirements, while our greatest single energy resource lies relatively untouched.

We all recognize the need to meet our growing energy needs without further degrading the environment. Under older technologies it was simply easier to turn to oil and gas in order to minimize adverse environmental consequences. What has troubled me, however, is that we have had the capability for some time now to utilize new technologies which will enable us to transform our tremendous untapped coal reserves into environmentally sound fuels. With ever-increasing pressures on our oil and gas reserves, and the frightening experience of this relatively mild winter, I fear we have already waited too long to make use of these new technologies. I believe a centrally coordinated energy policy, as called for by S. 70, is the key to focusing our energy research priorities on such important questions.

The Office of Coal Research, in conjunction with the American Gas Association, has already constructed a pilot plant in Chicago for converting high sulfur coal into pipeline quality gas. Three more pilot plants for testing variations of this process are under construction elsewhere in the country. One variation of this process, producing less than pipeline quality gas, is being tested as an environmentally superior fuel for electrical generation.

A pilot plant has been constructed which demonstrates the feasibility of transforming high sulfur coal into low sulfur fuel oil, and one concept is being tested which would simultaneously result in both the liquefication and gasification of coal.

Technology is also being developed for the clean burning of high sulfur coal combined with limestone. Much of this work is being conducted at the Argonne National Laboratory in Illinois. With adequate financial support it could soon produce a system to power generating plants for electricity.

The implications of all this research are staggering. Improved mining techniques, some of it also in the research stages, would make it environmentally feasible to recover about 2,000 billion tons of our nation's 3,000 billion tons of coal reserves. Illinois alone has about 10% of these reserves, and studies by the Office of Coal Research indicate that Illinois' high sulfur coal is also among the highest in potential liquid and gas yields in the nation.

At a conversion rate of two barrels or more of synthetic oil per ton, nationally, we would have over 4,000 billion barrels of oil in the form of coal, or ten times the world's proven reserves. If this coal were converted to pipeline quality gas, it would yield about 32,000 trillion cubic feet of synthetic gas. Our proven recoverable national reserves are only 1,600 trillion cubic feet of natural gas.

Too few people are aware of this incredible untapped potential. The time to make this technology begin serving the people of our increasingly energy-starved nation is long overdue; and so is the kind of overall energy policy coordination which could help focus attention and resources on such crucial questions of balanced energy needs.

Illinois' currently unused high sulfur coal could be converted into a major energy source for the nation, and that would be one of the benefits of a better coordinated energy policy. We have always had the resources to meet our energy needs. Passage of S. 70 may be the long-overdue key to providing the direction and will to put them to the most efficient use in an increasingly energy starved nation.

OREGON INVENTORS' WEEK

Mr. PACKWOOD. Mr. President, I am pleased today to announce that the Governor of Oregon, the Honorable Tom McCall, designated the week of February 11 as "Oregon Inventors' Week" to coincide with National Inventors' Day, February 11. It is, indeed, a privilege for me to be able to pay tribute to the many inventor-citizens of the State of Oregon who have contributed so much to its economy and welfare. Their continued pursuit of excellence and their creativity and imagination promise to bring even greater benefits to the people of our State and the Nation in the future.

Mr. President, I ask unanimous consent that the text of Governor McCall's statement be printed in the RECORD.

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

STATEMENT BY GOVERNOR TOM MCCALL

Even in our grandfathers' days American inventiveness was a topic of conversation and wonder all over the civilized world.

One of the first acts of the Congress of the United States was to establish the patent system under which American inventors have made outstanding contributions to the world's engineering, manufacturing, and scientific projects.

Both the Senate and the House of the United States Congress have now passed and the President of the United States has now signed a resolution officially designating the birthday of Thomas Edison, February 11th, as National Inventors Day.

As Governor of the State of Oregon, I do hereby proclaim the week of February 11, 1973, as "Oregon Inventors Week" in commemoration of the contribution made by the inventors of the State of Oregon to the progress of the useful arts within the United States and to the contributions made by all inventors to progress within the State of Oregon.

In this way, the State of Oregon expresses thanks to her inventor-citizens for their contributions to the economy and welfare of this State and our Nation. Additionally, we pay tribute to the United States Patent system by acknowledging and recalling the quotation of Abraham Lincoln: "The Patent System adds the fuel of interest to the fire of genius."

EMERGENCY PROPERTY TAX RELIEF ACT

Mr. WILLIAMS. Mr. President, I am pleased to join the Senator from Idaho (Mr. CHURCH) in cosponsoring S. 471, the Emergency Property Tax Relief Act.

The property tax now constitutes one of the most crushing burdens for elderly persons living on limited, fixed incomes.

As a result, large numbers of older Americans are threatened with bankruptcy because of this never-ending upward spiral.

Many aged homeowners now turn over 20, 30, or 40 percent of their income to the local assessor. For example, elderly households with annual incomes below $2,000 pay, on the average, almost 16 percent of their incomes for property taxes. And in the northeast region, property taxes account for a shocking 29 percent of their budgets.

A classic example occurred in my own State of New Jersey, where one elderly widow, with an annual income of $1,176, was paying $796 to the local assessor. The net impact is that her property taxes accounted for almost 70 percent of her meager resources—leaving her just about $7 per week for food, clothing, transportation, medical care, and other essential expenses.

This account, I want to emphasize, is not just an isolated story. It happens in varying degrees throughout every region in the United States.

The evidence is all too compelling that the elderly—more so than any other age group in our society—are being squeezed through the property tax wringer.

For the typical urban household, the property tax represents about 3.4 percent of their household income. But for the older Americans, it accounts for 8.1 percent of their budget. And in the Northeastern United States, aged households turn over 11.4 percent of their income to the local assessor.

As the former chairman of the Senate Committee on Aging and now the chairman of the Labor and Public Welfare Committee, I have had a longstanding commitment to protect the elderly from confiscatory property taxes. In the past, I have sponsored legislation to develop a mechanism to provide relief for overwhelmed aged homeowners and tenants. But now, a very compelling and complete body of knowledge has been developed by the Senate Committee on Aging.

This evidence, in my judgment, points unmistakably to one conclusion: elderly homeowners and tenants need emergency relief now. And this is a major reason why I join the current chairman of the Senate Committee on Aging in sponsoring the Emergency Property Tax Relief Act.

S. 471, I strongly believe, represents a sound and sensible approach for coming to grips with one of the most serious problems affecting older Americans. Moreover, it can ease the financial burden for States desiring to establish circuitbreaker tax relief systems for elderly homeowners and renters.

Under this measure, the triggering mechanism would come into operation when an individual's property tax or rent causes an overload situation in comparison with household income. Additionally, a step system would be built into the formula to target relief to those in greatest need. For example, households with incomes not exceeding $3,000 would be entitled to relief—in the form of a rebate or refund—provided their property taxes exceeded 4 percent of their income. Afterwards, the threshold would be increased by 1 percent for each $1,000 of family income, until it eventually reaches 7 percent for households in the $5,001 to $6,000 income group.

Renters with incomes under $6,000 would also be entitled to relief whenever gross rents exceed 25 percent of their household income.

Older Americans—because of their markedly reduced incomes in retirement—are in urgent need of protection from this onerous and growing burden.

More than 3 million still fall below the poverty line, despite the enactment of recent social security increases. If the hidden poor would also be counted, nearly 2 million more aged persons would be classified as living in poverty.

These statistics present a challenge which our Nation must address itself to now. And the Emergency Property Tax Relief Act provides an effective and realistic method for delivering long overdue relief to low- and moderate-income aged homeowners and renters.

Mr. President, a recent article by Douglas Cray of the New York Times puts in proper perspective the impact of the property tax upon older Americans. It also provides compelling reasons for early action on the Emergency Property Tax Relief Act.

Mr. President, I commend this article—entitled "Tax Relief for the Elderly in Focus"—to my colleagues, and ask unanimous consent that it be printed at this point in the RECORD.

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

TAX RELIEF FOR THE ELDERLY IN FOCUS

(By Douglas W. Cray)

"The time has come to stop talking about the impact of property taxes on older Americans and to act in their behalf."

President Nixon made that pledge to 3,400 delegates attending the 1971 White House Conference on Aging. He said he would develop specific proposals to ease the burden of "one of the most onerous of all taxes for older Americans."

The President reiterated the pledge in a special message to Congress last March and reaffirmed it last fall during the election campaign, when he said he would ask Congress this year for property-tax relief for the elderly.

His interest in the matter is by no means singular. It reflects at the highest level a growing national awareness of a problem faced by the vast majority of the 20 million aged (65 and over) living in homes they own.

Several bills have been introduced in Congress in recent years aimed at providing a measure of property-tax relief for older Americans. Voluminous material on the subject has been collected by Senate and House committees.

Last year the staff of the Advisory Commission on Intergovernmental Relations, an

organization of Federal, state, city and county government officials, developed at the White House's request detailed analyses of the impact of property taxes on elderly homeowners.

This kind of attention strongly suggests that 1973 may be the year the Government acts. Several states already have acted and pressures are building in others.

A well-documented case has been made for such action.

Consider property taxes, for example. In 1971 they reached a record high of more than $40-billion. They rose about 35 per cent from 1967 to 1970 and have increased another 35 per cent since.

Superimposed on the elderly homeowner or tenant (through rent increases), spiraling property taxes can be termed onerous. Close to 70 per cent of the elderly own homes, but in 1970 half the families headed by older persons had incomes of less than $5,053. Moreover, almost five million, or over a quarter of the elderly, live below the official poverty line.

Typically urban households pay about 4 per cent of income for property taxes. For the elderly the pecentage has climbed to 30 and more in parts of the country.

Staff studies by the Advisory Commission on Intergovernmental Relations indicate that for 1.3 million elderly home owners with incomes of less than $2,000, property taxes claim an average of 15.8 per cent of their incomes. In the Northeast the average property tax in this income group is 30.8 per cent. In the West it is 22.9 per cent.

As the Senate Special Committee on Aging noted in its annual report last year: "Evidence from one Midwestern state (Wisconsin), for example, revealed that more than 8,000 elderly homeowners who lived on less than $1,000 paid about 30 per cent of their meager incomes for property taxes."

The reference to Wisconsin is significant. In 1964 Wisconsin pioneered in developing and passing legislation to provide property tax relief for the elderly. It has been termed a "circuit-breaker" system and provides that such taxes, in excess of a predetermined percentage of total income, be rebated by the state.

As originally adopted in Wisconsin the circuit-breaker came into effect when, for those elderly households with incomes below $2,000, property taxes exceeded 5 per cent of income. In 1965 the total program benefit in the state amounted to $1,829,426 granted to 30,714 beneficiaries for an average of $59.56.

The Wisconsin formula has changed since, and the circuit-breaker concept has been adopted by 14 states.

Elderly homeowners and tenants, most of whom cannot begin to afford the "Sun Cities" and posh retirement communities, are now finding some measure of tax relief in those states. It has permitted many to hold on to their homes, providing not only shelter and roots in communities, but also preserving some equity, something to leave for heirs.

The emergence last year of the Federal revenue-sharing concept has led to across-the-board property-tax-relief plans in some states and communities. Officials and others concerned about the problem are urging Federal legislation establishing, perhaps through matching grants, support for state programs such as the circuit-breaker.

John Shannon, assistant director of the advisory commission, gave this personal view to the Senate Special Committee on Aging in 1969 testimony:

"The Federal Government could hurry history along by providing a financial reward to those states that extend property-tax relief to low-income families. The Federal incentive might well take the form of reimbursing the state for, say, one-half of the cost that it incurs in taking such remedial action. Corrective action must be taken—an affluent society has no excuse for putting this type of tremendous burden on very low-income householders in order to finance its schools and local governments."

VIETNAM SETTLEMENT

Mr. MUSKIE. Mr. President, recently the 106th Legislature of the State of Maine passed a resolution in recognition of the Vietnam settlement. On behalf of myself and Senator HATHAWAY, I ask unanimous consent that this joint resolution in recognition of peace with honor in Vietnam be printed in the RECORD.

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

JOINT RESOLUTION IN RECOGNITION OF PEACE WITH HONOR IN VIETNAM

Whereas, the President of the United States has announced the successful negotiated conclusion of the Viet Nam conflict; and

Whereas, the final agreement enabling return of prisoners and troops and establishing peace with honor will be signed on Saturday, January 27, 1973; and

Whereas, the People of Maine share with their fellow Americans a sense of profound and prayerful thanks that United States military involvement in Viet Nam has been concluded in an honorable manner; now, therefore, be it

Resolved: That We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the State of Maine, now assembled, take this opportunity to commend the efforts of President Richard M. Nixon, Dr. Henry Kissinger and those in the service of our Federal Government who have successfully secured an honorable end to this conflict and, hopefully, the beginning of a generation of peace throughout the world; and be it further

Resolved: That a copy of this resolution duly authenticated by the Secretary of State be transmitted forthwith by the Secretary of State to the President of the United States, the National Security Advisor to the President and to the Senators and Representatives in Congress from the State of Maine.

ATTACK ON SENATOR STENNIS

Mr. DOLE. Mr. President, to a man, the Senate was alarmed and saddened at hearing of the brutal and senseless attack on our revered colleague, Senator JOHN STENNIS.

No other Member of this body commands such a universal measure of respect and admiration from his associates—within Congress and without—as the Senator from Mississippi. And no one more completely personifies the people's idea of a Senator—gracious, dedicated, and knowledgeable—than he.

We each have a deep personal concern for our colleague. The Senate as an institution also has a major interest in seeing the swiftest possible apprehension of the individuals responsible for this crime; for, Chairman JOHN STENNIS is one of the most respected and esteemed individuals ever to sit in the Senate as well as one of the most distinguished leaders in any field of American life. Although the robbery and cold-blooded assault he suffered last month are grave offenses against the law, they also affront the Senate's principles of courtesy, dignity, and integrity which JOHN STENNIS so proudly exemplifies.

All America prays for the Senator's swift and complete recovery. We have been heartened by his sure steps toward that goal, and our thoughts and support in this trying time go out to Mrs. Stennis and their family. We look forward to his early return to this Chamber and to the continuation of his invaluable guidance and leadership in the Committee on Armed Services and here on the floor of the Senate.

LITHUANIAN INDEPENDENCE

Mr. PROXMIRE. Mr. President, I am privileged today to join with Americans of Lithuanian origin and descent in commemorating the 55th anniversary of the establishment of the modern Republic of Lithuania and the 722d anniversary of the founding of the Lithuanian State. On February 16, 1918, the determined and courageous people of Lithuania proudly proclaimed a new and independent Republic of Lithuania after centuries of forced servitude to the crowns of Russia, Germany, and Poland.

Acceptance of the principles of democracy and freedom followed closely upon the proclamation of independence in this center of Christianity on the Baltic. Land reform, construction, and improvement of industry and transportation facilities, and the development of an educational system were among the many accomplishments of the early Republic. The struggle for liberty, prosperity, and social justice soon earned the young Republic the sobriquet "Little America," and this Nation looked proudly upon the progress of her sister state.

The joy of progress and liberty was abruptly subdued when, in 1940, Soviet troops marched into the Baltic and occupied Lithuania, along with Latvia and Estonia. Forceful annexation of these states into the Soviet Union did not, however, quench the spirit and resolve of the Lithuanians, who are now living testimony to Soviet tyranny whether under Russian rule or scattered throughout the free world. Even now, after almost 23 years of Soviet subjugation, Lithuanians are risking and sacrificing their lives in defiance of the Soviet regime, seeking religious and political freedom for their country. The unsuccessful escape attempt of the Lithuanian sailor, Simas Kudirka; the self-immolation of 20-year-old Romas Kalanta; the subsequent demonstration by thousands of young Lithuanians, and the petition of 17,000 Lithuanian Roman Catholics to the United Nations, demonstrate Lithuania's thirst for freedom.

In recognition of the continuing viability of this movement for independence, the U.S. Government recognizes the Baltic governments-in-exile as the true representatives of the peoples of Lithuania, Latvia, and Estonia. We must also give careful attention to their interests in the upcoming European Security Conference.

As we speak today in honor of that great moment of independence 55 years

ago, all Americans should recommit themselves to the ideals of freedom and justice which animated the Lithuanians in 1918.

EXTENSION LEGISLATION FOR EDUCATION OF THE HANDICAPPED ACT, BUREAU OF EDUCATION FOR THE HANDICAPPED

Mr. WILLIAMS. Mr. President, I am pleased to join with other Senators from the Committee on Labor and Public Welfare in introducing extension legislation for the Education of the Handicapped Act. This act, as passed by the Congress in 1970, repealed the existing title VI of the Elementary and Secondary Education Act and created a separate act, which includes part B, Grants to the States—currently funded at $37.5 million; part C, Centers and Services To Meet Special Needs—currently funded at $18.550 million; part D, Training of Personnel—currently funded at $34.595 million; part E, Research, Demonstration and Development—currently funded at $6.1 million; part F, Instructional Media and Materials—currently funded at $11 million; part G, Special Programs for Children with Learning Disabilities — currently funded at $2.25 million.

All of these programs are administered by the Bureau of Education for the Handicapped, which despite funding levels far below authorization levels set by the Congress, has done an outstanding job of deploying its limited resources in a way which will bring greatest return to handicapped children. I believe, Mr. President, that I cannot speak too strongly about the leadership which has been brought to the field and to many of the States by the Bureau in its attempts to insure that all handicapped children are provided with appropriate educational services since its creation 6 years ago.

During that period of time, support for children in special education under part B has grown from 53,000 children in 1967 to more than 200,000 in the last fiscal year. It has supported, under part C, Regional Resource Centers to provide advice and technical assistance to school systems for diagnosis and special education services; regional centers for the diagnosis, evaluation and education for deaf-blind children, many of whom were born blind as a result of the rubella epidemic in 1964; and has stimulated the development of early childhood and preschool programs for handicapped children through what was originally called the Handicapped Children Early Education Assistance Act.

Services for handicapped children early in life are exteremely important and often can mean the difference between a developmental handicap which will be a problem for the child in later years, or a reduction in the severity of the handicap because of early stimulation and compensating services. The model centers in early education authorized under this act have provided direct services to more than 10,000 children and have stimulated the creation by State and local governments through catalytic assistance of services for an additional 75,000 children.

For example, six of the existing projects are closely related to Head Start programs which include handicapped children. States such as Alaska, Tennessee, and Minnesota have adopted the model program and have extended it to all handicapped children within the State. In my own State of New Jersey, a project with the Mount Carmel Guild in Newark has extended its techniques for working with inner city deaf and language handicapped children to other programs run throughout the city.

Efforts have been made to insure that early education programs are coordinated with other programs run under the Education of the Handicapped Act in order to get greatest return for its investment, and make sure that techniques developed in one program can be utilized in other programs. Thus, the early education program has been coordinated with evaluation projects of early intervention under the part E research authority and with training projects under part D. They have also, under part F, stimulated the development of guidelines for preparation, copywriting and production of materials used in early education through the National Center on Media and Materials. Parent education films have been developed, and children's programs, such as Sesame Street, Mister Rogers Neighborhood, and Zoom have been worked with to stimulate programing for handicapped children and to bring handicapped children and adults onto these programs.

I believe, Mr. President, that we would have to look far to find programs which have used their funding in a more catalytic way. Training programs have been assisted at more than 300 colleges and universities, resulting in more than a twofold growth in the number of special educators in the present year. Estimates show a need for double the number of personnel if all handicapped children are to receive the educational services they need. And the future will no doubt show an increased growth in professional and paraprofessional training programs in special education, for many of our junior and community colleges are developing programs which will provide the much-needed personnel for special education.

Research into the unique learning modes of handicapped children has resulted in applied research, curriculum development, the development of tools and media for implementation of research and dissemination of research information. And programs under part G, for children with specific learning disabilities, has resulted in badly needed knowledge about learning problems of children with no apparent physical or mental disabilities who are unable to learn basic educational skills.

Since 1967 when the Congress created a Bureau of Education for the Handicapped and passed the Education of the Handicapped Act, the accomplishments under this authority have provided promise and hope to many handicapped children who previously were not being educated or provided for by the school system. In order to insure that these accomplishments continue with no break in services or lag in funding authority, I believe that we must act soon on this extension legislation.

But we must also look beyond this extension. For despite growth in education programs throughout the States, and the inclusion of many more children in appropriate preschool, elementary and secondary programs, more than 50 percent of the 7 million handicapped children in this country are without special education services. I believe that recent court decisions in Pennsylvania, the District of Columbia, and Michigan arguing the right to appropriate educational services of all handicapped children make clear that we must undertake to insure that all these children who are presently receiving inadequate or no educational services have access to full and appropriate public education. It was for this reason that Senators RANDOLPH, MAGNUSON, and I introduced S. 6, the Education of All Handicapped Children's Act, on January 4, with the support of 24 cosponsors. We see this legislation as a basic support program for assistance to States in educating handicapped children, and as such this excess cost funding formula should take the place of many of the set-aside and formula grant programs currently authorized to assist the States. We believe that the Federal Government has an important role to play in assisting the States to provide appropriate education programs for all handicapped children, and in insuring that all handicapped children have a right to a free and appropriate education.

In introducing extension legislation for the Education of the Handicapped Act, we wish to make very clear that this year the Congress must provide important national leadership to assure the rights of all handicapped children to free and appropriate education. Thus, the committee intends to hold hearings on extension legislation and on S. 6, the Education for All Handicapped Children's Act.

Mr. President, we have received support for this legislation from Governors and education departments across the country, and I ask unanimous consent that the text of S. 6, as well as these letters, be printed in the RECORD.

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

S. 6

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 "Education for All Handicapped Children Act."

STATEMENT OF PURPOSE

SEC. 2. (a) The Congress finds that

(1) there are more than seven million handicapped children in the United States today;

(2) close to 60 percent of these children do not receive appropriate educational services which would enable them to have full equality of opportunity;

(3) one million of these children are ex-

cluded entirely from the public school system and will not go through the educational process with their peers;

(4) the States have a responsibility to provide this education for all handicapped children; but are operating under increasingly constrained fiscal resources; therefore

(b) It is the purpose of this Act to insure that all handicapped children have available to them not later than 1976 a free appropriate public education, to insure that the rights of handicapped children and their parents or guardian are protected, to relieve the fiscal burden placed upon the States and localities when they provide for the education of all handicapped children, and to assess the effectiveness of efforts to educate handicapped children.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "handicapped children" means mentally retarded, hard-of-hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired children, or children with specific learning disabilities who by reason thereof require special education, training and related services;

(2) the term "Commissioner" means the Commissioner of Education;

(3) the term "per pupil" expenditure for handicapped children" means, for any State, the aggregate current expenditure during the fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in that State, plus any direct current expenditure by the State for the operation of any such agency for handicapped children, and the additional cost to the State or local educational agencies within that State for the provision of education to handicapped children in homes, institutions, and other agencies other than public elementary and secondary schools, divided by the aggregate number of handicapped children in attendance daily to whom such agency has provided free appropriate public education, and such expenditure shall not include any financial assistance received under the Education of the Handicapped Act the Elementary and. Secondary Education Act of 1965, or any other Federal financial assistance;

(4) the term "per pupil expenditure for all other children" means, for any State, the aggregate current expenditure during the fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in that State, plus any direct current expenditure by the State for operation of any such agency for all other children not included in the determination made under paragraph (6) of this section, divided by the aggregate number of all other children in attendance daily to whom such agency has provided free appropriate public education, and such expenditure shall not include any financial assistance received under the Elementary and Secondary Education Act of 1965, or any other Federal financial assistance;

(5) the term "free appropriate public education" means education, training and related services which shall be provided at public expense, under public supervision and direction and without charge, meeting the standards of the State educational agency, which shall provide an appropriate preschool, elementary, or secondary school education in the applicable State and which is provided in conformance with an individualized written program;

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

(7) the term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law;

(8) the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, and such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and

(9) The term "individualized written program" means a written educational plan for a child developed and agreed upon jointly by the local educational agency, the parents or guardians of the child and the child when appropriate, which includes (A) a statement of the child's present levels of educational performance, (B) a statement of the long-range goals for the education of the child, and the intermediate objectives related to the attainment of such goals, (C) a statement of the specific educational services to be provided to such child, (D) the projected date for initiation and anticipated duration of such services, and (E) objective criteria and evaluation procedures and schedule for determining whether intermediate objectives are being achieved.

AUTHORIZATION

SEC. 4 (a) The Commissioner is authorized to make grants pursuant to this Act for the purpose of assisting the States in providing a free appropriate public education for handicapped children at the preschool, elementary and secondary school levels.

(b) There are authorized to be appropriated for the fiscal years beginning July 1, 1973, and ending June 30, 1977, such sums as may be necessary for carrying out the purposes of this Act.

BASIC GRANT AND ENTITLEMENT

SEC. 5. (a) (1) From the sums appropriated pursuant to section 4 of this Act for each fiscal year each State is entitled to an amount which is equal to the amount by which the per pupil expenditure for handicapped children, aged three to twenty-one years, inclusive, exceeds the per pupil expenditure for all other children, aged five to seventeen years, inclusive, in the public elementary and secondary schools in the State, multiplied by the Federal share specified in section 8(a)(2) for each handicapped child for which the State is providing free appropriate public education during the current fiscal year. Funds so allotted shall be used by the State to initiate, expand and improve educational services for handicapped children in conformance with a State plan.

(2) The per pupil expenditure for handicapped children, aged three to twenty-one years, inclusive, and the per pupil expenditure for all other children, aged five to seventeen years, inclusive, in any State shall be determined by the Commissioner on the basis of the most recent data available to him.

(b) The portion of any State's entitlement under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such entitlement is available, for carrying out the purposes of this Act shall be available for reallotment from time to time, on such dates during such period as the Commissioner may fix, to other States in proportion to the original entitlements to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such period for carrying out such portion of its State plan approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its entitlement under subsection (b) for such year.

ELIGIBILITY

SEC. 6(a). In order to qualify for assistance under this Act in any fiscal year, a State shall demonstrate to the Commissioner that the following conditions are met.

(1) A State has in effect a policy that assures all handicapped children the right to a free appropriate public education.

(2) The State has a plan which details the procedures and implementation strategies for ensuring that a free appropriate public education will be available for all handicapped children within the State not later than 1976, and which includes a detailed timetable for accomplishing such a goal, and the necessary facilities, personnel, and services.

(3) The State has made adequate progress in meeting the timetable of its plan.

(4) Each local educational agency in the State will maintain an individualized written program for each handicapped child and review at least annually and amend when appropriate with the agreement of the parents or guardian of the handicapped child; that in the development of the individualized written program, parents or guardian are afforded due process procedures which shall include (A) prior notice to parents or guardian of the child when the local or State educational agency proposes to change the educational placement of the child, (B) an opportunity for the parents or guardian to obtain an impartial due process hearing, examine all relevant records with respect to the classification or educational placement of the child, and obtain an independent educational evaluation of the child and, (C) procedures to protect the rights of the child when the parents or guardian are not known, unavailable or the child is a ward of the State, including the assignment of an individual, not to be an employee of the State or local educational agency involved in the education or care of children, to act as a surrogate for the parents or guardian; and that when the parents or guardian refuse to agree to the provisions of the individualized written program that the decisions rendered in the impartial due process hearing are binding on all parties pending appropriate administrative or judicial appeal.

(5) Tests and other evaluation procedures utilized for the purpose of classifying children as handicapped are administered so as not to be racially or culturally discriminatory.

(6) To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(7) An advisory panel broadly representative of individuals involved or concerned with the education of handicapped children, including teachers, parents or guardian of handicapped children, administrators of programs for handicapped children, and handi-

capped individuals, has (A) advises the State educational agency of unmet needs within the State in the education of handicapped children, (B) assists the State educational agency in determining priorities within the State for educational services for handicapped children; (C) reviews the State plan and reports to the State educational agency and the public on the progress made in the implementation of the plan and recommends needed amendments to the plan, (D) comments on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under this Act, and (E) assists the State in developing, conducting and reporting the evaluation procedures required under section 7 of this Act.

(8) To the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provisions is made for the participation of such children in the program assisted or carried out under this Act.

(9) Federal funds made available under this Act will be so used as to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case supplant such State and local funds.

(10) The State educational agency will be the sole agency for administering or supervising the preparation and administration of the State plan, and that all educational programs for handicapped children within the State will be supervised by the persons responsible for educational programs for handicapped children in the State educational agency and shall meet educational standards of the State educational agency.

(11) The State has identified all handicapped children with the State and maintains a list of the local educational agency within the State responsible for the education of each such child (whether the child remains in the area served by the local educational agency or is sent out of the jurisdiction for services), the location of the child, and the services the child receives.

(b) Any State meeting the eligibility requirements set forth in subsection (a) and desiring to participate in the program under this Act shall submit to the Commissioner and at such time, in such manner, and containing or accompanied by such information as he deems necessary. Each such application shall——

(1) set forth programs and procedures for the expenditure of the funds paid to the State under this application, either directly or through individual local educational agencies or combinations of such agencies to initiate, expand, or improve programs and projects, including preschool programs and projects, which are designed to meet the educational needs of handicapuped children throughout the State;

(2) provide satisfactory assurance that the control of funds provided under this Act, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this Act, and that a public agency will administer such funds and property;

(3) provide for (A) making such reports in such form and containing such information, as the Commissioner may require to carry out his functions under this Act, including reports of the objective measurements required by paragraph 9 of subsection (A) and (B) keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this Act;

(4) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this Act to the State, including any such funds paid by the State to local educational agencies;

(5) provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children, in accordance with such criteria that the Commissioner shall prescribe pursuant to section 7.

(c) The Commissioner shall approve an application and any modification thereof which—

(1) is submitted by an eligible State in accordance with subsection (a);

(2) complies with the provisions of subsections (b);

(3) provides for the distribution of funds under this Act in such a way which reflects the relative percentage contribution within each State of funds spent within the State on education of handicapped children by State and local educational agencies; and

(4) provides that the distribution of assistance under this Act within each State is made on the basis of consideration of (A) the relative need for special educational services in certain geographical areas within the State as developed under the State plan, and (B) the relative need for special educational services for certain subgroups of the population of handicapped children within the State as developed under the State plan. The Commissioner shall disapprove any application which does not fulfill all such conditions, but shall not finally disapprove a State application except after reasonable notice and opportunity for a hearing to the State.

(d) As soon as practicable after the enactment of this Act, the Commissioner shall prescribe basic criteria to be applied by State agencies in submitting an application for assistance under this Act. In addition to other matters, such basic criteria shall include—

(1) uniform criteria for determining the handicapped children to be served;

(2) uniform criteria to be used by the State in determining categories of expenditures to be utilized in calculating State and local expenditures for the education of handicapped children.

EVALUATION AND REPORTING

SEC. 7. (a) The Commissioner shall measure and evaluate the impact of the program authorized under this Act, and shall submit annually to the Congress a report on progress being made toward the goal of making available to all handicapped children a free appropriate public education by 1976. Such report shall include a detailed evaluation of the education programs provided in accordance with individualized written programs, and shall include an evaluation of the success or failure of the State and local educational agencies to meet the long-range goals and intermediate objectives for education, to deliver specific services detailed in the individualized written program and to comply with the projected timetable for the delivery of such services.

(b) The Commissioner shall also include in the report required by subsection (a)—

(1) an analysis of the procedures undertaken by each State to insure that handicapped children are to the maximum extent appropriately educated with children who are not handicapped, pursuant to paragraph (6) of subsection (a) of section (6) of this Act;

(2) an evaluation of the State's procedures for the institutionalization of handicapped children, including classification and commitment procedures, services provided within institutions, and an evaluation of whether institutionalization best meets the educational needs of such children; and

(3) recommended changes in provisions under this Act, and other Acts which provide support for the education of handicapped children which will encourage education of such children in public preschool, elementary, and secondary schools where appropriate and improve programs of instruction for handicapped children who require institutionalization.

PAYMENTS

SEC. 8. (a) (1) The Commissioner shall pay to each State from its allotment determined pursuant to section 3, an amount equal to its entitlement under that section.

(2) (A) From funds paid to it pursuant to paragraph (1) each State educational agency shall distribute to each local educational agency of the State the amount for which its application has been approved except that the aggregate amount of such payment in any State shall not exceed the amount allotted to that State pursuant to section 5(a).

(B) To the extent that any State in which the State educational agency is wholly or partially providing free appropriate public education for handicapped children, the provisions of subparagraph (A) of this paragraph shall not apply.

(b) For each fiscal year the Federal share shall be 75 per centum.

(c) (1) The Commissioner is authorized to pay to each State amounts equal to the amounts expended for the proper and efficient performance of its duties under this Act, except that the total of such payments in any fiscal year shall not exceed—

(A) 1 per centum of the total of the amounts of the grants paid under this Act for that year to the State educational agency; or

(B) $75,000, or $25,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands, whichever is greater.

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

(d) Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Commissioner may determine necessary.

WITHHOLDING

SEC. 9. Whenever the Commissioner, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there has been a failure to comply substantially with any provision of section 6, the Commissioner shall notify the agency that payments will not be made to the State under this Act (or, in his discretion, that the State educational agency shall not make further payments under this Act to specified local educational agencies whose actions or omissions caused or are involved in such failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no payments shall be made to the State under this Act, or payments by the State educational agency under this Act shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

STATE OF ALABAMA,
Montgomery, Ala., September 1, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: Your recent letter wherein you provided me a copy of Senate

Bill 3614 providing for expanded federal assistance for the education of handicapped children, has been received.

I am presently in the process of reviewing this legislation, after which I will be more than happy to discuss the same with John Sparkman and Jim Allen so that they might also add their constructive assistance.

Thank you very much for bringing this matter to my attention.

With kind regards, I am

Sincerely yours,

GEORGE C. WALLACE,
Governor.

STATE OF ARKANSAS,
Little Rock, Ark., September 5, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: I've received your letter of August 23, 1972 regarding your sponsorship of S. 3614 introduced on May 16, 1972 and providing expanded federal assistance for handicapped children.

Since the consent decree in Pennsylvania we've been making plans to greatly expand appropriations for the education of handicapped children. It has put quite a strain on our already limited resources for public education.

I heartily endorse your bill and will be happy to assist in any way toward its passage. I will visit with both Senators McClellan and Fulbright shortly to express my total approval of this bill.

You are most kind to advise me of the bill and your efforts to get it passed.

Kindest regards,

Sincerely,

DALE BUMPERS,
Governor.

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, Pa., September 22, 1972.

Hon. HARRISON WILLIAMS, Jr.,
U.S. Senate, Old Senate Building,
Washington, D.C.

DEAR SENATOR: It is my distinct privilege to review S. 3614, which you recently introduced on behalf of the education of all handicapped children, and its companion bill, H.R. 15727, introduced by Congressman Brademas.

We, in Pennsylvania, have long expressed active concern for our handicapped of all ages, and because of the public interest, the support of the legislature and the leadership in government, Pennsylvania's educational programs for exceptional children are among the most progressive in the nation.

Despite this dedicated and continuing effort, however, Pennsylvania does not have sufficient resources to educate every handicapped child, as is his right under the Constitution. To realize this goal for Pennsylvania will require the continued participation of the Congress as set forth in this legislation.

I commend you and your colleagues for recognizing the need for a national commitment to this vital issue and for proposing these bills, which I am convinced will be recognized as among the most significant social legislation of our time. I pledge to you my personal support in the interest of all handicapped children throughout the nation.

Sincerely,

MILTON J. SHAPP,
Governor.

STATE OF NEW JERSEY,
Trenton, N.J., September 27, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR PETE: Thank you for your letter of August 23, 1972, on the subject of S–3614.

There is no doubt that legislation is necessary to provide expanded Federal assistance to states for the education of handicapped children. As you may know New Jersey is presently expanding approximately $84 million on such educational programs. While we feel that a good effort is being made on behalf of handicapped children in the educational field in New Jersey at this time, it is also obvious that Federal aid will enable us to improve program planning and actually increase the educational exposure of handicapped children. Our best estimates indicate that a very large percentage of New Jersey handicapped children are presently being served by our existing program. Programs, such as the one envisioned by your legislation, would enable us to improve our position and hopefully provide us with necessary funds to improve out-reach programs in order to identify and provide services for all handicapped children within the State.

The provisions which pertain to determination of uniform criteria for the identification of handicapped children to be served are of the utmost importance and I was delighted that the bill addressed itself to these problems.

I think you might consider the possibility of providing, in your legislation, for administrative funds to the various state departments of education to enable them to effectively carry out the evaluation requirements and the oversight of program administration generally. Oversight and evaluation are not simple problems; without adequate fiscal support for these elements of the program the success of the undertaking will be endangered.

I am sure that this will be an expensive undertaking but it would appear to me that legislation of this kind would be most worthwhile, regardless of the level of funding.

Sincerely yours,

BILL (WILLIAM T. CAHILL),
Governor.

STATE OF MONTANA,
Helena, Mont., October 5, 1972.

Hon. HARRISON A. WILLIAMS, JR.,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: Thank you for your August 23 letter concerning S3614 for the education of handicapped children.

In Montana there is no question that it will be extremely difficult to extend educational services to all handicapped children and youth, without greatly expanding our resources. Therefore, I endorse S3614, and congratulate you for taking the initiative in this worthwhile effort.

Sincerely,

FORREST H. ANDERSON,
Governor.

WYOMING EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., September 27, 1972.

Hon. HARRISON A. WILLIAMS, JR.,
U.S. Senator,
Committee on Labor and Public Welfare,
Washington, D.C.

DEAR SENATOR WILLIAMS: Thank you for sending me a copy of S. 3614, the "Education for All Handicapped Children Act," which you and Senators Magnuson and Randolph introduced last May. The bill would enable Wyoming to broaden substantially the scope of its educational services for handicapped children. It would also hasten our efforts to make appropriate services available to all children.

The provision to serve handicapped children through both regular and special education programs is especially desirable. Federal funds for the education of the handicapped too often are restricted to children in special education programs.

Mandatory legislation enacted by the Fortieth Wyoming Legislature has resulted in a dramatic increase in the number of children served. A major effort is in progress to identify and serve children with multiple handicaps and children residing in remote areas of the state. The enormity of this task is such that complete success can hardly be achieved without substantial additional funds. S. 3614 would provide much needed assistance.

Your bill has my support. Thank you for your efforts and those of your colleagues on behalf of the handicapped children and youths.

With best wishes, I am

Sincerely,

STAN HATHAWAY,
Governor.

STATE OF MINNESOTA,
St. Paul, Minn., October 11, 1972.

Hon. HARRISON A. WILLIAMS, JR.,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR WILLIAMS: Thank you for your letter of August 23rd asking my comments on Senate Bill 3614. I feel that it is basically sound. The major financing proposed in the bill fulfills a needed resource which will help states assume educational responsibilities for all handicapped children.

When enacted, this bill will allow extension of services to school children from the 72,070 children currently served in Minnesota, to an estimated total of 100,000. The bill would also encourage services to a large segment of the present preschool population.

Based on special state aids paid for 1971–72, preliminary calculations indicate that costs to the state can be held relatively constant even though services are extended to include all additional children and from time to time upgraded as necessary and desirable. Costs to local educational agencies will not be increased. The bill will thus enable federal and special aid to make up the total difference in educating handicapped youngsters beyond that identified for the non-handicapped.

Section 3 of the bill should extend the definition of handicapped children to delinquent youth. To separate this group of "hard core" handicapped from other areas only serves to fractionalize services at the state level and does not encourage local schools to coordinate programs for the handicapped. In Minnesota, special state aids for delinquent youth are provided to schools as authorized by interpretation of M.S. 120.03 subd. 3, "Children who have an emotional disturbance or a special behavior problem."

Section 7 dealing with state plans should perhaps be reworded to include language providing for input on policy from the respective states. For more specific recommendations on such language you may contact John C. Groos, Director, Special Education, Department of Education, 550 Cedar Street, St. Paul, Minnesota, 55155.

Thank you for informing me of Senate Bill 3614, and for allowing me to comment on it.

Sincerely,

WENDELL R. ANDERSON,
Governor.

EXECUTIVE CHAMBERS,
Honolulu, Hawaii, September 14, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Hon. WARREN G. MAGNUSON,
Hon. JENNINGS RANDOLPH,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SIRS: Thank you for your letter of August 23, 1972, calling my attention to S.

3614 which you and others have co-sponsored in the Senate.

"Equal educational opportunity for every child in the State" has been our goal here in Hawaii for the last ten years. We know that the cost for educating handicapped children has been steadily increasing as we serve more children. Rising costs together with recent estimates of declining revenues complicate our efforts to meet the goal we have set for ourselves.

Our Special Education Branch in the State Department of Education, in cooperation with other agencies, is developing a plan to serve the state's entire population of exceptional children from age 0–20 years. It is my understanding that S. 3614 will assist Hawaii in its desire to accomplish this end and therefor equalize educational opportunity.

We will be interested in progress of the bill. You have our fullest support and appreciation for your efforts in Congress to serve our handicapped children and adults.

Aloha, and may the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS,
Governor.

STATE OF SOUTH CAROLINA,
Columbia, S.C., September 7, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Hon. WARREN G. MAGNUSON,
Hon. JENNINGS RANDOLPH,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

GENTLEMEN: Thank you very much for your letter and the information concerning the education of handicapped children and S. 3614.

This will be most helpful to us in our goal to provide education for all handicapped children. I am providing a copy of this information to all agencies having an interest in this important work.

Best regards.

Sincerely,

JOHN C. WEST,
Governor.

STATE OF CALIFORNIA,
Sacramento, Calif., August 30, 1972.

Hon. HARRISON A. WILLIAMS, JR.,
Member, U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Thank you for your letter of August 23, also signed by Senators Warren G. Magnuson and Jennings Randolph, bringing to my attention S. 3614 regarding education of the handicapped.

I have asked our rehabilitation education expert in the Health and Welfare Agency to review your legislation and report back to me.

Thank you for bringing this to my attention.

Sincerely,

RONALD REAGAN,
Governor.

STATE OF OHIO,
Columbus, Ohio, September 11, 1972.

Hon. HARRISON A. WILLIAMS, JR.,
Chairman, U.S. Senate Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR: Thanks very much for your recent letter calling my attention to S. 3614 providing for greatly expanded Federal assistance for the education of handicapped children.

I agree with you that we must offer every possible educational advantage to our handicapped children and I heartily endorse your efforts to provide Federal funds to the States for this purpose. Please be assured that you have my full support for this legislation.

Thanks again for calling S. 3614 to my attention and for furnishing me with the statistical data pertaining to Ohio.

With warmest good wishes,

Sincerely,

JOHN J. GILLIGAN.

STATE OF CONNECTICUT,
Hartford, Conn., September 12, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR WILLIAMS: I appreciate very much your sending me a copy of S. 3614, a Bill to provide expanded federal assistance at three-quarters of the excess cost per child to the State and Local Education Agencies for the education of all handicapped children.

This is of considerable interest to me. Since 1969 the State of Connecticut has had legislation mandating the public schools to provide education for all children of the State. The State pays two-thirds of the excess costs expended in educating a handicapped child for each child that the school district serves. During 1972–73 the State will expend $22,600,000 under the provisions of this law.

I appreciate hearing from you on this matter.

With best wishes,

Sincerely,

THOMAS J. MESKILL,
Governor.

STATE OF ALASKA,
Juneau, Alaska, September 12, 1972.

Hon. HARRISON A. WILLIAMS,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: I certainly appreciate receiving the material on Senate Bill 3614 introduced by you and your colleagues on May 16, 1972, to provide expanded Federal assistance for the education of handicapped children.

The need for education is real and the benefits to be derived by the handicapped child are great. Therefore, any assistance over and above what the states can or do provide, should greatly enhance the opportunities for such education.

I appreciate your concern and heartily endorse the effort.

Sincerely,

WILLIAM A. EGAN,
Governor.

GOVERNMENT OF GUAM,
Agana, Guam, September 7, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR WILLIAMS: I am in receipt of your letter dated June 16, 1972, relative to your interest in providing much needed funds for the implementation of programs and facilities for the handicapped.

It is gratifying to see that our political leaders are aware of the many problems facing educators in the field of Special Education as well as the many frustrated parents who find it impossible to provide a meaningful education for their children.

We are pleased with the many efforts put forth on our behalf through the various federal grant programs, especially with Title VI–B and 10% Vocational Education, P.L. 91–230, D and P.L. 89–313. We were able to establish a Work Experience program at the post-junior high school level of instruction. This is the first time on Guam that formal education beyond age 16 or junior high school has been provided for our handicapped, except for those who may have qualified under the provisions of the Division of Vocational Rehabilitation.

I reviewed, with interest your remarks made on the Senate floor. How familiar it all sounds! Of particular note is your reference to evaluation of bi-lingual children.

Congratulations on your efforts toward better education for the handicapped. We support your efforts.

Sincerely yours,

JULIA T. CERTEZA,
Associate Superintendent,
Special Education.

GOVERNMENT OF AMERICAN SAMOA,
Pago Pago, American Samoa, September 7, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: Thank you very much for the August 23rd letter from Senator Magnuson, Senator Randolph and you.

The official position of the Government of American Samoa is expressed by the Department of the Interior through the office of the Deputy Assistant Secretary for Territorial Affairs, Mr. Stanley S. Carpenter. I am sending copies of your material to him.

On an informal basis, may I say that your bill apparently approaches what is a very real problem in American Samoa and I am sending copies of your material to our Director of Medical Services, Dr. Lowell Wiese, with the request that he provide your committee with whatever statistics on handicapped children he has available.

We recently completed an identification survey among our young children which gives us some indication of the problem. Additionally, we have begun our first classes for deaf children and, just this past week, have been engaged in discussions with the Deputy Administrator of Social and Vocational Rehabilitation Service in Washington, D.C., Dr. James Garrett.

We would like to do everything possible here in American Samoa to provide education facilities and education for handicapped children and will be much interested in the progress of your proposed legislation.

Very sincerely yours,

JOHN M. HAYDON,
Governor.

THE JOSEPH P. KENNEDY, JR.
FOUNDATION,
Washington, D.C., July 6,1972.

Senator HARRISON A. WILLIAMS, JR.,
Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: Your bill S. 3614, "Education for All Handicapped Children Act," is a great landmark in the improvement of care for the mentally retarded and a true demonstration of commitment to the mentally retarded in this country.

I wholeheartedly support the principles of this legislation. I agree completely that the class action suits in several parts of this country have forced the states to provide additional services for the handicapped, especially the mentally retarded, and that states are in no position to do so unless there are increased government expenditures to meet these needs. Two aspects require emphasis, I believe.

The first is that the $400 per child figure is an absolute minimum and such amounts will be grossly inadequate if the states do not maintain their current effort in this area. Therefore, effort maintenance must be an essential requirement of this legislation.

An equally important issue is that of the development of curriculum and the training of special education teachers to work with the severely and profoundly handicapped so that the expenditures of federal and state money can be done in the most efficacious way. The Kennedy Foundation has recently explored some of the needs in this area, and there is no question but that a significant increase in the support of research and demonstration activities should be included in any legislative package so that the public

school systems are properly guided in their efforts. I sincerely believe that the curriculum development work and the demonstration activities can be initiated very rapidly in order to give the states proper guidance within the next four years so that by 1976 programs can be generated that will use the new monies effectively.

It is also important to point out in the legislative history, if not in the legislation, the need for some portion of these funds to be used for the detailed individual assessment of each child so that his education can be optimized rather than be provided in a purely undifferentiated way. I am sure you recognize that the handicapped child differs more and more from his compatriots as his degree of handicap increases; therefore, greater individualization is essential.

To ensure that such research and demonstration activities are carried out, it would seem to me appropriate that sums be specifically earmarked for this purpose as additional monies for research efforts of the Office of Education's Bureau of the Handicapped. Dr. Edward Martin of the Bureau of the Handicapped might furnish your committee with details of the needs and method of procedure if you would care to call upon him.

Sincerely,

EUNICE KENNEDY SHRIVER,
Executive Vice President.

DEPARTMENT OF EDUCATION,
Las Vegas, Nev., July 14, 1972.

Hon. HARRISON A. WILLIAMS, JR.,
U.S. Senator,
Senate Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am pleased that you have introduced S. 3614 to offer states more Federal assistance for the education of handicapped children on a cost per child basis.

Your introductory remarks in the Congressional Record tell the story that has been a state and national disgrace to our educational system for many years. I want you to know that I support this bill and will actively engage in generating support for this legislation.

I would also like to make a suggestion at this time. Would it be possible to have the same stipend written into this bill to include the exceptionally bright child on a per child cost basis?

Sincerely,

LAMAR LEFEVRE,
Assistant Superintendent.

WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION,
Boulder, Colo., July 11, 1972.

Hon. HARRISON A. WILLIAMS, JR.,
U.S. Senate,
Committee on Labor and Public Welfare,
Washington, D.C.

DEAR SIR: Thank you very much for your letter of June 16, 1972. We here at the Western Interstate Commission for Higher Education appreciated receiving this information and are in full support and agreement with the legislation for the Education of the Handicapped (S. 3614) that you and Senators Magnuson and Randolph have introduced.

This level of federal support is very much needed and will certainly be welcomed by the many handicapped children across the country who are currently being excluded from the appropriate education they deserve.

Sincerely,

DR. JAMES A. BRADSHAW,
Director, Special Education for General Educators.
LEONARD M. BACA,
Staff Associate, Special Education for General Educators.

DEPARTMENT OF HUMAN RESOURCES,
Raleigh, N.C., July 6, 1972.

Re Education for all Handicapped Children Act.

Senator HARRISON A. WILLIAMS, JR.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: Your letter and a copy of the Congressional Record pertaining to the "Education for All Handicapped Children Act" have recently come to our attention. We are particularly impressed with both the timeliness and the scope of this Act, in that class action suits similar to the Pennsylvania suit have been filed in North Carolina.

The scope of the Act includes all handicapped children, which to us implies the implementation of a "zero reject" principle; i.e., no child may be rejected on the basis of being too handicapped to receive educational services. In addition, the inclusion of provisions for institutionalized children, with an emphasis on de-institutionalization, is much needed.

I strongly support the legislation you have introduced and commend you for your interest in and concern for the needs of handicapped children.

Sincerely,

DON TAYLOR,
Assistant Deputy Commissioner for Mental Retardation Services for Children.

DEPARTMENT OF HUMAN RESOURCES,
Raleigh, N.C., July 17, 1972.

Senator HARRISON A. WILLIAMS, JR.,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: We are fortunate to have received a copy of Senate Bill 3614, "Education for all Handicapped Children Act" sponsored by you, Senator Magnuson, and Senator Randolph.

As you probably know, North Carolina has a suit pending similar to the Pennsylvania case. We do not know what the final decision will be; however statistics in the state reveal that approximately 50% of the handicapped children in North Carolina are not receiving special education services.

We have examined your bill carefully and we want you to know that we endorse your proposal to provide states with federal resources to assure each handicapped child his "right to an education".

Thank you.

Sincerely,

EUGENE A. HARGROVE, M.D.,
Commissioner.

BOARD OF SUPERVISORS,
Los Angeles, Calif., July 14, 1972.

Each member, Senate Committee on Labor and Public Welfare,
Each member, Los Angeles County Delegation to Congress.

DEAR SIR: The Board of Supervisors, at its meeting held July 11, 1972, on motion of Supervisor Ernest E. Debs, went on record as endorsing S. 3614, legislation introduced by Senator Harrison A. Williams to provide markedly improved educational services to handicapped children, thus greatly reducing the necessity, expense and inhumanity of institutionalizing such children.

It is the feeling of each Board member that the provisions of S. 3614 are a long-overdue right of these youngsters. History shows that some of the world's greatest contributions to art, literature, science, music and statesmanship have come from the physically handicapped. Consequently, legislation which provides maximum educational facilities for physically handicapped children is not only in their interest . . . it is in ours.

Your support and active efforts on behalf of the passage of S. 3614 are most respectfully urged by the Board.

Very truly yours,

JAMES S. MIZE,
RICHARD A. SCHOENI,
Assistant Executive Officer.

OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION,
Springfield, Ill., August 28, 1972.

Hon. HARRISON A. WILLIAMS, JR.,
Member of the Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: Your "Handicapped Children Act" (S. 3614) deserves the active support of all educators, and I would like to join those who are advising their Representatives and Senators to support this progressive legislation.

Despite our best efforts in recent years, a majority of handicapped children have not received adequate services. If Illinois actually realized the near $40-million increase in federal aid to handicapped children which your bill would provide, we could assure quality services for these children. Your bill addresses several reforms which our General Assembly has endorsed but could not fully finance. This area of education was of great concern to parents and teachers who helped in formulating our Action Goals for the Seventies.

Please advise me if there is anything I can do in aiding the passage of this important legislation.

Sincerely yours,

MICHAEL J. BAKALIS,
Superintendent.

DEPARTMENT OF EDUCATION,
Frankfort, Ky., September 26, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: You may certainly count the State Department of Education in Kentucky on the side of supporting as vigorously as possible the passage of Senate Bill 3614. Almost every state has neglected children with special learning disabilities, and in many cases the neglect has been more than trivial. The cost of educating these children is from two to three times as much as for normal children; and, therefore, the financial burden becomes extremely heavy if all necessary services are provided. We in Kentucky are very much aware of the pressure and the problem, and we commend you for taking this constructive position.

Sincerely yours,

LYMAN V. GINGER,
Superintendent of Public Instruction.

DEPARTMENT OF PUBLIC INSTRUCTION,
Pierre, S. Dak., July 3, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: Thank you for your communication of June 16, 1972.

S. 3614, providing adequate financial assistance to the States for improved educational services to handicapped children is an excellent bill. Again, you and your committee are to be applauded for your efforts on behalf of the voiceless and defenseless in our land. As I mentioned to you in a previous correspondence, the exceptional child is at the very least a major priority of the South Dakota Department of Public Instruction.

I believe we have one more court decision in regard to equal educational opportunity for handicapped children. The Pennsylvania

Association for Retarded Children case provides for compulsory attendance for handicapped children in public schools. Judge Skelley Wright's decision in Washington, D.C. borrows the precedent of Brown vs. Board of Education indicating that tracking for handicapped children when it results in ipso facto segregation, is inherently unequal. I believe it judicially necessary to establish the precedent that segregated programs for handicapped children within public school systems are of themselves inherently unequal.

Only then can we be assured of at least the basis for equal education for one of our country's long-neglected minorities. When one considers that the parameters of this minority are not well measured, vary from district to district and state to state, and are primarily based on questionable data and highly questionable norms, the need for inclusion into the opportunity of regular education wherever possible becomes mandatory.

DON BARNHART,
State Superintendent of Public Instruction.

DEPARTMENT OF EDUCATION,
Providence, R.I., June 29, 1972.

Senator HARRISON A. WILLIAMS, JR.,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR WILLIAMS: I was pleased to learn from your recent letter that you and two colleagues have introduced legislation that holds great promise for expanding programs for handicapped youngsters. Your concept of providing federal funds to the states for a goodly portion of the excess cost of educating handicapped youngsters would appear to have many advantages over present categorical methods of funding.

Based on my experience with local educational agencies, its is my feeling that the excess cost method of financing would greatly increase the willingness of communities to expand their efforts and experiment with innovative programs for all types of handicapped youngsters. Presently many, if not most, communities view current methods of financing special education with suspicion and trepidation.

When grants and project allocations expire or diminish, communities have been expected to shoulder the full or major financial burden. The excess cost approach would give more reliable assurance of continuing support for efforts expended. It would also increase the odds in favor of developing quality programs for the handicapped rather than labeling and assembling mere regimented group situations. Excess cost funds as proposed in your bill, would be a boon to Rhode Island, where new legislation has just mandated that public schools provide programs for severely retarded and multi-handicapped children, without any additional financial aid to support such efforts.

You and your colleagues are to be congratulated on your foresight in this matter. My best wishes for the success of S. 3614. If there is any way I can be of further assistance, please don't hesitate to contact this office.

Sincerely yours,

FRANCIS B. CONLEY,
Coordinator, Special Education.

LITHUANIAN INDEPENDENCE DAY

Mr. PACKWOOD. Mr. President, today I want to join Senators in paying tribute to one of the bravest nations of the world. On February 16, each year, the attention of men of good will everywhere is focused on the sad plight of Lithuania. This is the 55th anniversary of the year the Lithuanian people finally won their independence—the fulfillment of a seven-century quest for freedom.

The Baltic peoples have suffered the harsh realities of political geography for centuries.

From the west they were invaded by the Teutonic Knights, from the east by the Moscovites.

During the Middle Ages, Lithuanians established a powerful and independent state in Europe which helped protect Europe against the Mongols and the Tartars.

They blessed their subjects with human freedoms and encouraged education and toleration, and they played a significant part in the general development of European civilization.

But in 1795, all this was ended when Russian conquered her tiny neighbor. During the next 120 years of domination, there were numerous revolts by the Lithuanian people against attempts to replace their own language and culture with Russian. This repressive policy of forced Russification began to diminish in 1905. But, only 10 years later, Russian domination was replaced by German rule. What progress had been made came to a crashing halt, but not for long.

The defeat of Germany, coupled with the revolution in Russia, made it possible for Lithuania to declare her independence. On February 16, 1918, an independent Lithuanian state based on democratic principles was established.

Freedom brought with it a renewal of the Lithuanian spirit. Great progress suddenly was made on all fronts. Literature and the arts were revived. The Lithuanian people, once again, became contributors to European culture and civilization.

Industrialization, too, was rapid. In 1913 there were only 181 industrial establishments. By 1939 the number had grown to over 16,000. Land reform was established. Over 335,000 peasants acquired and began to operate their own family farms—in some cases land they and their forebears had lived on for generations.

But World War II happened. Lithuania fell victim to the anarchy of a chaotic Europe. The secret agreement between Hitler and Stalin that precipitated the war included a callous betrayal of the Baltic States. Germany, in short, had agreed to their being swallowed up by the Soviet Union.

It is estimated that during this Soviet occupation, Lithuania suffered the loss of about 45,000 people. Thousands of others were arrested or deported. Some 30,000 members of the Lithuanian intelligentsia were deported to Siberia on the single night of June 14, 1941.

Despite decades of oppression by the Soviet Union, Lithuanians still hope and pray for a restored freedom. Men of good will everywhere join them in this hope and add their prayers for eventual freedom for this proud but harshly treated people.

FOR DEFECTS IN FEDERAL HOUSING ADMINISTRATION MORTGAGED HOMES

Mr. CRANSTON. Mr. President, I am pleased to join my distinguished colleague from Illinois (Mr. STEVENSON) in introducing S. 855, a bill to authorize the Secretary of the Department of Housing and Urban Development to make expenditures to correct or compensate for substantial defects in Federal Housing Administration mortgaged homes.

Anyone who buys an FHA insured home has every right to expect that on the day he moves in, his home will be in decent, safe, and sanitary condition. Instead, thousands of home buyers using the FHA programs have had their expectations shattered. They have discovered that the FHA has not protected them from buying homes with faulty wiring, unsafe and leaky roofs, defective furnaces, inoperative plumbing, peeling paint, cracked foundations and floors. A home buyer ignores these defects at his own peril. Recently, a constituent of mine in Southgate, Calif., who bought an older home insured under the 221(d)(2) program, wrote me that he and his wife were nearly asphyxiated when they turned on their furnace. Instead of heat, carbon dioxide poured out. It is outrageous that the Federal Government continues to insure property that is positively dangerous.

In 1970, the staff of the House Banking and Currency Committee uncovered evidence that low- and moderate-income families were being sold houses with serious defects. In that year, the Comptroller General of the United States estimated that FHA had insured under the section 235 program 15,800 existing houses having significant defects. In response to this evidence, I introduced in 1970 a bill mandating the Secretary of HUD to compensate purchasers of existing housing insured under section 235 for the cost of correcting substantial defects present at the time of purchase and which an ordinary inspection should have disclosed.

The 91st Congress passed this bill—now section 518(b) of the National Housing Act—but in a weaker version. Instead of compelling the the Secretary to make expenditures for legitimate claims—as I intended—section 518(b) permits compensation to be at the discretion of the Secretary. In S. 855, Senater STEVENSON and I propose to amend section 518(b) to conform to the original intent, so that compensation is mandatory.

Negligent FHA inspectors have saddled thousands of 235 families with crumbling homes. Earning between $4,000 and $7,000 a year, these families cannot afford costly repair bills. Some have strained their budgets to patch up their homes as best they can; others, giving up in despair, have abandoned their property to FHA.

As compared with $740—the average cost of a claim under section 518(b)—each foreclosure on a section 235 house costs the taxpayer $3,850. Since the section 235 program was enacted in 1968, through June 30, 1972, HUD estimates that foreclosures have cost the public $50.2 million. Not every 235 repossession results from a homeowner's inability to make essential repairs. But every foreclosure that does stem from negligence on the part of FHA to perform proper inspections is a completely unnecessary

expense—an injustice to the taxpaying public and a violation of the public trust.

Slipshod inspections, often accompanied by inflated appraisals, have not been confined to the section 235 program. In fact, the highly publicized foreclosure rates in Philadelphia and Detroit do not involve section 235 but rather the FHA unsubsidized insurance programs, sections 203 and 221. In recognition of abuses in these programs, Senator STEVENSON and I have broadened section 518(b) to extend coverage to purchasers of existing housing insured under sections 203 and 221 of the National Housing Act. To catch up with homebuyers using these programs, S. 855 makes coverage retroactive to homes purchased on or after June 30, 1969.

To be sure that all eligible homeowners know of their right to apply for financial aid to correct defects or to be reimbursed for repairs they have paid for out of pocket, S. 855 requires HUD to take all steps necessary to notify homeowners, including notification by certified mail.

In addition to strengthening section 518(b), this legislation amends the National Housing Act by including substantial rehabilitation under the 1-year builder's warranty for single-family new construction. Buying a house which has undergone major rehabilitation is like buying a new house—equity requires that both homebuyers be protected under a warranty.

That homebuyers trusting in the good faith of the FHA have found themselves owning homes that are neither decent, safe, nor sanitary is a scandalous example of ineptitude in government. The legislation that Senator STEVENSON and I have introduced is a compensatory measure. By redressing past wrongs I believe it will help restore the public's trust in government. But that trust will be tenuous if we are only catching up with what went wrong in the past without providing safeguards against future abuse. Congress should see to it that the FHA insuring offices have enough well trained appraisers to do a proper job on each mortgage insurance application, and the FHA should insure a home only when it can certify that the property meets FHA minimum property standards. When these conditions are met, I believe the public will have greater confidence that the Federal Government takes seriously the goal of a decent, safe, and sanitary home for every family.

LETTERS ON PRESIDENT TRUMAN

Mr. MUSKIE. Mr. President, in the past month, I have received many letters expressing an outpouring of sympathy to Mrs. Truman and her family, paying tribute to the great memory of President Truman. Harry Truman's courage, his boldness, his simplicity, and his vision touched the lives of millions of Americans. His loss is very keenly felt.

One of the most moving and thoughtful tributes I have received is that of Rabbi David Berent of Congregation Beth Jacob in Lewiston, Maine. Rabbi Berent expresses with eloquence and warmth the great affection in which President Truman was held by the Jewish people of our country and the world. I ask unaminous consent that the tribute be printed in the RECORD.

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

ADDRESS BY RABBI DAVID BERENT OF CONGREGATION BETH JACOB FOR MEMORIAL PRAYER SERVICE FOR PRESIDENT HARRY S TRUMAN, DECEMBER 31, 1972, SAINT JOSEPH'S CHURCH, LEWISTON, MAINE

Reverend clergy, distinguished citizens, and fellow Americans: It is with great diffidence that I accepted the invitation of the Arrangements Committee to be its spokesman at this Memorial Service—all sparkling ornaments in their professions, whose tongues are far more eloquent than my poor lips to speak words of tribute in memory of the 33rd President of the United States.

Millions of words have been written since Harry S. Truman breathed his last on Tuesday. There is little that I can add to that which has already been said.

Mourning is often little more than official. It is seldom the portion of the famous to evoke sincere grief at their passing. In all the years of my ministry, I have seldom looked upon truer sorrow than that which was evoked by the American people when the news of Harry S. Truman's passing became known.

As I recall it, when Daniel Webster died, his passing was lamented in the perfect tribute: "There is no Daniel Webster left to die." Last Tuesday morning, another Homeric figure was called to death, and America plunged into mourning might well express its sense of loss in the terms: "There is no Harry S. Truman left to die." Surely in all America there survives no other figures before whom detraction long was silenced and calumny transformed into praise. Best of all, he was not a martial figure, though he steered a nation towards ending World War II. He was not an exciting personality such as were two other octogenarians at the zenith of their mighty careers—Gladstone and Clemenceau. He had none of the oratorical genius or hypnotic potency of Franklin Delano Roosevelt. But Harry S. Truman was a great American, as truly as Wilson or Franklin Delano Roosevelt. One does not lightly liken any American or any human to Abraham Lincoln, but Harry S. Truman had something of the simplicity and of the sheer human greatness which were Lincoln's. One might also add ruggedness, except for the fact that Harry S. Truman, with all his strength in and for the right, was one of the most gentle and gracious of human beings. As was pointed out to me by our own Mr. Democrat, Louis Jalbert, who knew Harry S. Truman personally, Harry S. Truman's code was simplicity, even as he was a profoundly humble human being. Throughout his life, this man from Independence, Missouri, devoted all his energies to the perpetuation of the American way of life, and was a flame in the battle against the wrong and the injustice of tyranny.

Harry S. Truman will live in history as one of the elemental figures which created a new political world. How great he was as Commander-in-Chief which he inherited from Franklin Delano Roosevelt as he ended World War II, when, with heavy heart, he dropped the bomb in order to avert another "D" day on Japanese soil, which would have cost a million lives and another million maimed and/or ruined—history will determine.

When in the United States Senate, he was termed "the Senator with a conscience." Harry S. Truman was not only a Senator with a conscience; but pre-eminently the conscience of the Senate. He stood out as the great apostle and servant of democracy. No American since the day of Lincoln was more truly "of the people, by the people and for the people." He recognized and acted upon the imperatives of social-economic as well as political democracy, and sought to move his country to live by them, and in obedience to their commands. Each of the mighty battles Harry S. Truman fought will abide as an inspiring memory to his fellow Americans. He was Jeffersonian in his political idealism, like Lincoln in his American simplicity, and Roosevelt in his inimitable dedication to the democratic hope of his country and of mankind at its highest. He was prophetic when he declared after his request to Congress in 1950 for economic aid to Korea was denied—when he said that had the $200 million been allocated that unfortunate war would have been averted, as indeed our tragic misadventure in Viet-Nam.

Harry S. Truman championed civil-rights legislation which resulted in Senator Strom Thurmond's candidacy for the Presidency as a "Dixiecrat" in 1948. History will record, I believe, that Harry S. Truman more than any President in American history thus far, equal only to the lamented John F. Kennedy, vigorously challenged the morality of racial and religious discrimination.

I cherish the memory which I have refreshed by referring to the text of an address by Harry S. Truman in 1948 which he made in New York's Madison Square Garden when he said: "When the word went forth that a home for the Jewish people was to be established in Palestine, it was a matter of profound interest not only to the Jewish people but to people throughout the world. It seemed in accord with a beautiful and sacred tradition. The story of a marvelous people surged upon our mind, enriching our thought. It seemed in accord with the highest and loftiest principles of justice that this should be so." He then burst into a paragraph that still haunts one's memory:

And he closed with the words: "In the faces of this vast audience I see great anxiety, great worry and great sorrow. But I also read in your faces great purpose and great determination. Let that purpose and determination be your pillar of fire by night and your pillar of cloud by day, to lead you into possession of that which belongs to you as a people." The great audience hungering for comfort, and passionately eager for light, burst into a demonstration which, Harry S. Truman told his friend Judge Rosenman, that he would remember to his last day.

Indeed, there is little doubt that Harry S. Truman was the most important American non-Jew in Judaism's contemporary history. Eleven minutes after the State of Israel was proclaimed by David Ben Gurion, on the 14th day of May in 1948, a few months after this stirring address, Harry S. Truman personally ordered de facto recognition of the new State. Truman's action served immediate notice to the nations who stood with tanks on Israel's borders.

Had Truman not taken the action he did, Israel could have been destroyed within hours.

On the holiest day of the year, on Yom Kippur, the Day of Atonement, the High Priest in Jerusalem's Temple, 25 centuries ago, would read a portion from the Sacred Scroll to the people. He would conclude with these words: "Much more than I have read is written herein." I, too, have read from the life-scroll of a truly great American and human being. More, much more is written and will be written in the pages of our nation's history about this extraordinary, outstanding, God-blessed person. History will treat him kindly. In God he has now found ultimate repose. May the Eternal send his comforting balm to the heart of his beloved Bess, his daughter Margaret, and all his loved ones, and to all who

mourn the passing of Harry S. Truman. America will never forget a man equal to himself, who served in the United States Senate with character, and the Presidency with dignity and dedication. "He never sold the truth to serve the hour" nor sought less than to keep his country upon the highest level of equal law and unfailing justice.

May the memory of this great American President be constant inspiration to all people who seek the better world for which he labored.

DRUNKEN DRIVING CAUSES TRAGEDY

Mr. STEVENS. Mr. President, last November, after Congress adjourned, I received a letter from a constituent I would like to share with the public. The writer, a neurologist at Elmendorf Air Force Base Hospital in Anchorage, narrates a tragic tale involving two life-saving kidneys destined for air shipment to Seattle and implacement in two young children. En route to the airport, the automobile carrying the kidneys was struck by a drunken driver. The kidneys were completely destroyed and at least one occupant of the automobile was critically injured.

The writer of the letter, Dr. Bertram R. Henry, has asked me for assistance, perhaps legislation, to deal with drunken drivers. Of course, this is not enough. Such legislation, particularly at the State and local levels, can establish such things as driving regulations, criminal penalties, liquor sale laws, and closing hours. However, legislation alone cannot prevent tragedies of this type. Such disasters will never be eliminated until drivers refuse to drink and drunks refuse to drive or are prevented from doing so.

Mr. President, I ask unanimous consent that Dr. Henry's letter be printed in the RECORD.

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

USAF HOSPITAL ELMENDORF,
November 15, 1972.

Senator TED STEVENS,
Federal Building,
Anchorage, Alaska.

DEAR SENATOR STEVENS: I am a neurologist, in the Elmendorf Hospital, and I find it necessary to share with you a human tragedy which occurred in Anchorage, 3 November 1972. That afternoon, an 11 year old girl sustained a severe head injury while on the playground at school. She was brought to the Elmendorf Hospital and I was one of the physicians who managed her case. Within three hours, after her admission, she died. I personally informed the parents of their daughter's death and also discussed the possibility of donating her kidneys for the benefit of patients with chronic renal disease, who are currently being treated with renal dialysis machines.

The parents agreed to the operation, of donating their daughter's kidneys and Dr. Edward Paget who was to head the Elmendorf Surgical Team, discussed the details of the procedure. At that point and time, a team of physicians gathered for the operation as well as nurses and technicians, who would manage the kidneys once they had been removed. At the University of Washington, in Seattle, two children were eligible recipients for our patient's kidneys and they were being prepared by medical and surgical teams simultaneously.

The kidneys were removed and placed in a special artificial container for transportation to the Anchorage International Airport, for the flight to Seattle. On the way to the airport, a drunken driver's car collided with the auto carrying the nurse, technician, and the apparatus containing the kidneys. The technician was injured critically and the kidneys were lost in the crash.

As a result of the crash, the technician was hospitalized in Anchorage Community Hospital and his future well-being, of course, is in question. Furthermore, the two children in Seattle, with long term renal disease, are now deprived of healthy kidneys and another chance of life. They, again, must survive on a renal dialysis machine. This, of course, was a preventable human tragedy and its implications are obvious. The complicated medical efforts, which were proceeding simultaneously in Anchorage and Seattle, were of no benefit but these can, and will be repeated when possible.

The future lives of the two recipients are uncertain and will remain in jeopardy because of the negligence of a drunken driver. This case is but a simple example of the consequences of intoxicated drivers and surely others occur daily, and who are the people who will be involved at that time?

I think we must by some means, perhaps legislative, more aggressively deal with drunken drivers so that the effects of their negligence might be reduced. Would it be possible for you to help in this matter and get the ball rolling?

Sincerely yours,

BERTRAM R. HENRY, M.D.

THE GENOCIDE CONVENTION AND EXTRADITION

Mr. PROXMIRE. Mr. President, article VII of the Genocide Convention provides that the contracting parties pledge to grant extradition of persons charged with genocide in accordance with their laws and treaties in force. A close examination of this section of the treaty reveals that there is no basis for criticism of the Genocide Convention on grounds that ratification of this document would mean that American citizens could be tried in foreign courts without American constitutional guarantees.

If an American citizen is accused of committing genocide in another nation, and is accused while he is in that nation, he may, according to article VI of the treaty, be tried by a competent tribunal of the state in which the act was committed. There is nothing unusual about this provision; under present law, an American accused of murder in a foreign country may be tried there. And even without American ratification of this treaty, American citizens may be tried for genocide by nations which are parties to the treaty.

In the case of an American citizen who has returned to the United States and is charged by a foreign nation with committing genocide, article VI declares that extradition is to be granted in accordance with laws and treaties in force. The important point here is that extradition is promised in accordance with existing laws and treaties. What this means is that the Genocide Convention itself does not alter extradition procedures. It says they will be conducted the way our present extradition treaties specify. Since we have no extradition treaties dealing with genocide, they would be made in the future with the advice and consent of the Senate.

These future extradition treaties could and would contain a number of safeguards. First, we must be assured that certain procedural rights are secured in the courts of the foreign nation which requests extradition. Second, there can be a provision for a thorough examination of the evidence in the case before extradition is granted. Finally, S. 3182, the proposed legislation implementing the genocide treaty in the 92d Congress, stated that it is the sense of Congress that extradition treaties should provide that the United States reserves the right not to extradite in cases which the United States is either already prosecuting or intends to prosecute. In 1970 the Deputy Legal Adviser of the State Department testified that the State Department supported this provision.

The genocide treaty, then, is not in itself an extradition treaty. Mr. President, we already have extradition arrangements for various other offenses with 97 nations. Since there is no reason to think that the extradition arrangements we would make concerning genocide would particularly differ from those existing treaties either in provision or effect, criticism of the Genocide Convention on these grounds is unreasonable.

I urge the Senate to ratify the Genocide Convention without further delay.

ALABAMIANS EXPRESS THEMSELVES ON ISSUES

Mr. ALLEN. Mr. President, during the Washington-Lincoln Birthday recess, I had the opportunity to visit in 17 different counties in my home State of Alabama, where I had the opportunity to meet with literally thousands of my fellow Alabamians as they expressed themselves on issues that face our Nation.

I found relief among Alabamians that the war in Vietnam is ending and that our prisoners of war are coming home.

I found a desire to heal the divisions and disunity that the Vietnam war has caused in our country and to turn now to the productive pursuits of peace.

Alabamians are strongly opposed to amnesty or pardon for draft dodgers and deserters and just as strongly opposed to our rebuilding North Vietnam.

Alabamians feel, too, that now, as we rejoice with our returned prisoners of war and their families, we must not forget the patriotic service and sacrifice of the 50,000 American boys killed, the 300,000 wounded, and the 2½ to 3 million who saw service in Vietnam. We must not forget the amputees, the paraplegics, the maimed in body, mind, and spirit. Let us draw them and their memories to our hearts. They, too, deserve our undying gratitude.

FORMER DEPUTY SECRETARY OF DEFENSE DAVID PACKARD SPEAKS OUT ON DEFENSE AND NONDEFENSE EFFORTS BY THE AEROSPACE INDUSTRY

Mr. McINTYRE. Mr. President, David Packard has had a long and distinguished career in industry and govern-

ment. His company in California employs 18,000 and is one of the principal electronics firms in the world.

From 1969 to 1971, Packard served as Deputy Secretary of Defense in the Pentagon and I believe history will record that he brought some sense to the procurement practices of the Defense Department. He often made sense when it seemed that others were lost in the bureaucracy and complexity of modern weapon development and acquisition. He fought against cost overruns and mistakes in defense procurement.

So when David Packard speaks out on problems we face in the areas he knows well he deserves our consideration.

Therefore, I want to bring to the attention of my colleagues a recent thought-provoking statement of his before the American Institute of Aeronautics and Astronautics symposium in Los Angeles. Packard says that we can have the same defense strength in this Nation if we will just stick to the basics and try not to get so complex and esoteric in weapons development that they price the American defense structure out of the market.

Mr. President, I ask unanimous consent to have this statement by David Packard printed in the RECORD.

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

PACKARD WARY OF INDUSTRY DIVERSIFICATION—AEROSPACE URGED TO SET PRIME GOAL OF BUILDING WEAPONS MORE EFFICIENTLY, ECONOMICALLY BEFORE SEEKING NONTRADITIONAL WORK

Clearly the aerospace industry must change with the times—as must every other industry. There is, of course, a need to consider society's current concerns and problems when policies in this industry, as well as every other industry, are considered and implemented. What I judge to be the proposal before this conference is that the aerospace industry should do more than change with the times. What is proposed is that the aerospace industry should make a concentrated effort to move into new fields and new markets different from those in which the industry has been involved in the past.

I suppose the idea that this industry has a more critical need to change its priorities than some other industries stems from two basic factors. First, because of probably further cutbacks in defense and space funding and a continued leveling off of the demand for commercial aircraft and equipment, the aerospace industry has a very severe problem that must be solved.

I agree that this industry has a severe problem because of these reasons, but I am not at all sure that this problem can be solved, or even alleviated for the industry by trying to move into new product and new market areas.

I am sure there are some new product areas and some new market areas which the industry may be able to serve. However, there is no reason to expect the aerospace industry would be able to do a better job in these new product areas and markets than the industries which are involved in these product areas and markets.

The aerospace industry has had some great triumphs. It has also had some disastrous failures. This leads into the second argument, which again I believe is wrong.

The second argument is that because of its great triumphs in space and aerospace the industry has unique qualifications to do other difficult tasks . . . the aerospace industry, with its advanced technology base and sophisticated managerial and systems analysis technique, is well qualified to meet the challenges of the future.

I have trouble with both of these propositions.

Let me talk about the future of the defense business first. I will not talk about possible changes in Fiscal 1973 spending, or the probable level of the Fiscal 1974 defense budget, but rather about broader issues. President Nixon received an overwhelming vote of confidence in November, indicating—among other things—strong support by the American people of the President's foreign policy. President Nixon has clearly stated on many occasions and in many ways that strength, and he means military strength, is one of the three essential pillars of his Nixon doctrine. It is now certain that this doctrine will guide American foreign policy for at least the next four years, more probably for the next several decades.

The Nixon doctrine requires military strength. The realities of this nation's economic situation require a considerable measure of fiscal responsibility. This is clearly emphasized by the expressed intent of the President to keep federal spending within a $250-billion ceiling.

This clearly means there will not be any major increases in federal funding of defense and aerospace programs in the foreseeable future. At least in terms of current dollars there will probably be no major decreases either.

The challenge for the aerospace industry in respect to national security, then, is to produce for America more defense capability at lower cost.

The overall problem of national security can probably be solved with lower levels of military manpower. But if America is to remain strong we cannot have both lower levels of manpower and inferior weapons.

Thus I come to the conclusion that the most important responsibility and opportunity for the aerospace industry, in respect to national security, is to do the job that it is capable of doing and doing it right. Your responsibility in your industry is to develop and build the weapons that only you know how to build, and do so with greater efficiency and greater economy than you have done in the recent past.

Defense budgets will be lower in the future in terms of real dollars. The need for military capability will not go away. You people in the aerospace industry have one of the greatest challenges of the century against which to apply your so-called "great sophisticated management and systems analysis capabilities." Frankly, I think you may have to get rid of some of these "sophisticated management and systems analysis capabilities" and fall back on some good old-fashioned common sense management techniques if indeed you are to do the job for the country that must be done.

The only way an industry can produce better weapons at lower cost is with fewer people. That, in my view, is what you in this industry will have to face up to. I am convinced, after spending three years in the Pentagon, that the industry is grossly overstaffed and very inefficient by any sound management standards. I cannot in fairness place all the blame on the industry, for in many cases you have simply responded to what was asked for by some of the so-called "experts" in the Pentagon. But, you can do better—in fact, you must do better in responding to what will continue to be your main priority.

Now as to the second point: I should not be so severe as to say there are no other areas where your capabilities can be properly and effectively applied.

No one can question the claim that the aerospace industry has a great store of advanced technology. The fallout of technology from the aerospace industry has been a very substantial factor in the growth of the American economy from the early decades of this century.

Our magnificent air transportation system is based solidly on fine contributions from the aerospace industry. In turn, this fine accomplishment can be largely attributed to research paid for over the years from the defense budget. Weather satellites and satellite communication have come from federally financed space and defense research, and satellite communication in particular is a new priority of great importance for the future. These are two good examples of expansion by the industry itself into logical market areas of great importance. They were both possible because of advanced technology which was created originally for defense and space exploration requirements.

Commercial jet aircraft began as simple modifications of military jet aircraft, and it is interesting to speculate where we might be with commercial aviation had there been no requirements for military jet aircraft of comparable size and performance.

Or as a corollary, how bright the prospects for an American SST might be if the SST could evolve as a simple modification of the B–1 bomber.

There are other examples—navigation equipment, communication equipment—where the aerospace industry has made great contributions into new fields and expanded its markets correspondingly. These have been, in nearly every case I can think of, rather natural expansion of advanced technology into new markets which were logical and natural for the aerospace industry. In most other cases where aerospace technology has contributed to old or established markets, other industries with experience in those markets have simply picked up the advanced technology of the aerospace industry and applied it themselves.

With the notable exception of the commercial airline industry, which grew up hand in hand with the aerospace industry, the record of applying the so-called "sophisticated management and systems analysis technique" by the aerospace industry to new fields is not very good.

Let's look at some examples. The shipbuilding industry is one which was far behind in technology and adhered to what many consider to be antiquated management principles. Where was a better opportunity for the aerospace industry to apply its great expertise? This great opportunity was seized upon by several of the largest, and until then the most successful of the aerospace firms. What happened? All of the sophisticated management and system analysis techniques were ineffective in an area where the firms had no previous experience. They simply did not know their business.

The one firm which did know something about the business may work its problems out. General Dynamics, which had considerable shipbuilding experience in its Electric Boat Div., may eventually salvage something out of its expansion into a non-aerospace field. So far, however, the preponderant evidence is that the aerospace industry would be better off today, and the shipbuilding industry would certainly be no worse off, if they had left each other alone.

Examples of the aerospace industry with its great management talent expanding by the conglomerate route do not give much credence to the theme that the aerospace industry has much to offer in new and different fields either. I can think of some aerospace companies which are now better off after having been taken over by non-aerospace companies. I am hard put to think of many

non-aerospace companies that are better off after having been taken over by aerospace companies.

I believe it is time for you people to call a spade a spade and admit that the first priority of the aerospace industry is to get its house in order and not go charging into new fields. The industry does not yet know how to build complex reliable equipment at a reasonable cost. The industry can build complex equipment which is reliable when there are no constraints on cost. The Apollo program is a magnificent example of what can be done, and there are some equally impressive defense programs.

Most of the defense development and procurement programs, however, have not produced the kind of equipment the industry can be very proud of. Most of our current military aircraft can fly only a few hours without a system failure. The development process in the industry is so slow and inefficient that most new systems are out of date by the time they go into the inventory.

We have a good example of what has happened when aerospace techniques are applied to ground transportation in the Bay Area Rapid Transit (BART) system. This system was designed around computers and other aerospace type system technology. After a few weeks of operation one of the trains ran off the end of the track. The program is far behind schedule and the cost overruns are substantial, and there are other serious problems. In short, BART has most of the characteristics of many recent products of the aerospace industry—such as the C–5A.

You in the aerospace industry have only one priority, that is to learn how to do the job you are supposed to be doing and do it right.

Learn how to build reliable equipment at a reasonable cost. Stop looking to the government to bail you out when you fail to do your job.

I am convinced the serious problems which the aerospace industry has are largely related to the fact that this industry has been and still is too dependent on the government. And I judge what is being suggested is that the government should support the industry involvement into new fields. I have no trouble with the concept of expansion into new fields if the industry is willing to submit to the rigid disciplines of the marketplace in doing so. The worst possible thing for the aerospace industry would be for the federal government to subsidize its "reconversion" into domestic markets. This would assure the continuation of the waste and inefficiency which is the real problem of the industry.

On the other hand if you can go it on your own and learn to compete in the real world, more power to you.

Some of you can, and some of you can't.

And so I will conclude by answering the question I have posed in the title of my presentation. Should the aerospace industry reorient to new priorities? The answer is yes to the extent it can demonstrate by its performance that it can do so. The answer is no if the industry must seek subsidies from the government to survive. Government subsidies to help the industry reconvert to new priorities will not help its survival—it will only postpone its failure. This is my solid belief, and I urge you to give consideration to these thoughts as you set your course for the future.

LITHUANIAN INDEPENDENCE—1973

Mr. RIBICOFF. Mr. President, I am pleased to once again take part in the commemoration of Lithuanian independence.

During February, Americans of Lithuanian descent have been reminding their fellow Americans of the loss of Lithuanian independence as they mark two very important occasions in the history of Lithuania. 1973 marks the 722d anniversary of the formation of the Lithuanian State, and the 55th anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

Such events in the history of a nation are usually cause for celebration. Unfortunately, this is not the case today. Lithuania and its two neighboring Baltic States, Estonia and Latvia, have been occupied by the Soviet Union since 1940.

Our own Government still refuses to recognize the forced incorporation of these three States into the Soviet Union. This continuing lack of official recognition, along with the diplomatic accreditation of the representatives of Estonia, Latvia, and Lithuania are not enough. The United States should take every opportunity to call attention to the brutal attitude of the Soviet Union toward these three Baltic States. The demonstrations there during the past year testify to the fact that these people still long to be free.

Our diplomatic representatives at the United Nations and in other international forums should be prepared to confront the Soviet Union with the issue of freedom for the Baltic States, and this subject should be included in any comprehensive discussions of outstanding United States-Soviet issues.

The Congress of the United States is already on record regarding this subject. During the 89th Congress, House Concurrent Resolution 416 was adopted, calling for the freedom from Soviet domination of Lithuania, Latvia, and Estonia. In the light of this clear expression by the Congress, our Government should treat the illegal occupation of the Baltic States as a matter of continuing importance.

I hope that the coming year will witness significant progress in the struggle of the people of Lithuania to regain their liberty and independence, and that all the peoples of the Baltic States will live in freedom some day.

I ask unanimous consent that House Concurrent Resolution 416, agreed to by the Senate on October 22, 1966, be printed in the RECORD.

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

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

PENSION REFORM

Mr. RIBICOFF. Mr. President, on January 15 of this year I submitted testimony to the Senate Labor Subcommittee on the problem of pension reform.

As I stated at that time, S. 4 provides a meaningful first step toward true equity in the private pension system. More remains to be done, however.

In my testimony I suggested three amendments to strengthen the Retirement Income Security for Employees Act.

First, I recommended establishment of a fund or funds into which those people not covered by pension plans could make contributions. In this way, some 40 million Americans not now protected by a pension plan could participate.

Second, I recommended that a worker's rights to his pension be vested after 10 rather than 15 years. Under my proposal 50 percent would be vested after 5 years, and an additional 10 percent would be vested each year thereafter until the pension is fully vested.

Finally, I recommended an amendment to enable employees who change jobs to have the option themselves of converting their retirement into a centralized retirement fund. The bill presently leaves this decision with the employer.

I ask unanimous consent that my testimony be printed in the RECORD.

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

PENSION REFORM

As a cosponsor of the Retirement Income Security for Employees Act, I am pleased to support efforts to improve the pension coverage of America's working people. Your Subcommittee's comprehensive studies over the past three years have dramatically illustrated the widespread weaknesses of private pensions which often deny American workers the retirement security they look forward to during a lifetime of work.

Today some 40 million working Americans are covered by private pensions. They are entitled by right to receive adequate compensation after a lifetime of work. Unfortunately,

all too often the benefits of pension plans are illusory. Frequently the pension promise is akin to the so-called "Buffalo insurance plan" which provided coverage only if you were run over by a herd of buffalo in downtown Buffalo.

In the case of pensions the fine print usually means that if you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there is enough money in the fund, and if that money has been prudently managed, you will get a pension.

That is a slim thread on which to rely for retirement income.

This Subcommittee has documented the major problems which have afflicted the private pension system:

First, the failure of pension funds to provide necessary minimum and adequate vesting standards;

Second, premature termination of pension plans without adequate insurance coverage to protect the employees;

Third, the failure of pension plans to have sufficient funding to meet accrued and vested liabilities; and

Fourth, ineffective fiduciary requirements which threaten the safety and preservation of fund assets.

The legislation we have introduced is a first step toward correcting the abuses which have overtaken this fast-growing industry—an industry which has grown from assets of $2.4 billion and coverage of 4 million employees in 1940 to assets of over $130 billion and coverage of 40 million workers in 1970.

First, the legislation establishes within the Department of Labor an office of Pension and Welfare Plan Administration, responsible for promotion, establishment, administration, and operation of employee benefit plans, and enforcement of the act.

Second, the legislation prescribes minimum vesting requirements. Vesting refers to the nonforfeitable right or interest which an employee participant acquires in the pension fund representing contributions made to such fund.

The reform legislation we are proposing would stipulate that an employee, after 8 years of services, will acquire a vested nonforfeitable right to 30% of pension benefits and, thereafter, each year will vest an additional 10% until, at the end of 15 years, he will have vested rights of 100%.

Third, the bill establishes minimum funding standards to assure that the pension funds' assets are sufficient to meet liabilities.

Fourth, the legislation establishes a voluntary program for portability through a central fund, whereby employees of participating employers may transfer vested credits from one employer to another.

Fifth, the bill establishes a plan-termination insurance program which will guarantee that the vested pension credits of the employees will be paid when an employer goes out of business and the pension plan does not have sufficient assets to pay the workers' benefits.

Sixth, the bill prescribes new rules of conduct for trustees and fiduciaries controlling employee benefit funds, and prohibits conflicts of interest and other unauthorized practices to prevent mishandling or loss of such funds.

Seventh, the bill requires additional and more comprehensive disclosure in reports to be filed with the Federal Government, and more comprehensive explanations of the plans to workers.

Finally, the legislation establishes Federal jurisdiction and provides adequate remedies to both the Government and the individual worker for judicial and administrative enforcement of the bill's provisions, including recovery of pension benefits due.

While S. 4 is a solid legislative foundation upon which to build an adequate and equitable pension system, more remains to be done.

PROPOSALS FOR IMPROVEMENT OF S. 4

1. Extending coverage

While S. 4 provides some protection to 40 million working Americans who are now covered by pension plans, it does not address itself to the needs of 40 million American workers who work in jobs which are not covered by pensions. In many cases, these workers are employed by businesses which can't afford the administrative expense of establishing and maintaining a pension fund. Some provisions should be added to S. 4 to allow these workers to have payments made on their behalf into a central fund or funds. Such a system would relieve small businesses of the burden of administering separate pension funds and would allow presently unprotected workers to get a pension.

Ralph Nader has made a worthwhile proposal along these lines which merits our attention. He proposes the creation of a limited number of private, competitive, cooperative, insured institutions to be licensed and regulated for the Securities and Exchange Commission. These institutions would be empowered to receive contributions made by employers for their employees and by employees and self-employed persons for themselves and their dependent spouses. All contributions to these institutions would be tax deductible and the funds' earnings would be exempt from taxation. In this way an individual's contributions would be pooled for investment purposes with other contributions and a pro rata share of the fund's earnings each year would be credited to the employee's account. Each employee would be issued a passbook indicating the total amount in his account. This plan would allow any employee to change jobs without losing his accrued pension benefits.

This concept of centralized pools of funds could be carried out through a number of private, regulated institutions or through the portability fund mechanism which would be established by S. 4 in the Department of Labor.

2. Liberalized Vesting Requirements

Under the provisions of S. 4 an employee's right to his pension becomes fully vested after 15 years of service. Thirty per cent would be vested after eight years and an additional ten per cent would be vested each year thereafter. While such a guarantee helps many workers who find themselves having to wait 25 or 30 years before becoming entitled to pension rights, it does little to help the worker who changes jobs often.

An employee who changes jobs more often than every eight years would receive nothing in the way of a pension. Employees who changed jobs every 10 years, for example, would receive only 50% of what they are entitled to. And yet in this increasingly mobile society people are changing jobs more often. Therefore it is not only important that employees be able to carry their rights with them when they change jobs, but also that they actually have rights which are more than illusory.

The period in which an employee receives full rights to his pension should be shortened from 15 years to 10 years. After a period of five years 50% should be vested with an additional 10% to be vested each year thereafter until full vesting is reached at 10 years.

3. Portability of benefits

Under the present pension system a worker often loses all his rights to a pension when he moves from job to job. There should be a mechanism by which any employee could assure that his benefits would be carried with him if he switched jobs. S. 4 sets up a voluntary portability fund in the office of the Secretary of Labor. Employers could voluntarily transfer the money contributed for an employee who left the plan to a portability fund administered by the Secretary of Labor. The transferred money would be credited to the individual's account in a special fund and would later be paid over to a new plan that the employee joined or kept in the special fund. The drawback to S. 4, however, is that the decision as to whether to participate in the portability fund is left up to the employer. The decision should be in the hands of the employee. I propose that the bill be amended to allow an employee to make the decision as to whether to pay into the central portability fund rather than force him to rely on the company's decision.

Conclusion

S. 4 represents a sound first step toward helping Americans meet their own retirement needs. A strong private pension system available to all workers with safeguards to insure that pension benefits are actually available to employees and that they are properly and prudently managed will be a major contribution to the well-being of every American.

I hope the Senate Labor and Public Welfare Committee will take favorable action on this bill as it did last year.

A KANSAS EDITOR COMMENTS

Mr. DOLE. Mr. President, the State of Kansas has one of America's finest journalism traditions. Editors such as William Allen White and Ed Howe enriched and strengthened the entire fabric of the national newspaper tradition with their high principles, strong sense of right and wrong and a great faith in the basic principles of our Republic.

Whitley Austin edits the Salina Journal and is a modern day repository of this great Kansas tradition of journalistic achievement.

I have known Whit Austin for many years and have represented his town of Salina for more than 12 years now as a Representative and a Senator. I know his devotion to journalism and his great pride in the plains and people of Kansas. So it was with a personal measure of pride and pleasure that I noted his article "A Song of Salina" in the February 15 New York Times.

It is an interesting and enjoyable commentary on life in our Midwest, and I would like to share it with Senators.

Mr. President, I ask unanimous consent that the article entitled "A Song of Salina," published in the New York Times of Thursday, February 15, 1973, be printed in the RECORD.

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

A SONG OF SALINA

(By Whitley Austin)

SALINA, KANS.—Three wars back, when I was a soldier encamped in an Astoria, Queens, walk-up flat, I told my landlady my wife and I were going to lunch at Rockefeller Center.

"You know," the landlady said, "my husband was a bricklayer on that job but I have never seen it."

And the subway fare then was a nickel!

Today, in Salina, Kan., a prairie market town in almost the center of the continental United States, I received a postcard from my neighbor across the way telling me that Raffles' Hotel in Singapore is as romantic as I said it was and that he would return from his around-the-world trip in March.

His next door neighbor is packing for another trip to Hawaii and down the street an engineer is booking his twentieth or so jet flight to Saudi Arabia where his firm designs highways for the kingdom.

When a mural by Lumen Martin Winter, an old Kansas boy now living in New Rochelle, N.Y., was dedicated at the United Nations this January, my newspaper ran a photograph of it in full process color across the front of page one.

Upon such evidence, I contend that the people of Salina, out here where the wintry winds blow cold and unobstructed over feed lots, pastures and wheat fields, are better informed, man for man, Ms. for Ms., than the average New Yorker.

I have no precise figures. The census only shows we enjoy indoor plumbing.

Yet there are statistics that hint at my conclusion. The Salina Journal with a paid circulation of 36,000 goes into 95 per cent of the households of the community and into two-thirds of the households in the surrounding counties. It uses the news and feature services of The New York Times, The Associated Press and The Christian Science Monitor, the picture service of the United Press International and, among others, the syndicated columns of Carl Rowan, Art Buchwald, James Kilpatrick and Jack Anderson. Our reporters and correspondents cover the town, the district and the state.

To pack this information into our average 26 pages daily, 48 Sunday, we must edit sharply. We have no room for the trivia, nor the weighty reports, that often inundate our big brothers of the cities. We expect to be read from cover to cover, and mostly are.

The Wichita Eagle, Topeka Capital and Kansas City Star have substantial circulation here as well. The more important out-of-town newspapers are available at the newsstand.

Cable television provides the programs of the three major networks and the Public Broadcasting Service. Every home has at least one radio, plus a radio in each of two cars.

The New Yorker magazine may not have as many subscribers here as the Readers' Digest but it certainly is not unknown. The weekly news magazines have substantial circulation. Paperbacks sell much better than hardbacks but the public library is new, big and well-stocked.

Although Salina has not yet seen "The Last Tango in Paris" or even "Clockwork Orange," there are enough X-rated movies to keep the county prosecutor and the Baptist preacher worried.

About half the high school graduates now matriculate at one college or another, at one time, the figure was as high as 70 percent. Officials cannot entirely explain the decline.

Despite the rigors of Kansas rum control laws, the better liquor stores stock a fair selection of wines, both imported and domestic.

Interstate highways and two small airlines provide easy exit to the flesh-pots of metropolis. Two travel agencies are busy organizing London theater tours and longer excursions to the wonders of Europe. More than preachers have visited the Holy Land. If you start a conversation about India, you are apt to be countered by personal observations on the beggars of Calcutta. Mexico is a favorite watering spot.

And then there is the yokel who has never traveled further than Kansas City and whose reading matter consists of comic books. But he tends to be the rara avis.

If this is all so, why?

Salina is little more than a century old, settled first by restless pioneers and Civil War veterans, mostly of northern European stock. The town's founder was sent west as a reporter by Horace Greeley and remained to make his fortune in real estate.

After the first grocery store was opened, the Indians driven away and the railroad bonds floated, Kansas opened a college. The countryside is dotted with them, Bible-based and not all of them surviving. But the thirst for learning was there.

In the wide-open spaces, where the stars are bright and the population sparse, travel is a necessity and becomes a habit. The vast skies expand the horizon.

Finally—perhaps the most important reason of all—we in the Middle West have a friendly curiosity about each other and the next man that few city dwellers, behind their triple-locked doors, dare exercise.

This is an itch that fortunately grows.

GIFTED AND TALENTED CHILDREN'S EDUCATIONAL ASSISTANCE ACT

Mr. CRANSTON. Mr. President, on February 15 I cosponsored—with Senators JAVITS and WILLIAMS and other Senators—the "Gifted and Talented Children's Educational Assistance Act."

I am convinced of the importance of the legislation both nationally—where some 1.5 to 2.5 million children need to be identified and helped—and in my State of California, where over 112,000 mentally gifted youngsters are enrolled in the State's own program, but many others have not been identified and are not presently being served.

As a Senator from California, I am proud that the mentally gifted minor program in my State is one of the best in the country. The legislation I have cosponsored will enable California to move farther and faster in meeting the needs of the gifted and talented child. It will also—and this is very important—encourage other States to follow California's lead.

We must not continue to neglect, at the Federal level, one of the most important resources we possess. As pointed out in a recent report to the Congress, our gifted and talented youth are possibly the most ignored of all groups with special educational needs. They are versatile and complex human beings, and they seldom excel without assistance.

The measure I have cosponsored offers several routes toward realizing the potentials of these youngsters.

First, it creates a National Clearinghouse on Gifted and Talented Children to bring together and disseminate materials on identifying, counseling, and teaching the gifted and talented—$1 million is authorized for each of fiscal years 1974, 1975, and 1976.

Second, the bill provides grants to States for developing programs to meet specific State needs, for children from preschool through high school—$50 million is authorized for fiscal 1974, $60 million for fiscal year 1975, and $60 million for 1976.

Third, the measure allots funds to train teachers and other personnel, with authorizations of $15 million for fiscal 1974, $20 million for fiscal 1975, and $25 million for fiscal 1976.

Finally, the National Institute of Education is authorized to establish research and demonstration projects for education of the gifted and talented. For this purpose, $14 million is authorized for fiscal 1974, $16 million for fiscal 1975, and $18 million for fiscal 1976.

Mr. President, the U.S. Assistant Secretary for Education, Dr. Sidney P. Marland, Jr., has said:

The importance to the public of properly educating the gifted has never been greater than at present.

The measure introduced last Thursday which is supported by the Council for Exceptional Children, can put together, for the first time, the resources necessary to meet a pressing national need. I commend it to the support of all Senators.

SURVIVAL OF SMALL BROADCASTERS

Mr. CANNON. Mr. President, recently, one of my constituents, Lorraine Walker Levine, president of the Nevada Broadcasters Association and president and general manager of KCBN radio, of Reno, Nev., outlined before our Small Business Committee the problems small broadcasters have in surviving under what seems to me some very oppressive rules of the Federal Communications Commission.

Mr. President, our country is covered with small broadcasters, all facing the same struggle for existence, and it seems to me her ideas might prove useful to all of us.

Accordingly, I ask unanimous consent that her remarks be printed in the RECORD.

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

REMARKS

My name is Lorraine Walker Levine. I am President and General Manager of KCBN Radio, 111 N. Virginia St., Reno, Nevada. I have just been re-elected for a second term as President of the Nevada Broadcasters Assoc. and I am appearing before your subcommittee on Government Regulation, Senator McIntyre, to speak on the red tape and reports imposed on the small market broadcaster.

The biggest burden on Broadcasters is the ascertainment of community needs and the biggest threat to free enterprise broadcasting as we know it today is the threat of challenge for the licensee at license renewal time.

Public interest dictates that we need ascertainment of community needs, but can't we point out that the method of ascertainment should not be dictated? Should the small market radio stations with 5 to 20 employees be required to survey their communities the same as the New York and Chicago stations? The Broadcaster who lives in the community and perhaps has been a Broadcaster there for 25 years should certainly know his community and its needs better than anyone in Washington and could serve that community better if he were not so tied with restrictions and red tape. Even in a market with a few stations, it's redicu-

lous that each station manager personally call on the Mayor, the Chief of Police, and Community Leaders, people he knows by their first names, asking the same questions the other station managers before him ask. The community leaders certainly don't have the time and neither do the station managers and yet the FCC will not permit radio stations to pool their time and money to have one joint meeting with all of these leaders to determine how Broadcasters could better serve their community. It is even possible the Broadcasters in a community could hold a yearly hearing and invite anyone who wished to comment on current service, programming, and so on, and then let each Broadcaster be allowed to decide how to best meet the needs. If the Broadcaster does not serve his community, the FCC will soon know it from the public.

The small market Broadcaster (and we have two perfect examples in Reno) knows his community and serves it well. We have two men who have been in radio for over 30 years. They have small operations with 3 or 4 employees. They do an air shift, go out and sell time, do the news, do their own traffic logs and send out their own billing, yet these two broadcasters will broadcast local school ball games, parades, the Governor's speeches to Nevadans and always find time to air the Senators' releases. These men live and breath radio and serve the public well, but they spend weeks at license renewal time doing interviews that take away from the business of running their stations. They lose revenue, have the cost of hiring someone to type all of the interviews and usually the cost of an attorney to help prepare and mail it to the Commission. Yet, how can the Commission possibly control over 7000 radio stations in the program area? If radio was meant to entertain and inform, why is it necessary for them to get so involved in programming? In my view the Communications Act of 1934 made the FCC largely an engineering spectrum regulation agency, but isn't it establishing itself too much as a program control agency? Chairman Burch has frequently said the Commission is too heavily involved.

If a Broadcaster is subject to a license renewal every three years and has the fear of a group filing against him hanging over his head, he cannot serve his public to the fullest. He will not buy new equipment to improve his sound, will not enter into long term contracts for jingles, music libraries, good announcers, news services and so on if he knows that he can lose his station because someone else "says" he can do a better job. Even the cost of defending himself against the competing applicant can break him. If a Broadcaster has lost his license because of gross negligence or defiance of FCC regulations, then let someone go after the license, but only after it has been revoked. If all businesses had to operate under a handicap like this, our American system of free enterprise and business would no longer be. Why should we ask for just a five year renewal? Why, if a man is willing to invest his money or go into debt for a broadcast facility, shouldn't he be given a permanent license unless the FCC finds just cause to revoke it? The constant threat of losing a station every three years hinders the Broadcaster from doing a good job and cannot possibly be in the best public interest. Let's give the small broadcaster who lives and serves his community credit for knowing what the community wants and needs and the integrity to fulfill those needs without the horrendous ascertainment methods we now have.

The Broadcaster presently has, in addition to the ascertainment of needs, that takes months to prepare, yearly financial reports, a public file to keep up, employment reports, reports to ASCAP, BMI, all the tax reports and many other forms. And now the FCC has issued a notice of proposed rule making which would require the Broadcaster to make two duplicates daily of his program log; ours is 24 pages per day; one copy to be put with the public file and one at a public place such as library or his attorney's office. Besides the time and the cost of duplicating them, who would really want to see them unless it might be a competitor who wants to see who is advertising on your station or how many spots you ran each hour in order to estimate your monthly revenue, or perhaps a potential challenger. In five years, I've had just two people want to see my huge public file, one of them filed against me for the FM Channel I filed for and the other one was an attorney for a competitor who prepared a petition to delete that FM Channel. The FCC already has a copy of our public files; why must we hire someone to be there to show it to anyone that asks, without the right to ask why they want to see it?

The January 9th issue of Broadcasting Magazine says that in 1971 the eight AM stations in Reno lost $215,000. And it shows that radio stations lost money in most other small markets yet on December 15th, the FCC issued a new rulemaking proposal to substantially raise its fees to recover the full amount of its appropriations. Perhaps the increased fees of 30 to 50% would not be needed if the commission was not burdened with reading our mountains of paper work. Broadcasters must seek some kind of legislative aid if they hope to have protection against inordinate and unfair bureaucratic burdens. The whole budget process is unreal and if the Commission can in fact lift itself by its own bootstraps, rather than by legislation, to any height it wishes, the agency's wants could be insatiable. Investigation from outside the Commission is needed in order to determine what the Commission's useful financial requirements are and what portion of them should equitably be borne by the licensees. This is extremely serious for licensees and applicants because, although some people think everyone is making a fortune, the truth is that many small Broadcasters struggle to survive and a great many more have very modest earnings.

In closing, I would like to quote from a recent speech by John W. Pettit, General Counsel of the FCC. I quote: "Let's face it, the obstacle course of paper work facing every Broadcaster and especially the small market Broadcaster is both burdensome and unnecessary. For too long, I believe, the FCC has failed to distinguish between large market TV and small market radio and has saddled both with the same unfortunate form filing requirements. Certainly the burden on TV is too great, but when a small market radio broadcaster, busy with selling time, spinning records, interviewing dignitaries and reading meters has to spend literally months preparing a license renewal application, the public interest and common sense demand a change. It is time for all of us, Broadcasters, government and the public alike, to reaffirm our belief that the public interest is served by a strong, free, economically sound and profitable commercial broadcast system dedicated to serving the public and encouraged, not hampered by its government." And I concur with those remarks.

I thank you for the opportunity to speak to this committee and I hope I have given the committee useful information to proceed with helpful legislation.

U.S. TRADE AND DEVALUATION OF THE DOLLAR

Mr. McINTYRE. Mr. President, last week's action by President Nixon is an indication to me that the administration has finally realized that strong medicine is required to halt further deterioration of this country's trading position and that if long-term actions are not taken we will continue to see continual currency problems among our trading partners.

The decision last week to devalue the dollar is certainly a needed action. However, unless we move swiftly to correct our trade imbalance the recent devaluation in the long run will have little impact. What is needed, in my opinion, is a complete overhaul of our present trade policy. Our foreign trade deficit in 1972 of $6.439 billion must be reversed.

Certainly, devaluation is a partial cure to this problem in that it will make our exports more competitive on the world market. However, the key to the solution of our trade deficit is the establishment of meaningful trade equality.

Devaluation alone without a strong trade policy, in my opinion, will only further undercut the strength of the dollar on the world currency market. If our trading partners refuse to deal fairly with us, then we must be prepared to take those steps necessary to protect our domestic economy. Free trade is certainly a worthy goal for us to pursue but is suicidal if it is only one sided.

While we have continually allowed our trading partners open access to the U.S. market, several of our trading partners have continually maintained restrictive policies limiting our exports into their countries. This must be changed and changed immediately.

In announcing the recent devaluation, President Nixon recognized the need for more equitable trade policies and made it clear that this country would require "a fairer shake" in foreign trade.

It is clear that the recent devaluation is only a temporary step and that a reordering of our trade policy is of utmost importance. While I strongly support the actions recently taken by the President, I must admit that I feel that his decision to adopt a strong foreign trade policy is long overdue.

During the last several years, my State of New Hampshire has been particularly severely damaged because of the imbalance between our trade policy and that of some of our overseas partners.

The shoe industry in my State at the present time is on the brink of annihilation. In the past few years, over 20-shoe plants have been forced to close because of imports and has resulted in the loss of thousands of jobs.

In last week's announcement, the President said that in conjunction with devaluing the dollar he would also request Congress to provide the executive branch with strong tariff legislation. It should be noted, however, that there is and has been authority contained in the Trade Expansion Act of 1962, as amended, that allows the President to increase tariffs when domestic industries are put at a competitive disadvantage through foreign imports.

This legislation, however, expires at the end of June, and I strongly urge the President to move swiftly in sending his legislative proposals on trade to Congress.

Delay will only mean a further deterioration of or trading position, and this is something I do not believe we can afford at this time.

THE 18-YEAR-OLD VOTER AND THE CLASSROOM

Mr. CRANSTON. Mr. President, the reduction of the voting age to 18 has placed added responsibilities on our secondary schools. But it has also substantially increased their potential for improving the quality of the electorate.

Last fall two California educators, Joyce Fadem and Charles Duffy, did an excellent job of describing the challenge of the lowered voting age to our schools. The article was published in the October 1972, issue of Social Education, the official journal of the National Council for the Social Studies. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

REGISTRATION OF YOUNG VOTERS: AN ONGOING RESPONSIBILITY

(By Joyce A. Fadem and Charles A. Duffy)

"We need to take the lead as professionals in helping the new young voters realize their immense potential for improvement of the quality of political life," state the authors of the following article, as they focus on the importance of voter registration. Joyce A. Fadem is the Director of Political Education for the 170,000-member California Teachers Association; Charles A. Duffy is an Instructor of History at Merritt College, Oakland, California.

The gap between student participation in the study of government and full citizen participation in the electoral process has been closed. You may or may not have welcomed the change, but teenagers have the franchise and many will exercise it. Politically and professionally, life will not be the same.

Many of us worked to lower the voting age. We agreed that "if they're old enough to fight, they're old enough to vote." Increasing the number of people eligible to vote would be a good thing for our democratic form of government. Moreover, bringing young people into full citizenship earlier might help combat the apathy and alienation which have plagued us for the past two decades.

The 26th Amendment is the first major extension of the franchise since women were given the vote in 1920. There are approximately 11.3 million people living in the United States who will be between the ages of 18 and 21 by the November 1972 Presidential election. Fourteen million more young people passed their 21st birthday since November 1968. As a group, these new voters constitute 18 percent of the electorate—both potentially and actually a force.

The implications of the "youth vote" for the 1972 elections, its impact upon campaigns and issues, is already a favorite, even overworked, topic in publications. Will the new constituents register? How many will vote? Will they follow their parents' footsteps into the polling booth? Will they campaign? Will the youth vote make *the* difference?

Extension of the franchise, if exercised, will bring about a government more sensitive to the needs and views of incoming members of adult society, more open to change and less committed to a middle-aged status quo. We can count on a quality of movement, openness and emotion. We should not expect or fear that the changes will be revolutionary. Our institutions are far too stable, and besides, once the current crest has passed, population trends indicate a steady lowering in the relative numbers of new 18-year-old voters each year, with a concomitant increase in the proportion of older voters. There is every reason, therefore, to expect a change in style rather than substance, a surge of excitement and vitality, but no major disruption in the normal balance of political forces.

ROLE OF TEACHERS OF GOVERNMENT

So much, then, for predictions. We are not concerned here with the fate of one party or another, one issue or another, but with our role as teachers of social studies in a new era which brings our classroom practices into sharp and critical focus.

We need to take the lead as professionals in helping the new young voters realize their immense potential for improvement of the quality of political life. If we do not lend ourselves to this positive effort of legitimate involvement, we believe that others, less concerned with fair play and civic improvement, less patient with the workings of democracy, will claim their attention and their leadership. Sincerity and idealism are not effective bulwarks against demagoguery; sound information and a warm welcome to the adult political world are needed—now.

It is on our high school campuses, through Civics and Government classes, that we can best appeal to the new voters as they approach the age of eighteen. Here they can come to understand that social changes they want are available "within" the system. Here is our best opportunity to help young people make the transition to fully exercise of their newly acquired citizenship.

While much has been conjectured about the potential power and direction of the new youth vote, there have been those analysts who, all along, have discounted its impact. They have based their predictions on a number of studies which show that large proportions of newly eligible persons tend not to vote or, if they do vote, to follow the pattern of their parents or their social group.

We do not believe that we need to accept this analysis, because it overlooks a crucial point—the fact that today's newly enfranchised 18-year-old is stepping virtually from his high school government class to the voting booth. As high school teachers in the several social studies, can we ignore this challenge?

Even though we cannot guess how many young people will vote, we can certainly heed these warnings of past experience and direct our energies to positive programs which will diminish the barriers to widespread and effective participation. We can help bridge the gap between learning about and participating in the political process.

Perhaps the major barrier is the indifference which many young people feel toward the entire process and the concept of citizen participation. These young people do not perceive that they can make *a* difference, let alone *the* difference. They do not perceive that they can be a positive force toward readjusting our national priorities to meet the needs they have been articulating. What greater challenge is there for the government teacher than to stimulate the young voter to join and use the system as it is intended to be utilized?

Another barrier is the students' unfamiliarity with the voter registration process. Here, too, the government teacher in the many jurisdictions throughout this nation has the tools for an effective voter education effort. Students need factual information about the registration procedures in their state. With solid procedural guidance, they are less likely to be discouraged by the complexities and mechanical obstacles to voter registration. This is especially important because, as described by the League of Women Voters in their September 1971 issue of *Current Focus*, ". . . registration procedures on state and local levels remain diverse, obscure and often obstructive."

The mobility of young people creates difficulties which have to be approached another way. The U.S. Census Bureau reports that 36 percent of the eighteen- to twenty-four-year-olds moved between 1969 and 1970, including 14 percent who moved to another county and 7 percent to another state. Young people who have not yet achieved a sense of belonging to their community may find it difficult to maintain an active and realistic interest in its politics.

The challenge this group presents to the government teacher is one of anticipating their moves to new communities and motivating them to become a part of their new political surroundings. They must be helped to believe they can make a difference, that they are important and that one vote does count. In addition to this role of motivation, the government teacher is obviously also able to help furnish information about technicalities such as registration procedures and absentee balloting.

THREE DESIRABLE REFORMS

But teaching young people is not sufficient. Ours is also the task of speaking out and leading in the effort to change the existing rules which so often are designed to reduce political participation of young and old alike.

Numerous studies conclude that residency requirements and registration systems are significant barriers to wider voter participation. State and local voter registration laws are confusing, obstructive, and often discriminatory. They are generally more restrictive than the national requirements in the Voting Rights Act of 1970.

One question often occurs: Does the effort of a successful registration drive really pay off in an increased vote? The records show that it does.

Only six out of every ten citizens eligible to vote do so. The remainder, 40 percent, are not registered. However, nine out of every ten people who are registered to vote actually do vote. For example, in 1968, of the 47 million who did not vote, 72 percent were not registered. Eighty percent of the 82 million registered Americans did cast ballots. The lesson is clear: registered citizens are likely to vote.

A recent Supreme Court decision which reduced the residency requirements to 30 days in federal elections may help to improve the heretofore rigid bureaucratic procedures and requirements which have deterred many voters from registering. Moreover, early deadlines which close registration as much as two months before an election are also being struck down by the courts in some states. These have been especially significant in minority group and low income areas. For example, only 69 percent of the nation's manual workers were registered in 1968, while 83 percent of all white collar workers were registered.

Three general areas of reform could, however, accomplish much to make the ballot box more accessible to all voters, especially to those newly enfranchised. It is for these that the government teachers can help increase public understanding and support.

The first is national legislation to provide uniform procedures for registration and voting. Although the same result might be accomplished by State statutes to conform their rules to the national standard, National legislation is a more realistic goal, given the present maze of conflicting laws and provincialism of many local officials.

A second major reform would be a national voter lifetime registration law. Such legislation could tie voter registration to an individual's social security number. But whatever the mechanism, it would result in a permanent voter registration system. This would eliminate unnecessary reregistration, would cease to penalize those who move or marry, and would still provide the safeguards of making sure that only the people eligible to vote do so.

Finally, we need legislation, either nationwide or in each state, to make absentee ballots available to those who are away from home on election day. At the present time, fewer than half of the states permit absentee voting. In those which have provision for absentee voting, the mechanical obstacles tend to deter all but the highly motivated from availing themselves of the process.

VOTER REGISTRATION PROGRAMS

It is obvious that voter registration programs belong in the high school government class. The government teacher can play a key role in identifying effective practices, creating innovative approaches, and establishing voter registration as an ongoing part of the social studies high school curriculum.

Critics of school efforts toward voter registration raise a number of questions about the appropriateness of such programs on school campuses. They ask:

1. Where should voter registration take place? Should it be in the classroom? Should it be at a designated place on campus?

2. Who should conduct registration in the schools? Should members of the teaching faculty or clerical staff be deputy registrars? Should 18-year-olds who are still in school become deputy registrars and canvass their fellow students?

3. Should new voters register during class time?

4. Will the proximity of the teachers exert subtle pressure upon the student to register with the political party the teacher might prefer?

There will always be critics of any attempt to encourage young voters to join the system, and objections stem most often from those who fear and resist change. However, some things appear to be a matter of good judgment for social studies teachers:

1. The registration process must provide privacy for the individual. Although the party selected by the reigstrant in his affidavit for a primary election is a matter of public record, the school should not seek to publish or disseminate such information to faculty, students, or the public.

2. Objectives, policies, and procedures for voter registration and political education should be locally formulated by each school district. These must include a clear definition of the nonpartisan nature of the registration process.

3. The study and discussion of critical problems of society are clearly appropriate to the social studies classroom, but must take place in a framework of commitment for the individual formulation and exercise of opinion by the student.

4. A program of community involvement should accompany voter registration programs to help reassure community leaders that the school is not acting as the instrument of an anti-establishment political move.

5. Although members of the faculty may be deputy registrars, the 18-year-olds should be registered by a deputy other than their teacher.

Voter registration must no longer be considered a one-time activity. Instead, it must become an integral part of the curriculum for high schools. We must seize the opportunity it provides to obliterate the time lag between the civics class and civic participation.

The "how" of stimulating the high school student to register and vote has been widely explored and described. Activities in the classroom which have been successfully implemented include:

Establishing a system of notifying the 18-year-old, perhaps in the form of a birthday card and using information available from the student personnel office, that he is eligible to register.

Stimulating 18-year-olds to become deputy registrars.

Encouraging students to set up voter registration booths at school functions or outside the school library.

Holding classroom rap sessions with local community leaders and officeholders.

Playing simulation games.

It is the school-wide, everyone-involved approach, however, which has been most effective. For example, a semi-annual drive, sparked by the student council and carried out through social studies classes, is worth considering.

1. Begin with adoption of the idea by faculty, administration, and student leaders, as well as key members of the community.

2. Create an organizational structure, which includes a steering committee of faculty, students, and community leaders to oversee the activity.

3. Develop a plan of action and a timetable.

4. Map out a geographic area to cover.

5. Publicize the program in school, community, and professional organs, as well as through local media.

6. Encourage faculty members in other discipline to take part in the voter registration effort through such activities as poster contests, cartoon booklets, debates on public issues, "how to" skits, and media shows.

7. Seek the support of school-related and civic organizations.

8. Include activities such as a telephone campaign or systematic neighborhood canvassing designed to bring the voter registration drive to the entire school community.

9. Encourage social studies teachers to use curriculum materials related to voter registration and participation.

10. Select from among a variety of possible activities such as inviting elected officials to campus, seeking endorsements by community leaders and organizations, holding contests, taking field trips, using buttons, flyers, booths and rallies.

11. Culminate the activity with both formal and informal evaluations from individuals and groups involved in the design and execution of the program.

12. Report to the steering committee and interested participants on results and the evaluations of the voter registration program.

IMPORTANCE OF POLITICAL PARTICIPATION

Voter registration must be coupled with voter education if we want to increase both the extent of participation and the level of understanding of the electorate. The social studies classroom provides innumerable opportunities to involve and educate the new voter. Although it is beyond the scope of this article to detail them, community experiences are clearly the key approach to stimulating voter interest.

Active political participation can be incorporated in the curriculum as long as the teacher observes the basic caveat of encouraging students to support the candidate or issue of their choice. Canvassing, petitioning, poll watching, precinct work, telephone surveying, public meeting attendance—all are part of the spectrum of citizen participation in the political process available to the government teacher. And these are also available as the culmination of community projects in which students participate in developing the issues to be put before the voters.

No longer is the government teacher relegated to talking about that which will be when the student is old enough to vote. What used to be "when" is "now." The political process desperately needs young, energetic, and vigorous contributions today. Political participation begins in the high school classroom and stems from the encouragement provided by social studies teachers.

That eleven million new voters have been enfranchised for 1972 should not obscure the real significance of the 26th Amendment for the social studies. Instead, granted to us by the inclusion of the 18-year-old in the political process, is the greatest gift in the history of our teaching art. Here, today, we have the warm, living, vibrant flesh of political reality in our classrooms replacing the dry, dusty bones of academic political theory with which we have lived so long. Here, in our classrooms, we can join present and future. This is our challenge; this is our opportunity.

COST ALLOCATION STUDY OF AIRPORT AND AIRWAY SYSTEMS

Mr. STEVENS. Mr. President, the Federal Aviation Administration is about to submit to Congress the cost allocation study of airport and airway systems which was required in the Airport and Airway Development Act of 1970.

The December 1972 issue of Airport Services Management contained an article about how general aviation pays its own way for utilization of airport and airway systems. There are apparent differences in the conclusions reached by the magazine and by the FAA's study which should be considered by all who must concern themselves with our national aviation system. I ask unanimous consent to have the article printed in the RECORD.

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

SIGMET FOR GENERAL AVIATION: THE COST ALLOCATION STUDY AND WHAT YOU SHOULD DO ABOUT IT

We heard of a fixed base operator who was being dunned by one of his suppliers on an overdue payment. Finally he wrote the credit manager a letter which said, in part,

"My flight school has been weathered out of business for 19 of the last 30 days. The bank is threatening to repossess half of my airplanes unless I come up with $4,000 in the next three days. My wife ran off with my chief pilot last week, and they left in my best instrument trainer. Ten of my hangers burned down four weeks ago and my customers' insurance companies are threatening to sue me for negligence. My secretary is pregnant and says I did it. The only reason I am clinging to life at all is to see what the hell will happen next."

We predict he will be answered when the Cost Allocation Study goes to Congress in February, 1973. This is the study, ordered by Congress as part of the Airport and Airway Development and Revenue Act of 1970. It was made by the Resource Management Corporation, Bethesda, Md., under a $630,025 contract from the FAA. The first really hard news on the completion of the study this past summer was revealed at the National Association of State Aviation Officials meeting in October.

Samuel Eastman, Director of the DOT Office of Policy Review, told the state aviation representatives that the report now in the hands of the FAA states that $421-million

is the amount which has been allocated as the "fair share" payment for Federal services to general aviation. This study also claims that in Fiscal Year 1972, the total tax recovered from general aviation through fuel sales was "only" $51-million. Therefore, the present Federal fuel tax paid by general aviation is deficient by an 8:1 ratio.

That may seem innocent enough at first reading. But work it out: if full recovery of this allocated "fair" share is to be obtained through the fuel tax, the tax would have to go to 56c a gallon!

Optimists are predicting that the FAA will realize this could put general aviation out of business, and they feel that the agency will "only" ask for 28c a gallon fuel tax. But even 28c a gallon will have a tremendous impact on general aviation operating costs—great enough, we believe, to severely depress the use of general aviation aircraft . . . possibly to the point where the government would no longer realize even the present $51-million in revenues from general aviation.

Table 1 shows typical general aviation aircraft, their fuel consumption rates at cruise, and what will happen to their operating costs under either the 28c or the 56c fuel tax.

(If you think this could make piston airplanes expensive to fly, consider what will happen to executive jets. For example, a DH–125 has a tank capacity of 1,364 gallons. Just to fill the tanks once with the present 7c a gallon Federal tax, costs $95.48 in Federal tax. At 28c a gallon, the Federal bite would be $381.92. At 56c a gallon, it would be $763.84!)

TABLE 1.—AIRCRAFT HOURLY OPERATING COSTS—FEDERAL FUEL TAX ONLY (BASED ON MANUFACTURER'S HOURLY FUEL CONSUMPTION FIGURES FOR CRUISE AT 75 PERCENT POWER)

Aircraft	Present per hour Federal tax	Federal tax cost per hour at 28 cents per gallon	Federal tax cost per hour at 56 cents per gallon
American Trainer	$0.44	$1.76	$3.53
Cessna 150	.40	1.51	3.01
Cherokee 140	.59	2.35	4.70
Cessna 182	.96	3.84	7.67
Cessna 340	2.03	8.14	16.27
Cessna 421	2.64	10.56	21.11
Cherokee Arrow 200	.71	2.86	5.71
Cherokee Six 300	1.12	4.48	8.96
Piper Seneca	1.44	5.77	11.54
Beech Musketeer Custom	.87	3.50	7.00
Bonanza E33A	1.47	5.88	11.76
Beech King Air	4.89	19.54	39.09

25-YEAR HISTORY

It was actually President Truman who started "user allocation" thinking in his Message to Congress in 1947. The position was stated that ascertainable user groups shall pay the total costs of services rendered to them by the Federal Government.

The Federal Aviation Administration has restated this policy in every official document since 1965, starting with the Policy Statement issued in May of that year, and all subsequent National Aviation Systems Planning Review Conference briefing books.

The urgency now is that, after months of delay and false starts since first ordered, the "study" to determine who should pay what costs of the Federal airport and airways system is now scheduled to go to Congress in the immediate future. And, unless Congress is better informed than some of the people who worked (?) on this study, general aviation could be in real trouble. The 56¢ a gallon fuel tax could be a reality before the end of next year.

You cannot assume that "It will never happen. Somebody will stop it" . . . unless you are prepared to name that somebody. It will probably not be the FAA.

Try as we have, we just cannot share the general aviation community's seeming all-out enthusiasm for FAA Administrator John Shaffer or for his deputy, Jack Baker. If you really think about the current threat of the cost allocation study, the reasons for our reservations should be apparent.

This is not a new thing. As mentioned, it has been promoted within the FAA since 1965. For all the dashing glamor of Jetstart pilot Shaffer, or King Air jockey Baker, neither has succeeded in educating Washington policy makers as to the true contributions of general aviation to our total transportation system; neither impresses us as having the stature or savvy to change present anti-aviation thinking in the Department of Transportation or the Office of Management of Budget. Both seem more interested in flying about the country telling aviation people about aviation's great progress than in staying at home minding the FAA's more mundane store. Unfortunately, that's where the termites are gnawing away at the structure that supports general aviation.

Both Mr. Shaffer and Mr. Baker are fond of using the line, "Preaching to the choir" when addressing aviation groups (can't help but wonder which of them used it first). We suggest that what general aviation needs *right now* is not more preaching to aviation group choirs, but the conversion of a few heathens right in the FAA/DOT home parish at 800 Independence Avenue S.W., Washington, D.C.

(In all fairness to Mssrs. Shaffer and Baker, however, we do not know of anyone else we think could do the job of running the FAA. We have a definite feeling that it is now like New York City: too much of a mess for anyone to really "manage." The only hope of controlling it, therefore, is in the Congress. And this requires *your* involvement.)

THE FAA POSITION

This year's restatement of official FAA policy is found on page 11, Appendix 2, of the briefing book, The National Aviation System Ten Year Plan 1973–1982, dated March, 1972. It states:

"Estimated FAA expenditures for FY 1973–82 will total approximately $22 billion, considerably in excess of the estimated $12.8 billion revenues . . . Further, the funding planned during this period for facilities/equipment and engineering/development for the airport/airway system is about $900 million in excess of the amounts anticipated at the time the Airport/Airway Act was enacted. To support these planned higher levels of investment, additional or increased user charges will be proposed in 1973 depending upon the results of the cost allocation study and upon revenue projections."

Note that this policy statement simply assumes that the FAA can go on increasing expenditures, and that they plan on being able to increase taxes to support their expenditures. The thought has obviously never crossed anyone's mind that expenditures should be baed on income and not *vice versa*.

COST RESPONSIBILITY

A further failure of Federal policy is neglecting to assign responsibility for certain types of expenditures. John M. Ferris, Chairman of the General Aviation Manufacturers Association, made this point quite clearly at the 1972 Planning Review Conference:

"General aviation often benefits when the system is upgraded and improved, but basically new improvements have been made for the larger and faster aircraft of the scheduled air carriers. Some of these improvements we need and use. Others are beyond the needs of the vast majority of the general aviation fleet.

"Look at the situation in reverse. What would be the result, for instance, if tomorrow, the Federal government closed down the Federal portion of the airport/airways system, including the airports constructed with Federal airport funds. General aviation would, of course, be badly restricted by the closing down of IFR facilities and navigational aids used for VFR flights, and could not use many airports. However, there would still be over 7,000 privately-owned airports that general aviation could use, and the vast majority of the general aviation fleet would be able to continue to fly. On the other hand, the scheduled air carrier system would virtually close down.

"On the other hand, what would be the result if you completely eliminated general aviation? First, you would eliminate about 98 percent of the airplanes and 95 percent of the pilots would be grounded. Second, you would close some towers and Flight Service Stations and trim the FAA work force. But the vast majority of the system cost would be unaffected as this money is spent on the system that serves the scheduled air carriers, a system that has been constructed for these air carriers."

EVALUATING GENERAL AVIATION

We understand that the DOT's consultants and in-house economists claim that the value of general aviation cannot be proved quantitatively. In our opinion, they did not try very hard.

Table 2 shows the results of about four hours of statistical research, telephone calls, and compilations by one person. The net result is as impressive for what is *not* included as for what is. For example, the economic contributions do not include the income taxes paid by workers . . . the salaries of pilots and ground support people employed in corporate aviation departments, unless these are also "public" FBOs . . . the value of having general aviation services available to local communities who may not have scheduled carrier services . . . the incomes of parts, accessories, and supplies distribution companies if these are not members of the General Aviation Manufacturers' Association. The final figure does not make any attempt to include expenditures by users of general aviation for such services at hotels, restaurants, rental cars and the major expenditure for fuel. Nor does it include revenues produced for the benefit of the total system through State-fuel taxes.

TABLE 2.—*General aviation and the national economy*

Number of employees, GAMA companies	40,000
Number of employees, 5,500 leading FBOs at average of 10 employees (est.)	55,000
Basic General Aviation employment	95,000
3 additional service industry jobs created for each 100 basic industry employees	2,850
Total General Aviation related jobs	97,850
Total G.A. payroll at average age of $8,000 per job annually	$782,600,000
Total local, State, and Federal taxes paid by employers @ $887 per worker	$86,792,950
Total fuel tax paid at present .07 per gal	$51,000,000
Total basic general aviation contributions to the national economy	$20,382,950

Reputed "fair share" of costs located to general aviation	$421,000,000
Excess contribution to the national economy by General Aviation over the allocated costs	$499,392,950

In other words, all that are included are basic revenues that even the most hard-nosed economist will find difficult to deny. Here, item by item, are the sources of the figures:

1. Estimate of total employment of GAMA companies supplied by the General Aviation Manufacturers' Association for year-end 1972.

2. ASM estimate of number of FBOs offering a minimum of day-light-to-dark service at airports. This includes those offering only maintenance or radio service, as well as those offering fuel sales and other aviation services.

3. U.S. Chamber of Commerce estimate of number of additional jobs created in any community for each 100 jobs in a basic industry.

4. Average of weekly earnings for Aircraft, Aircraft Engines and Parts, and Other Aircraft Parts and Equipment from the U.S. Bureau of Labor Statistics, as reported on page 225 of the 1970 edition of the FAA Statistical Handbook of Aviation. Actual annual figure is $8,339, rounded for computations.

5. Based on projection of payments by Cessna Aircraft Company for aircraft (only) related employment.

6. Reported as present amount "recovered" in the working paper for the Cost Allocation Study.

DO-IT-YOURSELF

Everyone who is in, or dependent upon, general aviation will have to become involved in defeating the present thrust of cost allocation.

If you are an FBO, tell your associations to get organized to fight. So far as we have been able to ascertain, the National Aviation Trades Association is the only group that is really on top of this at the present time. It is to the credit of Frank Kingston Smith that, after hearing Mr. Eastman at the NASAO meeting, he took the initiative to break open his already set program for the NATA convention in New Orleans to arrange time for Eastman to present the study results to NATA members and guests from other associations.

If your legislators and senators are home for the holidays, get them out to your place of business and acquaint them wtih the facts of general aviation business life. If they are not available, start writing letters. We suggest you heed this bit of advice from Washington veteran Frank Smith, however:

" . . . Show your Congressman that you are knowledgeable, reasonable, and forceful . . . If, however, you take the tack that he is stupid, and that he is callously indifferent to the problems of his constituent (you); if you call him names or write or speak to him in insulting or sarcastic terms, or discuss the issues in such a manner—then you will not only be ineffective, but you will also be doing yourself and the industry of which you are a part, great harm."

We suggest you also start talking to your businessmen customers. How long do you suppose corporate controllers will keep quiet about aviation costs (which many of them already consider a luxury) if the cost of aviation fuel doubles because of Federal taxes?

If you are an airport manager, sit down with pencil and paper and figure out how you will operate your airport with only 10–15% of your present revenue from general aviation coming in. Communicate those findings to AAAE or AOCI, as well as to your Congressional representatives. (Some airport men will be able to truthfully inform legislators that, "If this happens, you won't be able to come from Washington every weekend because we will no longer have an operating airport here.")

If your airport operates on revenue from a mixture of airline and general aviation revenues, figure out how much you will have to raise your charges to the airlines if your general aviation revenue drops to 10–15% of what it is now. Then tell the airlines . . . now.

We suspect the Machiavellian hand of the Air Transport Association (ATA) behind the persistent efforts to tax general aviation out of the sky. The airlines don't take kindly to having their half-filled 474s, DC–10s, 727s, and L–1011s lined up for takeoff behind a line of Jet Commanders, King Airs, Queen Airs, MU–2s and 402s that are carrying passengers they, the airlines, would dearly love to have filling their own empty seats.

We suspect, however, that the airlines do not really appreciate the fact that if general aviation goes, there won't be anyone left but airlines to pick up the "allocated" costs. Airport men may be able to get the word through. But the time to do it is now, before the Senate hearings start.

NO DRILL

Cost allocation will be defeated in Congress—not the FAA or DOT. Congress is where the voices must be heard, and the pressure turned on. Now.

And the only person you can really count on to do something is you, yourself.

This is no drill. It is not a Charley Flight. It is a real and present threat to general aviation. Your fate as a general aviation businessmen will be decided by elected legislators, and you can have an impact in the decision if you are willing to act.

If you aren't willing to commit yourself . . . to get involved . . . to put yourself out . . . to make an effort to fight this, then you will deserve what will certainly happen to you, your job, and your business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PRIVILEGE OF THE FLOOR

Mr. COTTON. Mr. President, I ask unanimous consent that during the discussion of the business about to be pending, the minority counsel of the Committee on Commerce have the privilege of the floor.

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

RAIL FREIGHT CAR SHORTAGE

The PRESIDING OFFICER (Mr. NUNN). Under the previous unanimous-consent agreement, the Senate will now resume consideration of Senate Resolution 59, the so-called freight car shortage measure.

Debate on this measure is limited and controlled under the unanimous-consent agreement of February 15, 1973.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 59) relating to the railroad transportation crisis caused by the freight car shortage and other factors.

The PRESIDING OFFICER. The clerk will state the first committee amendment.

The legislative clerk read as follows:

On page 2, line 7, strike "American Association of Railroads" and insert "Association of American Railroads".

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the following individuals from the staff of the Committee on Agriculture and Forestry be permitted on the floor of the Senate during the consideration of Senate Resolution 59: Mr. Bill Taggart and Mr. Henry Casso.

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

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. HUDDLESTON. I yield.

Mr. AIKEN. Did I understand the Senator to say the Commodity Credit Corporation has only about 40 million bushels of wheat to sell?

Mr. HUDDLESTON. Forty million bushels of wheat.

Mr. AIKEN. The figure presented to me by agriculture showed 140 million bushels of wheat.

Mr. HUDDLESTON. I think these are figures from the same source. We are talking about uncommitted, wheat.

Mr. AIKEN. And there are 268 million bushels under reseal.

Does the Senator have those figures?

Mr. HUDDLESTON. We are only talking about CCC-owned stocks that have not been committed, exclusive of those set aside for emergency use. This, of course, does not include the reseal.

Mr. AIKEN. The figures they submitted to me show 140,300,000.

Well, if the Senator will proceed, in the meantime we will try to find out which is correct because it is a difference of 100 million bushels.

Mr. HUDDLESTON. That is a lot of wheat.

The PRESIDING OFFICER. The Senator may proceed.

Mr. HUDDLESTON. Mr. President, I ask that the committee amendments, which are included in the printed version of the Senate resolution which is on the desk of each Senator, be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are agreed to en bloc.

Mr. HUDDLESTON. Mr. President, I would like to make several observations

about the pending resolution and the debate which has occurred during its consideration.

First, there has been an attempt here to portray this resolution as an antifeed deficit area resolution. That fact is, I believe, an unfortunate one. No one connected with the drafting or committee approval of the resolution seeks in any way to deprive dairymen or poultrymen of needed feed grains. Indeed, we seek to assist feed deficit areas in obtaining the grains they need—for their own benefit and for the benefit of all of us throughout the Nation.

We seek to do this by relieving the current strain on transportation facilities and thereby permitting more efficient use of those facilities. In section 3 of our resolution, we make special provision for feed deficit areas. We specifically request that a committee be formed to oversee and guarantee the movement of grain into feed deficit areas. In my opening statement, I noted that the supporters of this resolution envisioned that the committee to be formed would recommend a variety of means of servicing feed deficit areas. I mentioned the concrete example of the unitrain which the Department of Agriculture formed to transport feed grains from Minnesota to New York State. This is the type of action which we contemplated, which we need, and which the authors of the legislation want.

Second, the major problem is the movement of grains, not the supply. The 1972 harvest of wheat was about 1.5 billion bushels. The 1972 corn harvest was about 5.4 million bushels. And, in each of these cases, there was some carryover from previous years. Now, some of this grain has been sold, some has been stored, some has been used. But, there are also reports of grain lying on the ground in the grain producing States. There are reports of grain piled in the streets next to elevators. There are reports of farmers and warehousemen near bankruptcy because of their inability to move grains.

Thus, what the authors of this resolution sought to do was to give the private citizens—the warehousemen and farmers—an opportunity to move their grains first, and to give them priority over CCC-owned grains.

The abundant harvest and carryover does not suggest that there is a shortage of grains. There are grains but they are not on the market and the price is high on them because we cannot get them to the markets. If the grain waiting to be moved, were moved, the market shortage would be alleviated. The problem is transportation and in view of that it seems unwise for the CCC to pursue policies which load further an already overloaded transportation circuit. Instead of helping the situation, that simply contributes to the deterioration of the entire circuit. This resolution is an attempt to break that circuit overload.

Third, I would like to point out that the committee contemplated by this resolution is a very limited, but important one. It seeks to deal with two problems which involve several agencies and various private personnel. Its scope is, nevertheless, quite precisely defined. First, the committee would be charged with guaranteeing that necessary feed grains move into deficit areas. As I noted previously, we who support this resolution are trying to help—not hurt—the feed deficit areas. We would expect this committee to be active and effective in securing the appropriate grains for the feed deficit areas.

We would also expect this committee to be active and effective in expediting the loading and unloading of ships and railroad cars at the ports. During hearings we heard of 1,700 railroad cars and nine ships waiting at one port. The current 3-day weekend will cause additional tieups at the ports with the result that tomorrow there will be another backlog of cars waiting to be unloaded. This backlog not only causes congestion at the ports but ties up boxcars and hoppers so that they are not available in other areas. Consequently, the resolution seeks to involve in seeking solutions all those concerned with this problem by including on the committee a representative of the Department of Labor, the Association of American Railroads, the Interstate Commerce Commission, the Department of Agriculture, National Grain and Feed Association, and of organized labor who we would expect to be from the Longshoremen's Association.

As I have just indicated, we can expect a worsened condition at the ports tomorrow as a result of the holiday weekend. This is not to imply that workers there should not have holidays or should be forced into unwanted overtime. But, there are, we hope, various actions which might be taken to alleviate this situation and we hope this committee will address itself to them immediately.

The new tieup once again emphasizes a most important factor surrounding the introduction and consideration of this resolution. That is the enormity of the problem this year and the urgency in doing something about it.

I hope, therefore, that the Senate will today adopt this sense-of-the-Senate resolution and put us that much closer to meeting our transportation difficulties as they affect agricultural products, particularly the movement of grain.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. On whose time?

Mr. ROBERT C. BYRD. Mr. President, I ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, the time will be equally divided, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. AIKEN. Mr. President, I yield such time as he may require to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, it must be obvious why I rise in opposition to this resolution. I know that we have a problem in transporting the wheat that we have sold to Russia, and maybe it has become more important in America to feed the Russians than to take care of our own people.

I have received quite a bit of mail from people in my State that advises me that if we declare a moratorium on feed grains, not only will we be placed in a disastrous and catastrophic situation, but with the price of groceries being what it is and the price of meat being what it is and the cost of living rising by leaps and bounds they wonder what is next and I am wondering what we are going to do about the chickens we raise in Rhode Island. Chicken raising in Rhode Island is just as important to us, I suppose, as growing wheat might be in some of the Midwestern States.

I repeat, they have a problem, and we have a problem, too, and this whole business of looking at it in a parochial way is like having a short blanket. If you pull it up to cover your nose because your nose is cold, you will end up with your toes being frozen. This is what would happen. We declare a moratorium on feed grains, and what happens to the States and the people in the States who are engaged in this sort of agriculture?

I want to say to my friends that this Senate resolution requires very extensive consideration and understanding compassion. I think something needs to be done about this freight car shortage. In all probability, a very extensive study should be held. But we passed an all-inclusive bill out of committee last year, and that bill passed by more than 80 votes, and we intend to do it once again. But the fact still remains that if you do this now in such a subtle and, I dare say, even cataclysmic fashion, I am afraid we are going to hurt a lot of people in this country.

So I want to appeal to my friends who are sponsoring this legislation: Why do they not have the bill referred to the Commerce Committee? If they want to give it a time limitation, give it a time limitation, but refer it to that committee so it can come back here with an overall plan that might make us all happy; and, after all, that is the name of the game.

I think at present it is most unfair. I agree with the Senator from Vermont, and he is the Dean on the Republican side. He has seen things come and go. He knows what the problems are. He deserves attention. We have problems here that they should listen to. When a resolution is proposed that stirs a whole section of the country to rise up and plead to the Senate for fairness, I think we should at least heed that appeal. We do not want a fight or an extended debate; we want a resolution that solves the problem. The fact is that this resolution is geared to help only one part of the country, and that is not fair. If these feed grains are allowed to stand by, a shortage is created. The shortage results in a rise in prices in the feed grains that go to us and the chicken industry is hurt.

Mr. President, I repeat. Whom are we hurting here? We are hurting the American consumer, while at the same time we are trying to unload a lot of grain for the benefit of Russia. I cannot see it. I cannot see this sectionalism. Here we are in Rhode Island. We have always voted for all of these national programs. We have voted for public works projects and other projects. We have never had any of those public works projects in our State. We have had hydroelectric projects that we have voted for. We have gone along. Why have we gone along? We have gone along because we felt that it would be better for the country as a whole.

We have a bill here that will be of benefit to one section of the country, and every time that benefit is picked up, we slap the citizens of Rhode Island down. That is unfair.

Mr. President, this bill comes up at an inopportune time. It comes up on the birthday of George Washington, the Father of our Country. They will not even wait until the 22d, on Thursday. They have to give it to us on the Monday.

Let me tell the Senate something. This delivers a blow to New England.

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

Mr. HUDDLESTON. I yield.

Mr. COTTON. Mr. President, I think the attention of the Senate should be directed at the fact that last year the Committee on Commerce held 10 days of hearings on the bill, S. 1729, which dealt with the supply of general service freight cars. Two days of these Commerce Committee hearings were held in Portland, Oreg., and in Dodge City, Kans. The Commerce Committee reported this bill and on August 4 of last year, the Senate passed it with amendments. Unfortunately, it was not acted upon by the House before the 92d Congress adjourned.

Now, so far as I can find out, such hearings as the Committee on Agriculture held on this question which led to the pending resolution, Senate Resolution 59, have not been printed. Certainly, they are not available to Members of the Senate.

The Committee on Commerce—has been dealing with this problem for several years. It has even had a Special Subcommittee on Freight Car Shortage on which the Senator from Kansas (Mr. PEARSON) serves so that we could thoroughly understand the problem.

I might add that the distinguished chairman of the Commerce Committee (Mr. MAGNUSON) is now preparing to introduce a bill on this very subject which is nearly identical to S. 1729 of last Congress.

Mr. President, it seems to me that at its very best, Senate Resolution 59 can do little good, and, if anyone pays any attention to this sense-of-the-Senate resolution, such as the Commodity Credit Corporation, it can only result in harm. It can result in harm to the small dairy farmer. It can result in harm to the small poultry farmer. It can result in even greater harm to the housewives and the consumers of this country.

Now, Mr. President, on its face Senate Resolution 59 represents a simple resolution which will not have the force and effect of law. Rather, it should only affect the operation of the Senate. But, the fact remains that Senate Resolution 59, if adopted, would represent the position of the U.S. Senate on a very complex matter and which could have a very far-reaching and injurious impact upon many of our citizens.

As a matter of fact, although Senate Resolution 59 is entitled as "relating to the railroad transportation crisis caused by the freight car shortage and other factors," it is in the words of the junior Senator from Nebraska (Mr. CURTIS) expressed last Thursday, February 15, a transportation crisis which is "far-reaching." But, Mr. President, the effect of Senate Resolution 59 is even more "far reaching." For example, Secretary of Agriculture Butz in his letter of February 14 to the distinguished senior Senator from Vermont (Mr. AIKEN) made the following observation:

> Many farmers, because of losses suffered, can hardly afford the feed, even at the reduced prices. It is inconceivable that the Congress would ask that these sales be stopped. Such action would inflict almost irreparable damage on the livestock and dairy industries. The ultimate consequence of curtailing these sales would be borne by consumers in the form of ever higher prices for meat and the products of milk.

Mr. President, representing as I do the State of New Hampshire, I am particularly sensitive to this potential severe impact on small farmers which would result from the moratorium on the disposal of grain owned by the Commodity Credit Corporation proposed in Senate Resolution 59. For example, the commissioner of the department of agriculture of my State of New Hampshire wrote to me in December of last year noting in part the following:

> . . . the poultry and livestock industry of New Hampshire * * * finds itself in a very critical, if not volatile situation. Many of our farmers face financial ruin and liquidation of their flocks and herds because of feed grain shortage.
>
> * * * * *
>
> We are asking Secretary of Agriculture Butz to release Government stocks of feed grains now in storage to make adequate supplies available immediately. We are also requesting the Secretary to declare a ninety-day moratorium of shipments of grains to foreign countries to make shipping available to the Northeast poultry and dairy industries.

Similarly, in an article appearing in the Concord Monitor of January 2 of this year, Mr. Charles Calley observed that—

> Scores of New Hampshire dairy farmers will probably be forced to sell off their herds this winter because they can't afford to buy grains, according to Howard Townsend, state commissioner of agriculture.

Mr. President, as a result I, as the senior member of the New Hampshire congressional delegation, with the solid support of Gov. Meldrim Thomson and Agriculture Commissioner Townsend, spent most of the early part of January convincing the Department of Agriculture of the emergency conditions prevailing in the State of New Hampshire and the dire need to make the State eligible for the emergency livestock feed grain program. The torrents of rain that fell on our State throughout the growing season resulted in abnormally low corn and hay yields that were of poor quality in feeding value, which as Commissioner Townsend stated, threatened the elimination of New Hampsire's dairy industry.

On January 19, exactly 1 month ago, Secretary Butz authorized this assistance to eligible farmers in the State. But, this would be rendered a hollow and short-lived victory for the hard-pressed farmers of my State if Senate Resolution 59 is adopted by the Senate today.

Mr. President, the moratorium on the disposal of grain owned by the Commodity Credit Corporation proposed in Senate Resolution 59 therefore constitutes a grave and mischievous proposal which can only serve to aggravate further the feed grain crisis facing farmers in northeastern States such as New Hampshire. And, as the president of the New Hampshire Poultry Growers Association observed in a letter to me of February 8:

> . . . the Northeast poultry farmer also needs some help before he too joins our growing welfare rolls.

Mr. President, I believe that the Department of Agriculture is mindful of the tight freight car supply situation confronting us. However, unlike the proponents of Senate Resolution 59, the Department is equally mindful of its overriding obligation to make its inventory as accessible as possible to buyers such as farmers and stockmen dependent upon such grains for feeding their livestock. As the Department of Agriculture observed in its release of January 4 of this year announcing loading orders for all country corn in elevators:

> In taking this action CCC [Commodity Credit Corporation] has carefully considered the current status of the transportation industry. We recognize the tight car supply situation, but we also have an obligation to make our inventory as accessible to buyers as possible in this period of extremely high demand.

In the final analysis, Mr. President, if Senate Resolution 59 is to have the salutary effect sought by its proponents, the only beneficiary will be the private grain speculators who will be able to profit at the expense of the small farmers and stockmen of the United States who are dependent upon grain owned by the Commodity Credit Corporation for feeding their livestock.

Accordingly, to represent Senate Resolution 59 as relating to the railroad transportation crisis caused by the freight car shortage is grossly misleading. If, in fact, the freight car shortage is the issue which Senate Resolution 59 seeks to address, then the Committee on Commerce, not the Committee on Agriculture and Forestry, should have undertaken consideration of this resolution. As I noted earlier, the Committee on Commerce held 10 days of hearings in the last Congress on the bill, S. 1729

dealing with the supply of general service freight cars; 2 days of those Commerce Committee hearings were held in Portland, Oreg., and Dodge City, Kans. And, on August 4th of last year the Senate passed, with amendments, the bill, S. 1729. Unfortunately, it was not acted upon by the House before the 92d Congress adjourned sine die.

Mr. President, in contrast to the careful consideration accorded S. 1729 of the last Congress by the Commerce Committee, we now have before us a hastily conceived simple resolution on which I understand but 2 days of hearings were held here in Washington, D.C. on January 29th and 30th. I say "understand" because I wish to invite the attention of my colleagues in the Senate to the fact that the hearings on Senate Resolution 59 to my knowledge have not been printed as of this date, and it is not expected that they will be available for at least another 2 weeks. Yet, we in the Senate are being called upon to blithely approve a resolution which could have very far-reaching and serious cost impact upon the small farmers and stockmen of this country, and, also, do not forget, upon the price to the consumers.

Mr. President, I cannot help but conclude that Senate Resolution 59 is both ill-conceived and ill-advised. It is fraught with dangerous implications. I, therefore, wish to express my vigorous opposition to its adoption by the Senate at this time.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter of December 13, 1972, from the New Hampshire Commissioner of Agriculture; a letter of February 8, 1973, from the president of the New Hampshire Poultry Growers Association; and an article appearing in the Concord Monitor of January 2, 1973, all of which I have referred to in my earlier remarks.

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

STATE OF NEW HAMPSHIRE,
Concord, N.H., December 13, 1972.

Hon. NORRIS COTTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COTTON: I am writing to respectfully request you to use the power of your office to help the poultry and livestock industry of New Hampshire. The industry finds itself in a very critical, if not volatile situation. Many of our farmers face financial ruin and liquidation of their flocks and herds because of the feed grain shortage.

This shortage has come about for three reasons:

1. The very unfavorable harvest weather in the feed grain belt which finds, as of this date, only about one-half the normal harvest completed.

2. The sale of grains principally to Russia and China.

3. The acute shortage of freight cars to ship feed into the Northeastern states, the latter again brought about by the demand for foreign shipping.

These factors coupled with the tremendous increase for feed grains, caused in no small way by speculators, have many of our farmers in a position which will be difficult to recover from unless relief is forthcoming promptly.

We are asking Secretary of Agriculture Butz to release Government stocks of feed grains now in storage to make adequate supplies available immediately. We are also requesting the Secretary to declare a ninety-day moratorium of shipments of grains to foreign countries to make shipping available to the Northeast poultry and dairy industries.

Your prompt attention to this very critical situation will be greatly appreciated by the industry and me as Commissioner of Agriculture for the State of New Hampshire.

Sincerely,

HOWARD C. TOWNSEND,
Commissioner.

NEW HAMPSHIRE POULTRY GROWERS ASSOCIATION,
Durham, N.H., February 8, 1973.

Senator NORRIS COTTON,
Bedford, N.H.

DEAR SENATOR COTTON: I am in receipt of your delayed letter of 31 January 1973. The Emergency Feed Program has been a boon to dairy farmers and beef producers who must supplement their home-grown feedstuffs with 25–50% of mixed livestock feeds. However, it has been more of a strain on poultry and egg producers than a relief.

The reasons for the rise in prices we must pay for 100% of our rations have been made very clear to us by the news media, the Department of Agriculture and any bureau and agency we contact. The one reason everyone neglects to mention is that we in the Northeast *must*, and I repeat *must*, pay a premium not only for rail transportation, but also to get rolling stock to pay the premium on. Feedstuffs are available to us, but one of the main reasons that the price has not only held, but has gone up, is that all available cars are busy hauling to ports of shipment for foreign trade. Hopper cars that were being used to supply the Northeast have been reassigned to direct runs from the elevators to shipping points for quick return. We, the forgotten, abused and neglected Northeast are at a point in our feedstuffs inventory where if we are "blessed" with a significant snowfall our reserve will vanish within 5–6 days instead of the usual 10–14 days.

Agriculture in New England is still a sizable business and with few exceptions we are basically a large number of small "family" farms. Although we are not in tremendous farm blocs or parts of tremendous, powerful agriculture combines, we are still performing a service and filling a place in our nation's economy and kitchens and we do feel that we are entitled to some consideration.

I am taking the liberty of sending copies of this letter to Agriculture Secretary Butz and the balance of our New Hampshire delegation. I hope that you, along with the rest of the New England Congressmen, will be able to persuade someone somewhere that the Northeast Poultry Farmer also needs some help before he too joins our growing welfare rolls.

Sincerely,

GEORGE H. SILBERBERG,
President, New Hampshire Poultry Growers Association.

[From the Concord (N.H.) Monitor, Jan. 2, 1973]

FEED COSTS PINCH N.H. FARMERS

(By Charles Calley)

Scores of New Hampshire dairy farmers will probably be forced to sell off their herds this winter because they can't afford to buy grain, according to Howard Townsend, state commissioner of agriculture.

Townsend said almost the entire dairy industry in the state is suffering from a severe financial bind that was intensified last week when President Nixon abruptly ended the emergency loan program offered by the Farmers Home Administration (FHA).

The problem began last summer when a long spell of wet weather ruined hay and corn crops in all 10 counties, drastically reducing both the quantity of cattle forage and its nutrient quality.

The situation forced dairy farmers all over New England to rely on corn, oats and protein dairy ration grown in the Midwest.

However, other forces have been at work pushing the prices of those grains up to exorbitant levels.

A grain deal concluded by Nixon last fall is sending millions of tons of American grain to the Soviet Union, reducing the supply in the United States and forcing prices upward.

At the same time, American businessmen have been speculating in grain futures, buying when prices were low last summer and hoarding the grain to unload on the market in the spring when prices are expected to be highest.

Townsend said he "doesn't want to name names" but there has been speculation in grain in New England by feed processors and distributors.

"When the feed situation is as critical as it is now," said the state's new agriculture commissioner, "you will find that many manufacturers, expecting a shortage, purchased feed in advance of their own needs to protect their businesses. Many of them have admitted this.

"This is like speculation and has the same effect as speculation in that it forces prices upward," he said.

When the seriousness of the situation first became apparent last summer, the federal government geared up two programs to help farmers afford to buy grain for the winter.

The FHA emergency loan program enabled farmers to borrow money at 1 per cent interest to buy the high-priced grain imported from the Midwest.

A major advantage of the loan program was that the FHA would cancel the first $5,000 of such a loan to farmers who suffered more than a 20 per cent loss in either the quantity or quality of their hay or corn crops.

New Hampshire farmers were certified as eligible to borrow from the FHA on Oct. 17 and the federal agency began making loans on Nov. 1.

When the program was dumped last week it left New Hampshire farmers without any other place to turn for help.

Farmers in Maine and Vermont will be better able to survive the winter because those states are participating in the other federal measure—the Emergency Feed Grain Program.

That program, run by the Agricultural Stabilization and Conservation Service (ASCS), subsidizes farmers for about two-thirds the price of each ton of grain they buy.

It means farmers in Maine and Vermont can buy oats this winter for about $30 a ton while struggling New Hampshire farmers must pay more than $100 a ton for the same feed.

New Hampshire has formally applied for approval to participate in that program, but Townsend doubts the federal government will allow it.

"I'm fearful that elimination of the FHA loan program, which I understand was done as an economy measure, will mean that our request for participation in the Emergency Feed Grain Program will be denied for the same reason," Townsend said.

Cloyes Gleason, FHA district supervisor for New Hampshire and southern Vermont, said that when Nixon ended the loan program last week only 167 loan applications from New Hampshire farmers had been approved.

Still in various stages of processing were 153 other loan requests.

"I don't know what will happen to the requests we were still processing," said Gleason. "I'm still awaiting word from my headquarters on that but I don't believe we'll be able to approve them now."

He said as many as 900 New Hampshire farmers probably would have been eligible for the loans if the program had not been killed.

Both Gleason and Dennis Fenton, state director of the ASCS, agreed with Townsend that New Hampshire's official request to participate in the Emergency Feed Grain Program will probably be denied.

"Maine and Vermont were smart," said one top agriculture official. "They got into the ASCS program before the presidential election in November."

Gleason said he thinks many New Hampshire dairymen will have to sell their herds for lack of other alternatives.

"New Hampshire farmers were hit harder than farmers in the other New England states," he said. "Now they're getting a double dose of problems."

Townsend said his office will be doing all it can to pressure Washington for help, but it appears "inevitable" that in the expected absence of quick federal relief many farmers will have to sell their cows.

"It stands to reason that many farmers will sell," he said. "If you can't get feed there's only one thing to do. Many New Hampshire dairy farms are only marginal operations at best. This could well be the straw that breaks the farmer's back."

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

Mr. HUDDLESTON. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I believe that our friends from New England are unduly alarmed about this legislation. I believe that the flow of grain to their section of the country will continue, just as it is now, if this resolution is agreed to. It is a mandate to be carried out by the Commodity Credit Corporation and other officials of the Government.

It is difficult for some to realize just what the situation is that we face in the farming areas. There are farmers who have their entire year's production in grain. They are unable to sell a dollar's worth. It is not just an inconvenience. It is not just a loss. It is an inability to sell their product at all. The reason is that the local elevator cannot take it. He has no place to put it. And the reason that he has no place to put it is because he has no cars in which to ship the grain out. The grain is rotting on the ground.

Farmers who have a payment coming up March 1 on their land cannot sell their last year's crop. Most farmers file income tax returns that call for the tax payment to be made by March 1. They cannot pay their taxes because they cannot sell their crops.

I would like to have our New England friends realize that we hope this matter will be treated with compassion.

A while ago we were threatened with a strike involving passenger service on the Penn Central railroad. Congress responded on the matter within 24 hours. All we have here is a sense of the Senate resolution. It is a reasonable one.

I would like to call to the attention of the Senate a few communications I have received. This letter was written by a farmer in longhand. I have had it typed so that I could read it. It says:

TRENTON, NEBR.,
Jan. 18, 1973.

DEAR SIR: Am writing in regard to the boxcar shortage and what is the excuse for such a terrible situation out here. I generally bin my wheat at harvest and sell after first of year to pay my income tax and other expenses. I checked with the Culbertson Grain Co. to see when I could haul. He said he had no idea as 2 weeks ago he got 2 cars for the week and last week he only got one and all of them he did get were small ones and in poor condition. He said the situation is terrible, as he had 17 cars of government wheat and corn to ship in the next week or two, also about 25 or 27 cars of his own wheat to ship, besides the thousands of bushels that the farmers ordinarily sell after the first of the year. And if he didn't get more cars than he has been getting, I would be lucky to get my bins empty by harvest time. So it looks like I will have to borrow money to pay my income tax and running expenses.

I cannot see why the government would want this wheat delivered at this time, when the farmers need this money to pay their taxes.

Also, the boxcar he did get he got on a Thursday and so it had to be filled and ready to ship by Friday evening, which he did. But the railroad company did not pick it up till the next Tuesday. He checked with other grain dealers in other towns and said it was the same way with them. Hope you get busy and get something done about this terrible situation.

Sincerely,

CARL A. WEIDNER.

P.S.—I am sure there are a lot of other farmers feel the same way as I do about this.

Mr. President, one of the things that this resolution asks is that the shipment of Government grain be delayed for a little while, at least until this crisis is over.

If a car is available in which to ship grain out, it will still continue to be moved. It will still flow to the domestic and to the foreign markets. It will not hurt the Northeast or any other section of the country. Every car that is available will continue to be used. However, it will mean that Uncle Sam should not get in there and use all of the cars at a time when we have such a desperate situation.

We have this situation in many places. There are elevators that may be privately owned or may be cooperatively owned. They have a lot of farmers' grain and have advanced them money. In some cases small elevators have had to borrow as much as $400,000, $500,000, or $600,000 to pay the farmers, hoping that they can ship the grain out. They are paying 9 percent interest on those loans.

Yet they cannot get a car to ship it out. And some of those businesses that are so vital to the local community are going to go broke. All we are asking is that the Government withhold those actions that call for its moving grain until this crisis is over. Is that not a reasonable request?

There is, for example, the situation I just referred to, where in 2 weeks they got 2 cars. They need many dozens of cars. They have about 17 carloads of Government grain that must be moved.

I call attention to another communication. This is from a grain elevator:

I have about 100 cars on order, and this week I'll get only one car to ship—

He needs 100 cars, and can get one—

To make the situation worse the CCC has called in their grain and they give you ten days to ship an order. My wheat order was for 56,000 bu. and just day before yesterday I received an order to ship about 16,000 bu. of corn. They will stop storage in ten days and then the elevator must insure and keep the grain in condition until cars are available.

I can tell you without fear of being quoted that there is much loss of time on grain cars that are loaded by the elevator and left as many as five to seven days before they pull the car out for shipment.

Mr. President, I was home a week ago. In place after place I went, there was brought up the situation of the inability to move the grain out of the State.

That is more than an inconvenience. That is more than an increase in expense. Here is a situation where, for the entire year's production, there is no market at all, because there is no one to buy it; they cannot move it. The individual farmer is faced with his family expenses, he is faced with his operating expenses, he needs money for his coming farm expenses, he has payments on his land, he has his income tax bill at the present time; he has worked hard, he has been at great expense, he has gathered a bountiful crop, and he cannot sell it at all because there are no railroad cars available.

He cannot live on statistics. He cannot live on 10 days' hearings by some other committee. He cannot solve his problems by reading a volume of hearings held last year. Something needs to be done to expedite the moving of this grain.

Uncle Sam is a big shipper. One of the things that this resolution asks is a moratorium on those actions which cause Uncle Sam to use the cars to transport grain—a very reasonable thing. If this situation is decided on the basis of fairness and compassion, it will pass the Senate unanimously.

Mr. President, the car shortage has been serious for a long, long time, but it has never been this serious. I want to read another communication:

MY DEAR SENATOR: The severity of the situation in being unable to market grain has given me no choice but to seek help on the national level. I think it is critical enough to deserve your immediate attention. Farmers in this area, including ourselves, have sold grain last fall that we have been unable to deliver to the elevators because the elevators have been unable to get rail cars to ship out the grain from their facilities. I have every reason to believe that this is the situation all over the midwest. The grain we still have on hand unsold, we cannot find a market for where they will take delivery of the grain. I visited with the manager of the local elevator at Shelby, Nebraska, and he said they are 60–90 weeks behind in shipping the grain they have already bought based upon the present rate they are getting cars for shipment and if the situation did not improve the elevator would be in severe financial difficulties. They have nearly borrowed their $700,000 limit, paying an undue amount of interest because of this, and are being assessed penalties on grain contracts they made last fall but are unable to get shipped for delivery and collection. This situation is causing severe hardships to the farmers who

have land payments due at this time of year and income tax payments due March 1st. They cannot market any grain to come up with money to meet these payments and are fast approaching the spring planting season when it takes great quantities of money to finance the seed, fertilizer, and chemical supplies for which they ordinarily use their line of credit. To aggravate the situation the government is calling in all warehouse and farm stored grain at a time when these same elevators are overburdened with grain still arriving from the 1972 harvest.

I could go on and on, Mr. President.

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

Mr. CURTIS. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. I am not on the Agriculture and Forestry Committee, and in that regard I defer to my distinguished friend from Vermont, who has been very knowledgeable in that area. But as I look at the first part of the resolve clause on page 2, it states here that the Secretary of Agriculture should—that is a command, more or less—impose a moratorium on the disposal of grain owned by the Commodity Credit Corporation. In that regard, are we not talking about feed grain?

Mr. CURTIS. That is correct, both feed grain and wheat.

Mr. PASTORE. If you place a moratorium on feed grain, do you not more or less subscribe to the argument that I have made, that you create a shortage where there already exists a shortage?

This need for transportation for enough freight cars has affected the entire spectrum of your agricultural products, not alone wheat or corn, but practically everything. We just do not have enough boxcars.

I realize that the Commodity Credit Corporation has a major portion, over 50 percent of these cars that they can fill up before others are allowed to use them, especially private enterprises.

But the argument I make is this: When we say to the Secretary of Agriculture that it is the sense of the Senate that the Secretary of Agriculture should impose a moratorium, does not the Senator think that the Senate is entitled to know how the people who might be affected by such action feel? Has anyone who buys this grain to feed his cattle, his chickens, or his cows been called before the committee to be asked how he might feel as a result of the repercussions that might flow from it? All the committee has done is call in a lot of wheat people who have a lot of surplus wheat and would like to sell it, and I would like to see them sell it.

Mr. CURTIS. I might answer the Senator's question this way: In the first place, it was an open hearing. In the second place, all of the farm organizations were notified and had a chance to participate, and that meant the dairy farmers, the chicken producers, and the others.

This is not a matter of something coming up suddenly or without notice. We have a choice on the one hand of a feared inconvenience in opposition to this, with an actual disaster and ruination if we do not provide some relief in the boxcar situation.

Mr. PASTORE. Did I understand the Senator correctly that the committee held hearings in Kansas?

Mr. CURTIS. No, in Washington. They were open hearings.

Mr. PASTORE. In Washington?

Mr. CURTIS. Yes.

Mr. PASTORE Did anyone from New England appear?

Mr. CURTIS. Yes, I think so. There was a witness from Vermont. They were public hearings and here is the transcript.

Mr. PASTORE. Were they for or against the resolution?

Mr. AIKEN. The hearings have not yet been printed.

Mr. CURTIS. The resolution was developed out of the hearings, but the principles were covered.

Mr. PASTORE. I am not questioning the motivation of the committee. Please do not misunderstand me.

Mr. CURTIS. No, but I would like to point out that users of grain will get as much grain if this resolution is followed than otherwise. Every available car will be used to ship grain to the people that want to buy it. All we are asking is that the Government step aside and not hog all the cars while the people facing disaster cannot sell a bushel of grain—cannot get a nickel.

Mr. PASTORE. But they take the disaster from one group and pass it on to another.

Mr. CURTIS. Oh, no, it does not create any disaster. The facts have been revealed to establish that. As a matter of fact, any Government grain on hand—it is with transportation that we are concerned. If the Senator is interested, I would be willing to offer this amendment to the moratorium.

Mr. AIKEN. If the Senator from Nebraska will yield, I want to make a correction, that the Senator from Nebraska said a representative from Vermont appeared at the hearing. That is true. The commissioner of agriculture did appear but he did not appear in support of the resolution.

Mr. CURTIS. No——

Mr. AIKEN. I have here a telegram under date of February 15 in which he vigorously opposes this resolution. I ask unanimous consent to have it printed in the RECORD at the end of this colloquy.

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

(See exhibit 1.)

Mr. CURTIS. Mr. President, I should like to say to my distinguished friends that we have a situation more extreme than any I have ever seen during my service in Congress, and this is my 35th year——

Mr. PASTORE. But it is a problem the Senator cannot solve. We turn around and say we should impose a moratorium on the CCC. I have already answered my question. That is where the feed grain is shipped. The minute we impose a moratorium, we stop the feed grain.

Mr. CURTIS. No, no.

Mr. HUDDLESTON. Mr. President, will the Senator yield on that point?

Mr. CURTIS. May I answer first? It does not stop it at all. Not at all.

Mr. PASTORE. Then why are they against it, then?

Mr. CURTIS. To give the farmer a chance to sell his grain. You users of grain in New England can buy that grain as easily as Government grain. Every car, every facility——

Mr. PASTORE. At the same price?

Mr. CURTIS. No, no——

Mr. AIKEN. Will the Senator from Nebraska yield?

Mr. CURTIS. I do not know whether the Senator wants this as a price control——

Mr. PASTORE. No, no. But everyone knows that if we buy from the CCC, it will be cheaper.

Mr. CURTIS. Permit me to say this, that no one knows what will happen to the price. We do know that the price is zero for many farmers. The price is zero. That is a greater shock and a greater hardship than anyone will have that may quibble about what the price will be. As a matter of fact, to show good faith and to point out that what we want to do is to get the Government out of the business of using transportation facilities, this one Senator is willing to take an amendment in reference to the moratorium, which has this proviso:

Provided that the grain owned by the CCC and stocked east of the 84th Meridian shall not be subject to this moratorium.

Mr. AIKEN. Well——

Mr. CURTIS. May I finish, please?

Mr. AIKEN. Yes.

Mr. CURTIS. This amendment would provide that the moratorium would not apply to CCC stocks owned in Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. There is some grain stored there now. To sell it would not put a strain on the boxcar situation in the farming areas. If this moratorium is applied in the farming areas, the full facilities for shipping out grain will still be used, only it will give a chance for farmers to ship some grain instead of having the Government dispose of their grain while the farmer is unable to get any price for it.

I do hope that our distinguished Senators respresenting those areas will realize the very dire situation we face and the ruination that will come to countless farmers and to local elevators when they have the crop that they cannot move at all.

I do not believe it will adversely affect the price because there will be as much grain flowing out and we will use all the cars we can. But I submit that for a farmer to have his price dropped from the first good price he has had in a long, long time down to zero is a greater hardship than any fluctuation that might come to a buyer of grain because of this. And just as this body responded to help the eastern section of the United States with the threatened Penn Central Railroad strike, we did not get up and suggest that we have hearings which would last a couple of weeks and that in lieu of transportation somebody could carry a hearing under his arm and get work on

to the town they want to go to. Hearings, and delays, and referrals will not solve anything. But I do believe that if we could have the Government taking no action that would call for the use of railroad cars, it would give a chance for these people who have worked all year, and who have such a dire need to market their harvest, to do so.

Mr. President, I yield the floor.

Mr. AIKEN. Mr. President, may I ask a question?

Mr. CURTIS. Surely.

Mr. AIKEN. Would the Senator be willing to include all the States where they have disaster areas that would be seriously handicapped by this resolution? I point them out—several of them west of the 100th meridian, particularly Colorado, where the larger counties are involved, and Nevada, New Mexico, Oregon, and Utah—about two-thirds of that State. They have been eligible for Government-owned feed at lower prices. Would the Senator object to helping those folks out, too? Five Western States besides most of the Eastern and Southern States would be adversely affected; but I was wondering about the five, particularly Utah, and Colorado and New Mexico. Colorado and the other States involved are the ones in the South along the Mexican border.

Mr. CURTIS. I was not aware they had any opposition to this legislation.

Mr. AIKEN. I do not think they know about it.

Mr. CURTIS. If they look into it they will not be opposed to it.

Mr. AIKEN. I will say that the dairy people and the broiler people and the national organizations have vigorously protested the enactment of this resolution. I assume that they are objecting to the part which would deprive them of the privilege of getting Government-owned grain in disaster areas. As I say, in New England, this Government-owned grain is stored there.

Mr. CURTIS. The resolution I would propose would exempt from the moratorium all that is stored east of the 84th meridian.

Mr. AIKEN. That would leave 22 counties. About two-thirds of the counties in Utah, I think, have been involved in this program.

Furthermore, this program is one that Congress authorized the Department of Agriculture to go ahead with in 1959.

I would like to treat those western people as well as the Senator from Rhode Island wants his people treated. All the counties in Rhode Island and Vermont, among other States, have been declared disaster areas.

Mr. CURTIS. If I would accept such an amendment, could we adopt the resolution right away?

Mr. AIKEN. I do not know how it would be worded. I would want to read it.

As for the boxcars, I think the railroads are capable of looking after themselves, and the Committee on Commerce knows whether or not it wants to give up consideration of any proposal.

Mr. CURTIS. I cannot speak for the other members of the committee or the chairman of the subcommittee or the chairman of the full committee. I do not know just what problems would be created by a county-by-county basis. But I am very much inclined to agree with the Senator, and if we can have assurance that we might have this resolution adopted——

Mr. AIKEN. I would like time to have it submitted to the Department of Agriculture, to find out what the ultimate effect or the immediate effect or the midseason effect would be.

I did not realize that the Committee on Commerce had done so much work, until the Senator from New Hampshire told about the hearings they held last year.

Mr. President, on my time, I ask unanimous consent to have printed in the RECORD a list of all the affected counties in the United States.

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

PARTICIPATION IN THE LIVESTOCK FEED PROGRAM AS OF FEBRUARY 16, 1973

Colorado—Counties of Archuleta, Conejos, Costilla, La Plata.

Connecticut (entire State)—Counties of Fairfield, Hartford, Litchfield, Middlesex, New Haven, New London, Tolland, Windham.

Maine—Counties of Androscoggin, Cumberland, Hancock, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Waldo, Washington, York.

Massachusetts—Counties of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Worcester.

Nevada—County of Lincoln.

New Hampshire (entire State)—Counties of Belknap, Carroll, Cheshire, Coos, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, Sullivan.

New Mexico—Counties of McKinley, Rio Arriba, San Juan, Valencia.

New York—Counties of Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautaugua, Chemung, Chemango, Clinton, Columbia, Cortland, Delaware, Dutchess.

Counties of Erie, Essex, Franklin, Fulton, Genesee, Greene, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery.

Counties of Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Putman, Rensselaer, Rockland, St. Lawrence, Saratoga, Schnectady.

Counties of Schoharie, Schuyler, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, Wyoming, Yates.

Ohio—Counties of Ashtabula, Geauga, Lake, Medina, Trumbull.

Oregon—County of Lake.

Pennsylvania—Counties of Adams, Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Bradford, Bucks, Butler, Cambria, Cameron, Centre, Chester, Clarion, Clearfield.

Counties of Clinton, Columbia, Crawford, Cumberland, Dauphin, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juanita.

Counties of Lackawanna, Lancaster, Lawrence, Lebanon, Luzerne, Lyconing, McKean, Mercer, Mifflin, Monroe, Montgomery, Montour, Northcumberland, Northhampton, Perry, Pike.

Counties of Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquenhanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, Wyoming, York.

Rhode Island (entire State)—Counties of Bristol, Kent, Newport, Providence, Washington.

Utah—Counties of Beaver, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, San Juan, Sanpete, Washington.

Vermont (entire State)—Counties of Addison, Bennington, Caledonia, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, Washington, Windham, Windsor.

Source: USDA.

	Bushels
Total CCC grains ordered by all counties included in the Livestock Feed Program as of the week of February 9, 1973	16,075,534
Total ordered week of February 9, 1973	773,928
Total quantity shipped to date (2/9/73)	8,845,647
Total quantity not shipped (2/9/73)	7,278,813

201 counties participating in 14 States.
Source: USDA.

Mr. CURTIS. The Committee on Commerce could do something that would help very materially in this matter, but it would not be immediate. What is needed is a program for insured or guaranteed loans so that the railroad cars could be built. We would start to get some cars in approximately 6 months, but not many, and it would take a little time.

The very reasonable resolution we have here is just that the Government stop taking all the cars until we can ship some of this grain. It is a very reasonable proposal, and the amendment I have offered would see to it that they could go ahead and dispose of all the grain they have in the Senator's area.

Mr. AIKEN. I would like to help out on the boxcar and the hopper car situation, because the country is tremendously short in this respect. I read in the newspaper this morning that the Burlington Northern ordered a thousand hopper cars which are supposed to be delivered this summer. We are short of boxcars. Everybody knows it. In the meantime, however, we have enough left so that they are transporting grain to the ports twice as fast as last year and faster than the ships can load it. So that we have more than one angle to this.

Mr. CURTIS. I should like to comment on that. The railroads are not doing too good a job. Some of these cars do not get back for 25 or 28 days, when they should be back in 8 or 10 days, from the grain belt to the gulf ports.

The PRESIDING OFFICER. The Chair inquires as to who is yielding time to the Senator from Nebraska.

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

EXHIBIT 1

Senator GEORGE D. AIKEN,
Capitol Hill, D.C.

On behalf of Vermont dairyman, producers of livestock and livestock products I strongly oppose adoption of S.R. 59 which would affect moratorium on Government disposals of feed grains in CCC stocks and would also grant repeal privilege on 1971 and 1972 feed grains under loan. Prices paid by livestock owners for dairy ration, poultry ration, and supplemental animal feed have accelerated since August 1972 due to combination of factors which have disrupted orderly marketing and rail movement. Government

sponsorship and encouragement of export sales of grain have contributed to this unwarranted situation. Orderly marketing of and improved rail services are badly needed at this time to restore normalcy in supply-demand relationship for feed ingredients prices for Pacific ingredients which are inflated to artificial levels must be reduced to orderly marketing status to assure continued production of livestock products in Northeast. Objectives of S.R. 59 would further aggravate and perpetuate serious situation which we are now endeavoring to overcome.

EDWARD R. EURICH,
Vermont Commissioner of Agriculture.

Mr. COTTON. Mr. President, will the Senator from Vermont yield me a few minutes?

Mr. AIKEN. I yield 6 minutes.

Mr. COTTON. I merely want the record straight with respect to S. 1729 of last Congress, which was reported by the Commerce Committee.

I apologize to the Senator from Rhode Island; I did not see him on his feet.

Last year, the bill, S. 1729, that came to the Senate established a Federal Railroad Equipment Obligation Insurance Board with authority to insure rolling stock equipment obligations up to $2 billion to produce freight cars. It also provided that automatically at the end of 3 years for the establishment of, unless Congress intervened and took action, a corporation, called the Rolling Stock Authority, which could provide Federal guarantees up to a billion dollars to finance construction of freight cars.

We had a disagreement simply on the last point, and the Senator from New Hampshire offered an amendment. The only change that his amendment made was that at the end of the 3-year period the Congress affirmatively adopted a resolution—not even a bill, which would require the signature of the President—before the proposed Corporation would come into being.

It was the position of some of us that it was a delayed bomb to pass an act automatically creating a Government corporation at some future date 2 or 3 years hence, at which time there could be new Members of Congress, and when people who knew the situation could be gone. That amendment prevailed here in the Senate by a vote of 43 to 41 and the bill passed. But, it was not acted upon in the House.

Now, as I understand it, the same bill shortly will be introduced and referred to the Committee on Commerce, except that it will propose 2 instead of 3 years, before the Corporation automatically comes into being, unless disapproved by the Congress.

The only possible delay I presently foresee is the issue on which I prevailed concerning S. 1729 of the last Congress; the shorter period of 2 years instead of 3; and the level of financing authority.

We have to thrash out these questions in the committee after testimony is taken. And, then the bill can come to the Senate as soon as an executive session of the Commerce Committee can be scheduled. Nobody on the committee, to my knowledge, is against the concept of legislation dealing with the problem of freight car shortages.

As for Senate Resolution 59, I cannot see why it should not be referred to the Commerce Committee, with a time limitation, if desired, so we can act on it and the bill to be introduced, which is something more than a pious wish, since it represents affirmative action with financing to build freight cars.

Mr. HUDDLESTON. Mr. President, I would like to respond briefly to some of the comments made by the Senator. The subcommittee, of course, was aware of the hearings that had been held previously by the Commerce Committee last year in which the overall shortage of freight cars was discussed. Our investigation and our consideration was a narrow one, relating to the specific difficulty of moving agricultural products, that exists at this time.

Our Senate Committee on Agriculture and Forestry agreed to support and encourage the Committee on Commerce in its deliberations on a bill which hopefully would bring about a long-term solution to this shortage of freight cars and underutilization of freight cars. But that is not the problem to which we are addressing ourselves today. It is not the problem to which this resolution addresses itself.

The problem today is brought about by a set of circumstances that have come together all at one time which has created the worst shortage of freight cars in the history of this country as it relates to the movement of agricultural products. This was confirmed by those who testified during our hearings.

If crops cannot be moved at the right time great losses result. Of all the things adversely affecting this situation, most do not level themselves to immediate correction: size of crops, weather conditions, and the shortage of freight cars. The only thing we can do about this situation immediately—and I think the very fact that Senators have pointed out they have been wrestling with the freight car shortage problem for 25 years indicates we cannot solve the shortage between now and the end of this month—is the action of the Department of Agriculture. This action was done by a stroke of the pen, and can be undone by a stroke of the pen.

I want to say that the moratorium that is suggested relates not to the supply problem. To the distinguished Senator from Rhode Island I might say we had a chicken feeder from Kentucky testify before the committee and he is in a desperate situation, not because the feedgrain is not available, but because the people who want to sell it to him cannot get it to him. We are talking about a problem of transportation, not supply.

As far as the Government's role in disposing of Government-owned grain is concerned, that is a small proportion of the grain that the Senator's State needs. If the needs of the Senator's State is going to be alleviated, it is probably going to have to be alleviated by private sellers able to get their stocks into the Senator's State.

Mr. President, at this time I yield to the Senator from South Dakota such time as he may require.

Mr. McGOVERN. Mr. President, I thank the Senator. I support this resolution.

The shortage of railroad boxcars in South Dakota and other agricultural States is reaching the proportions of a crisis.

This weekend, the major railroad serving South Dakota told me that, throughout its system, it had orders for nearly 47,000 boxcars that it could not fill. This railroad has an inventory of 2,000 cars. A second railroad, serving a smaller area, reported that, throughout its system, it was unable to fill orders for 3,000 boxcars.

A spokesman for one of the roads told me that the demand for boxcars to move grain has been so overstrained by the need to move massive amounts of grain to ocean ports that it is like one gigantic railyard from Kansas City south to the Gulf of Mexico.

The present shortage, I am told, is due to the inability of our transportation system to ship, all at once, the equivalent of 2 years' crops. In the words of one veteran railroad official, "The pipeline is full—all the way to Russia." Hundreds and hundreds of cars are stacked up at ocean and Great Lake ports awaiting unloading.

Last week I returned from 6 days in South Dakota. Everywhere I went, farmers and elevator operators told me of the critical need to obtain boxcars to ship grain.

The dearth of boxcars has already started to have an impact on orderly marketing of wheat and feed grains. Some country elevators are refusing to buy any more grain because storage facilities are overtaxed and there is no way to move the grain out. Cash prices for wheat at some elevators fell as much as 90 cents per bushel from early January to early February. Future prices are off as much as 60 cents.

We have had boxcar shortages at harvest time in the Midwest as long as I can remember. But this is not harvest time. Yet, the National Grange says the present shortage is the worst that has existed over the history of recurrent shortages since before the creation of the Interstate Commerce Commission in 1887.

Grain farmers and their representatives who have contacted me in the past few weeks are unanimous in support of the pending resolution.

The resolution is of several parts, and all of them are important. But the provisions of section 1 and section 2 have particular immediate relevance.

The existing shortage of boxcars is bad enough, but the Secretary of Agriculture has compounded the problem by ordering the callup of virtually all farm-stored and warehouse-stored grain and placing the Commodity Credit Corporation's inventories of grain on the market, dumping them into a transportation system that already is straining to capacity.

In December, the Department announced the callup of nearly every commodity under storage loans from 1968 through 1971. In February, the Department extended the callup order to cover the 1972 crop when loans mature.

Maturity dates vary from April 30 to

July 31. The Department has granted a grace period of 30 days after maturity to farmers in areas where transportation facilities are inadequate. But a 30-day breathing period does not help much.

The Secretary of Agriculture should rescind his callup order. This resolution says that farmers should be given the option of extending their Commodity Credit Corporation loans for 1970, 1971, and 1972 crops. That request is entirely logical, as is the declaration of the sense of the Senate in section 1, that the Secretary should declare a moratorium on sale of Commodity Credit Corporation stocks until it can be determined that rail facilities exist to move those stocks to market.

The arguments against this resolution have, to date, been unconvincing. Nothing in any section of this resolution suggests that less grain be moved to market. No buyer or consumer of grain or grain products would be disadvantaged if the full recommendations of this resolution were implemented. It calls simply for a restoration of order in the grain marketing system. I urge enactment of the resolution.

I thank the Senator from Kentucky for yielding to me.

Mr. AIKEN. Mr. President, earlier today the Senator from Kentucky and I had different figures as to how much wheat was now owned by the Commodity Credit Corporation. I have what I think are the correct figures as of today.

The CCC owns 136 million bushels, but of this amount, 53 million are already earmarked for Public Law 480 and 40 million other bushels, in round figures, have been sold, whether to Bangladesh or where I do not know, which leaves 43 million bushels available for sale in the hands of the CCC.

So, for once, the Senator from Kentucky and I were both right. The CCC owns 136 million bushels, but only 43 million bushels are available for sale or disposal.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I have listened to the debate and I understand the sincerity and good will of every Senator with reference to the problem this crisis is causing in the Midwest and also problems it is causing in other parts of the country. I am also well aware of the efforts made by the senior Senator from Kansas (Mr. PEARSON) and members of the Commerce Committee during the 92d Congress with reference to permanent legislation that would deal with the boxcar shortage.

The first case on the docket of the Interstate Commerce Commission——

The PRESIDING OFFICER. If the Senator will pardon the Chair, who yields time?

Mr. PASTORE. Mr. President, I yield time to the Senator.

Mr. HUDDLESTON. Mr. President, I yield time.

Mr. AIKEN. Mr. President, I yield time.

Mr. DOLE. Everyone is willing to yield me time.

One of the first cases of the Interstate Commerce Commission when it was created had to do with the boxcar shortage, so this is nothing new. Reference was made to the fact that this resolution was being considered, not on George Washington's Birthday, but on the day when we celebrate it. I assume that even on George Washington's Birthday there was a boxcar shortage. The fact is that there has been a boxcar shortage from time immemorial. There was one available while I was a Member of the House. It was interesting to see which Congressman would be the first one to announce that he was urging more efficient use of boxcars because of the anticipated boxcar shortage.

So there is a problem, there has been a problem, and I assume from time to time in the future there will still be a problem; but I believe that all those in the Senate and in it's committees dealing with transportation and commerce are aware of the problems. Steps are being taken to remove the problems. I would hope that today we could compromise the matter so we might proceed with passage of the resolution.

Let me make my statement at greater length.

Mr. President, the shortage of railroad freight cars is an annual problem. In each of my 12 years in the House and the Senate we have faced this problem, and, repeatedly, we have made honest efforts to deal with it, so our farmers could have adequate rail equipment in which to ship their grain and receive their supplies.

A bill (S. 1729) passed by the Senate last session could have assisted in the construction of more freight cars, but, unfortunately, it was not passed by the House. Senate passage of comparable legislation in this Congress is needed at the earliest possible date, so the House will have adequate time to act and provide the long-term answer.

But while this process goes on in Congress, farmers and grain elevators in Kansas and other grain-producing States are facing the most critical shortage of freight cars in history. The problem is not new, but a new pressure, brought about by the largest sale of grain in history last summer, has been added. Thousands and thousands of the normally scarce hopper cars and boxcars used to ship grain are tied up in rail yards near our ports.

It has not yet been determined if the railroads are failing to provide efficient delivery of these grain shipments to the ports or if the number of cars available is simply inadequate. Studies to make this determination are underway; but, regardless of the reasons, our farmers have felt the impact of the freight car shortage in a drastic drop in wheat prices. The farmer cannot deliver or sell his grain to his local elevator, because the elevator is full and cannot be emptied of the grain already purchased. The grain exporting firms cannot buy or ship any grain, because they cannot get enough grain to their port elevators to load waiting ships. Unless these firms can deliver on time in accordance with their contracts they have to pay penalties. These penalty costs are being passed on to the grain elevators in the form of lower prices, and the elevators pass their losses to the farmers.

CCC COMPOUNDS PROBLEM

The freight car shortage has been acknowledged for some time, and it is a problem with which the grain companies and the railroads have been dealing. The problem was further compounded, however, when the Commodity Credit Corporation—CCC—of the Department of Agriculture issued loading orders to ship the grain it had stored in country and terminal elevators. Original orders to ship grain in on-the-farm storage were also issued, but USDA amended those orders to allow farmers to retain that grain until this current freight car shortage is alleviated. However, the problem created by the issuance of CCC's loading orders continues. This problem is both unfortunate and unnecessary. At a time when we have a critical shortage of equipment the CCC should temporarily suspend these loading orders until the flow of grain to export ships can be smoothed out by a regular supply of cars. Presently, a jammed condition in the railroad yards appears to be causing railroad workers difficulties in locating cars and routing them.

This morning, Mr. George Voth, general manager of Far-Mar-Co., Inc. in Hutchinson, Kans., informed me of an on-the-spot study that the firm's traffic manager is making at this time of the Texas port and rail situation.

In the past few days a study has been made of the grain export elevators in Houston, Corpus Christi, and Beaumont, and the railroad yards between these ports and Dallas. The observation was that it was like "traffic from a full 8-lane highway trying to get across a single lane bridge." There is too much tonnage of grain for the trackage, power and switching facilities available. And in addition to grain, there is considerable demand for freight cars to handle fertilizer, pesticides, and cotton.

In the Port of Houston over 100 ships were waiting to be loaded with grain. In the Houston area the freight cars are distributed to the four major export elevators by a switching system referred to as the "Houston belt." This system is so overburdened that individual cars of grain are difficult to keep track of, and there is not enough track to switch out the cars needed to load vessels.

The railroads are making a tremendous effort to break loose this traffic jam, and their employees have been working from 7 a.m. to 11 p.m. the past 50 days. But relief is not in sight; even though Mr. Voth reports he feels every effort is being made to unload and return these cars as promptly as possible.

He makes three recommendations that he feels would help:

Suspend CCC loading orders until its grain can be moved without further disruption to the movement of other grain and agricultural supplies. He emphasizes that the CCC loading order is not the sole cause of the difficulty, but it is contributing to the overall problem.

He suggests that concerned Senators go to these areas and see the backup of traffic and observe the efforts being made to relieve the problem.

He encourages the use of unit train shipments, because they are easier to locate, unload, and return than individual car shipments.

Suspension of the CCC loading orders would not entirely correct the situation, but the demand for cars to satisfy the requirements of the loading orders only complicates the already overburdened system, may force bankruptcy of some small grain companies and could bring still lower grain prices to our farmers.

The resolution we consider today indicates the sense of the Senate that a moratorium be imposed on these CCC shipments. I submit for inclusion in the RECORD at this point a copy of my telegram to Secretary of Agriculture Butz demanding action to prevent CCC from further complicating this situation.

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

TELEGRAM FROM SENATOR BOB DOLE TO SECRETARY BUTZ, FEBRUARY 9, 1973

Secretary BUTZ:

I demand that immediate action be taken to increase and stabilize wheat prices. Prices paid to farmers in Kansas have dropped $1.00 per bushel in the last 30 days as a result of the critical shortage of railroad freight cars. Fifty cents of this drop occurred this week as a result of Commodity Credit Corporation (CCC) loading orders and offers to sell CCC stocks. Realize adverse weather conditions and increased shipping for export have contributed to this matter, but action by USDA in changing CCC policy is essential immediately to correct this disastrous price drop.

Mr. DOLE. The savings to be realized by calling this grain from storage are minimal when compared to the damage being done to our exporters, our elevator operators, and our farmers. If CCC would hold this grain until the freight car crisis subsides it should be able to liquidate its stocks at prices that will more than offset the additional costs for maintaining these stocks in storage.

Mr. President, I urge my colleagues to support this resolution, which focuses attention on the need for action to relieve an unnecessary pressure in the critical situation, and again I would ask for support and prompt action toward passage of basic legislation, such as that considered by the last Congress, to provide additional railroad equipment for moving our grain harvest to its workers.

The price of wheat in Central Kansas today is $1.90 per bushel—30 to 50 cents under the price a month ago. Just because of this crisis. The demand still exists for this grain, but the inability to deliver grain and the resulting penalties for not delivering under sales contracts has forced the price down.

Suspension of CCC loading order temporarily until such time as grain starts moving in an orderly manner would certainly enhance the economic well-being of our farmers and our entire economy.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is an amendment in order?

The PRESIDING OFFICER. An amendment is in order.

Mr. PASTORE. Mr. President, I send amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. The amendments will be read.

The assistant legislative clerk read the amendments, as follows:

On page 2, strike lines 3 through 12 and renumber the following subparagraphs.

On page 3, strike lines 24 and 25 and on page 4, strike lines 1 through 4.

On line 10, page 3 after the word "association" add "one from the Forest Industries Council".

On line 15, page 3 after the word "the" delete the word "Congress" and add in lieu thereof the following: "Senate Agricultural and Senate Commerce Committees,".

The PRESIDING OFFICER. Is there objection to the amendments being considered en bloc? Without objection, the amendments will be considered en bloc.

Mr. PASTORE. Mr. President, I am not going to belabor the matter. This is a compromise. I guess there is no complete happiness on either side, but it carries out the intent of the committee and satisfies those who feel that, after all, a report should be had from the Commerce Committee. We want the grain to move at the best price possible and we want a solution of the other problems.

I hope the amendments will be approved.

Mr. AIKEN. Mr. President, I yield myself such time as I need.

I think the proposal by the Senator from Rhode Island is a good solution to our problem. In the letter which Secretary Butz wrote to me the other day he indicated he was not averse to the boxcar part of the resolution. I am sure the one thing he objected to was the difficulty which many of us would be found in, in trying to get our people out of their difficulty. I think this is a good overall "out" for everybody.

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

Mr. PASTORE. Can we get action on the amendments first?

Mr. DOMINICK. I wanted to talk on the amendments.

Mr. PASTORE. Very well.

Mr. DOMINICK. I shall not detain the Senate long. We have heard a great deal from our farm people. When I served on the Commerce Committee I heard more about boxcars than I thought I would ever hear on the subject. This is not a new problem. I think this problem has been with us since shortly after the turn of the century.

The proposal is that the CCC shall continue to sell its surplus grains. Ordinarily I would object very strenuously to that because the surplus grains are what depresses the market price for the farmers who have been trying to make a living getting grain distributed to the consumer. Under the present circumstances, the Senator from Vermont (Mr. AIKEN), has just said that only about 43 million bushels remain unobligated. The rest is obligated in one form or another. Consequently, the amount of grain held over is not at this point going to have any appreciable effect. I will point out that when the first sale took place—almost 50 percent of the surpluses at that point—the price went down from $2.38 to $1.65, which is enough to make any farmer, who has struggled to make a living raising grains despite hail and insects and everything else, burst into tears. I will say that that crisis is past.

In the interest of trying to get the necessary boxcars in order to get the grain to market, it would seem wise to adopt this proposal, though, frankly, I do not like the principle.

Mr. HUDDLESTON. Mr. President, I yield to the Senator from Nebraska 5 minutes.

Mr. CURTIS. Mr. President, I would much rather see the resolution adopted as reported to the Senate. I understand the problem we are facing. I understand the position of the Department of Agriculture. In any event, we do not face too great a solution, regardless of how this resolution goes. We are expressing the sense of the Senate to the Department of Agriculture.

Since the hearings were held by the Committee on Agriculture and Forestry, the Department of Agriculture has made a few tiny moves to help alleviate this situation. I say tiny because they are tiny. They could do a lot more. They could speak more emphatically and with more assurance. That would help out.

There was a time prior to our hearings when they insisted that half of the available boxcars should be used to load out Government orders. They modified that since our hearings to provide that if a shipper or a grain elevator had orders to fill or contracts to complete, he could do so without having to comply with the provision concerning half of the cars being diverted to Government grain.

I hope they will continue to do things along that line. I hope that the Department of Agriculture, which has so vigorously opposed the idea of a moratorium on commodity credit sales, will go a little further and do everything within their power to lessen the movement of Government grain.

Mr. President, there remains in the resolution a recommendation for the resealing of the 1971 and 1972 crops. That means that, instead of that grain being eligible to be called on pursuant to the decision of the Government, the producer will have a right to reseal it under the same conditions that he sealed it before. He thereby gets the advantage of having it sealed and the storage fees, and at the same time this will tend to lessen the pressure for boxcars.

Mr. President, at the very best we are at the mercy of the Department of Agriculture if the resolution were to pass today. I think the resolution is weakened

by the amendments of the distinguished Senator from Rhode Island. However, I still believe that the resolution contains some provisions that, if followed by the Department of Agriculture, will materially help the situation.

An alternative is that the Senate might vote to pass it over or that the Senate might decide before acting on the resolution that the Committee on Commerce should further study it. Further delays and further studies will not do anything to relieve the shortage that exists now. Hearings may be important to work out the details of legislation. But hearings are of no particular help to the individual or grain company that is facing ruin, because of our inaction.

So, it is with considerable reluctance that I resist the amendments of the Senator from Rhode Island. However, I believe that we have accomplished some good by reason of hearings and by reason of the resolution.

I further believe, Mr. President, that if the Department of Agriculture will take the remaining clauses of the resolution and construe them, not in favor of the Department of Agriculture and not in favor of their theories on market control, but in favor of the principle of the lessening the need for boxcars for Government grain, that can help a great deal.

Mr. President, I thank the distinguished Senator for yielding.

Mr. HUDDLESTON. Mr. President, I concur generally in the remarks of the Senator from Nebraska. While we would have preferred to have the entire resolution, we appreciate the action of the Senator from Vermont, the Senator from Rhode Island, and the other distinguished Senators who have participated in working out this compromise, which, if followed as the Senator from Nebraska has suggested, can bring about some positive action on behalf of all the farmers, both the growers and the feeders. That is, after all, the intent of us all.

Mr. President, I believe that we will be taking a positive step today by acting and therefore by agreeing to the amendments offered by the Senator from Rhode Island and then agreeing to the resolution.

Mr. AIKEN. To make the record perfectly clear, I think we should state that no Government-owned grain can be consigned to Russia or sold to Russia. Grain sold to Russia constitutes a deal between the Russians and the private outfits on the open market. I suppose that the Russians buy it as cheaply as they can and that the American sellers get all they can, just as other human beings do.

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

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

Mr. PASTORE. Mr. President, I am ready to yield back the remainder of my time on my amendments.

Mr. HUDDLESTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendments en bloc of the Senator from Rhode Island. [Putting the question.]

The amendments were agreed to en bloc.

Mr. BUCKLEY. Mr. President, it is encouraging when we review the realities involved in the proposed Senate Resolution 59 to discover that the domestic and export demand for grain is rapidly increasing. It is estimated by the Department of Agriculture that in 1972, the domestic market for feed grain will be 7 million tons higher than originally expected. The 1973 projections for the domestic market have been revised upward by 10 million tons. South Africa and Australia are not expected to be able to supply their usual export markets, and the United States will probably fill the need. India and Russia are seeking our grain.

So great is this demand that the Department of Agriculture has reduced the 1973 set-aside program so that nearly 40 million acres will be available for planting. I rejoice with the grain farmers in anticipating their future prospects. It is encouraging to know that we are moving toward the day when it will no longer be expedient to pay farmers not to till the soil or to loan them money so that they will store their produce rather than sell it.

But at the same time we are rejoicing for the midwestern farmer, northeastern farmers are in desperate need. These farmers have never been self-sufficient in providing feed for their livestock, and their problem has been made vastly worse by the extensive crop losses caused by Hurricane Agnes. This winter, these farmers have had to put their animals on short rations or poor quality feed.

Over the past months, they have never had more than a 2- to 3-day supply on hand. Many have questioned the advisability of struggling to maintain their herds.

Through the cooperative efforts of several Government agencies and the transportation industry, a glimmer of hope is on the horizon. The situation is still serious, but Commodity Credit Corporation grain is now available in the disaster areas. It is essential that this grain remain available for at least another 60 to 90 days if irreparable damage to the dairy and livestock industry of the Northeast is to be avoided. Ten days without this CCC grain would negate all the progress made thus far and precipitate a crisis.

Senate Resolution 59 would withhold this aid. A moratorium on the disposal of grain owned by CCC would put a halt to the efforts to alleviate the hardships in the Northeast. Thousands of animals would have to be slaughtered because of lack of feed while congressional committees took a month or so to study alternative methods of delivering grains.

The solution to the transportation deficiency does not lie in Senate Resolution 59. Present emergencies have made it apparent that railroad boxcars, scarce under ordinary circumstances, are not sufficient in number to alleviate quickly any national emergency. Senate Resolution 59 does not direct attention to the real problem; but if enacted, it will create new ones.

I am grateful to my colleagues who have described so well the other adverse effects this resolution would have on consumers and on agriculture. While I have confined my remarks to the critical situation in my own area of the country, I fully endorse the arguments they have advanced.

I urge that Senate Resolution 59 be set aside so that farmers in the Midwest and farmers in the Northeast can enjoy together the expanding role the United States is playing in producing grain and other farm products for world markets.

Mr. CLARK. Mr. President, almost daily I receive calls from farmers in my home State asking for help, for some action to provide relief from this transportation nightmare that is affecting not only farmers but the entire chain of businessmen involved in the movement of commodities to market.

I have met with county elevator operators, representatives of railroads, grain processors and shippers, and farmers who are concerned with this problem. They support long-term legislation to help remedy this situation, but there is also a general feeling that the Agriculture Department could help alleviate this immediate crisis by suspending its orders to move grain owned by the Government and by extending its resale to crops under loan.

The Department's latest action, calling the loan on the 1972 crop corn, is particularly harmful.

Reversal of these policies would help control the heavy grain surpluses on the market and would free boxcars to move farmers' grain to market so that the corn would not spoil while it is on the ground or in the crib awaiting transportation to market.

Let me illustrate how one Iowa elevator operator, Mr. Larry Dingham, of Farlin, Iowa, literally saw his soybeans ruined, because a boxcar was carrying Government-owned grain rather than his beans. This story not only points out the human involvement in this crisis, but also the seriousness of the threat it poses to the livelihood of the people who grow and handle these crops.

I ask unanimous consent to insert the following story, "Sad Soybean Story in Iowa Rain," from the Des Moines Register & Tribune.

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

SAD SOYBEAN STORY IN IOWA RAIN—FREIGHT TRAIN BREEZES PAST $15,000 SHIPMENT IN OPEN GONDOLA CARS

(By Arlo Jacobson)

FARLIN, IOWA.—It was impossible to tell Thursday if the trickles of moisture running

down Larry Dingman's cheeks were tears of frustration or just some of the rain ruining $15,000 worth of soybeans loaded in open gondola cars.

Farlin, located just five miles northwest of Jefferson, is so small that it isn't listed on road maps. About the only outsider aware of its existence is the Milwaukee Road.

Dingman, manager of the elevator here, was assured last week by a railroad representative that—because of the current boxcar shortage—the railroad would give priority to corn or soybeans loaded into open gondola cars because of their vulnerability to rain or snow.

So Dingman thought he had a safe bet when he received three gondola cars on Tuesday when the Milwaukee shuttle between Perry and Rockwell City made its run northward. The train was to return on Wednesday and pick up the cars.

Rain was forecast for Thursday, but Dingman only had to get the soybeans to the Cargill plant in Des Moines. He had two of the loaded gondolas waiting Wednesday when the freight made its trip back south.

BREEZED PAST

But the train breezed right on past the elevator, never even stopping.

Alarmed, Dingman got in his car and, following country roads, beat the train to a crossing two miles east of the elevator. There he flagged down the train.

But the conductor would not agree to pick up the cars. Dingman said the conductor maintained he had no instructions to give priority to open gondola cars.

The conductor told Dingman he had orders to pick up cars at the Jefferson elevator loaded with Commodity Credit Corp. (CCC) corn that the government had dumped onto the market.

The train couldn't pick up Dingman's cars, he was told, because it would put the train over its limit of about 50 cars on that particular branch line.

EXPRESSES INDIGNATION

Dingman expressed his indignation in no uncertain terms.

But the train pulled out without the gondolas. Wednesday night it started raining. Thursday when the train trudged through Farlin on its run north, the rain was pouring down. By afternoon it was rain mixed with snow.

The 3,600 bushels of soybeans were getting wetter and wetter. Soybeans expand when they get wet. They've been known to pop open steel bins. On open gondola cars they'll just expand upward and spill over the sides—like popcorn.

Dingman couldn't predict how many soybeans would be left in the gondola cars this morning. But he estimated at least 20 per cent would be lost from spillage and spoilage.

"It's a mess," Dingman said. "It really is—when they haul away the government corn instead of something like this.

"They told me at that meeting at Ames they'd give priority to take gondola cars as soon as they were loaded. It'd be different if they hadn't told me they would take them."

EMERGENCY SESSION

The meeting at Ames last week was an emergency session to try to find solutions to the grain transportation dilemma that has the entire Midwest in a bind. The Milwaukee representative who attended is no longer superintendent of the Perry division, which serves Farlin.

"I've heard a little about it (the Farlin situation)," commented the trainmaster at Perry, who declined to give his name.

WAS OVERLOOKED

"It apparently was a matter of the conductor having a message to pick up cars at Jefferson and the cars at Farlin would have put him over the allowed tonnage.

"The matter was brought to me and there will be a correction and the crews will be informed. Apparently the message on priorities for gondola cars loaded with grain was overlooked.

"In fact, the crews have been informed to never leave open top gondola cars—to take them in preference to anything else. It was just a mistake. People make them every day."

In Farlin, Dingman was muttering something about the mistake as the moisture trickled slowly down his face.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement and some insertions by the distinguished Senator from Minnesota (Mr. HUMPHREY) be printed in the RECORD.

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

ACTION NEEDED NOW ON RAIL CAR SHORTAGE

(Statement by Senator HUMPHREY)

Mr. President, first, I compliment the junior Senator from Kentucky, Mr. Huddleston, for the speed and manner in which he has handled this difficult problem involving the current rail freight car crisis. Already, as a result of the two days of hearings held on this subject, actions have been taken by the ICC, the railroad and the U.S. Department of Agriculture. Additional steps have been taken to accelerate the turnaround of rail cars at the ports and the allocation of cars on a more equitable basis among shippers.

However, more action is needed and soon if we are to keep up with demands of domestic and foreign buyers of our grains. Domestic users, particularly dairy, poultry and livestock feeders located in feed deficit areas, are faced with critical shortages. These shortages are not due to limited supplies of these grains, but due to an overloaded rail transportation system. There is an abundant amount of feed grain available presently, especially corn.

In addition to the heavy supplies of grains being moved to export points, especially shipments in connection with last year's sales to Russia, the Commodity Credit Corporation's actions relating to the current sale of their own stocks, plus their calling in of previous crop year loans, is causing further disruption in the marketplace insofar as feed deficit areas getting their needed supplies. Such actions by CCC are further limiting the number of freight cars available to move private sales into such areas. Also the action of CCC in providing for no extension of loans for the 1968, 1969, 1970, 1971, and 1972 grain crops will not only further complicate the current freight car situation but also will force most of our grain producers to redeem these loans at a time when they are particularly hard pressed for funds—due to their heavy financial commitments in connection with spring plantings—and at a time when they cannot sell this grain—even though market prices are above loan levels—because they cannot move it, due to the limited availability of freight cars.

Any producer who should choose to redeem his loan under these circumstances would be assuming the risk of the market price remaining above the loan level for many months into the future, that is, until such time as the transportation situation improves sufficiently to move such grain to market. In my judgment, that date is many months away and by the time it arrives, the chances are at least 50–50 that feed grain prices, particularly corn, will likely be at or below the loan level.

Mr. President, Minnesota, like most other grain producing areas around the nation, is in desperate need of some specific relief with respect to this current rail car shortage. I believe that Senate Resolution 59, of which I am one of the sponsors, will help us in providing at least some of that needed relief. I urge my Senate colleagues to support and pass this Resolution so that we can get on with the job of relieving this crisis at the earliest possible date. Hopefully, the special committee, which this Resolution is suggesting the President impanel, will be able to identify and recommend some additional steps that might be taken to facilitate the movement of this grain. Every day we delay in moving ahead with the steps embodied in this Resolution, we are permitting the current crisis to worsen. Mr. President, I support this Resolution and urge its adoption as soon as possible.

Furthermore, following its passage, I would urge the President to respect the wishes of the Senate as expressed in this Resolution and fully implement its recommendations.

Mr. President, I place in the RECORD at this point a list of witnesses appearing at the Senate Agriculture Subcommittee hearing on the boxcar shortage. The length of the list in itself indicates the seriousness of the shortage.

I also place in the RECORD a selection of letters, typical of those I have received from many of my Minnesota constituents, requesting relief from this freight car problem.

WITNESSES ON BOXCAR SHORTAGE—SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

10 A.M., MONDAY, JANUARY 29

Senator Burdick.

Senator Hughes, Chairman, Midwest Democratic Conference of Senators.

Senator Mondale.

Senator Abourezk.

Representative Abdnor of South Dakota.

Glenn A. Weir, Associate Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

Hon. George M. Stafford, Chairman; Hon. Rupert L. Murphy, Commissioner; and Thomas J. Byrne, Chief, Railroads Sections, Bureau of Operations, Interstate Commerce Commission.

Edward Eurich, Commissioner of Agriculture, State of Vermont, Montpelier, Vt.

Kenneth D. Naden, Executive Vice President, National Council of Farmer Cooperatives.

W. H. Van Slyke, Executive Director and Chairman, Car Service Division, Association of American Railroads.

James R. Scoggin, Vice President, Peavey Company, Minneapolis, Minn., and Chairman, Transportation Committee, National Grain and Feed Association.

Frank Johanssen, Chairman, Transportation Committee, National Association of Wheat Growers, Bayard, Nebr.

Edwin M. Wheeler, President, Fertilizer Institute.

Matt Triggs, Assistant Legislative Director, American Farm Bureau Federation.

John Adams, Director, Environmental and Consumer Affairs, National Milk Producers Federation.

Roscoe Marsden, National Corn Growers Association, Ames, Iowa.

Milt Clint, Chairman, Transportation Committee, Nebraska Grain and Feed Dealers Association, Hastings, Nebr.

John M. Cranor, Executive Vice President, Kansas Grain and Feed Dealers Association, Hutchinson, Kans.

Richard Elkins, President, and Bruce Hagen, North Dakota Public Service Commission, Bismarck, N.D.

John I. Finsness, Transportation Counsel, North Dakota Wheat Commission, Bismarck, N.D.

Robert Marland, Commissioner, Nebraska Public Service Commission, Lincoln, Nebr.

Robert Steinheider, Fred Steinheider and Sons, Goehner, Nebr.

Robert Skinner, Executive Vice President, Iowa Grain and Feed Association, Des Moines, Iowa.

Philip Dukes, Marathon Farmers Cooperative, Marathon, Iowa, representing the Iowa Institute of Cooperation.

NORMAN COUNTY FARMERS UNION,
Ada, Minn., February 8, 1973.

Hon. HUBERT HUMPHREY,
U.S. Senate,
Washington, D.C.

In Norman County we have the following bushels of grain on the latter part of January 1973:

[In bushels]

1968 wheat	162,561
1969 wheat	121,922
1970 wheat	120,309
1971 wheat	2,073,063
1972 wheat	1,040,321
Total, wheat	3,518,176
1968 barley	925,020
1969 barley	706,473
1970 barley	181,240
1971 barley	1,153,554
Total, barley	2,966,293
1968 oats	615,288
1969 oats	1,708,501
1970 oats	574,483
1971 oats	927,802
Total, oats	3,826,074
1971 rye	108,720
1972 rye	15,241
Total, rye	123,961

This totals 10,551,441 bushels. If we could ship 20 cars a day it would take 8 months to complete this shipment.

We have nine elevators in the county and they are getting about a car per day so you can see we are going to have quite a struggle unless more boxcars become available.

NORMAN COUNTY FARMERS UNION,
ALMER HIDALH,
Secretary.

HOUSTON, TEX.,
February 8, 1973.

Hon. HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: According to my hometown newspaper, the *Lamberton* (Minn.) *News*, there is a serious shortage of boxcars in Lamberton with the result that the local elevators cannot buy grain from farmers in the surrounding area. My parents and other relatives own farms near Lamberton which will explain my interest in this problem.

The local elevator received a total of only five boxcars during the month of January. The reason given for the shortage was that boxcars are being used to transport grain for shipment to Russia. Whatever the reason, these voters need your help in securing more boxcars.

Sincerely,

MRS. RICHARD F. RICHARDS.

DUMONT, MINN.,
February 16, 1973.

Hon. HUBERT HUMPHREY,
U.S. Senate,
Washington, D.C.

SENATOR HUMPHREY: I am a Farm-wife from Traverse County, Minn. I listened with interest on the radio to the meeting you attended in Alexandria, and feel this is great. What better way for you to really find out what we are thinking and needing, than to come out to where the action is.

However there isn't much action around here. We cannot sell grain—(most in Traverse Co. are strictly grain farmers.) Our local elevator received three box cars this year. I read in the paper the car loads that come into the Twin Cities every day and must conclude that someone is getting cars. Our elevator at Dumont could and should handle thousands of bushels, but can't take a thing. I also read in the papers how rich we are getting with the good prices. They are good—but one can't eat grain or pay expenses with grain or the paper with the price wrote on it. The first $12,000 we earn goes for interest, principal, and taxes on our land. These bills are due regardless of price or the ability to sell. At present grain prices are down considerably from what they were. The government's calling in of grain has not helped an already bad situation.

We have heard that it used to take a six-pack of beer to get the train to stop and to get cars. Now I understand that it requires money. If the elevator man doesn't shell out—no cars. Perhaps this is not true, however there must be some reason why 6 miles north the elevator got eight cars this week, and it doesn't do any more business than Dumont. I do know that if we ran our business the way the railroad does we would not be in business anymore.

I can only add one thing—if you were to ask my 16 yr. old son if he wants to farm—his answer would be "no way" I do think Minnesota Farmers have some good friends in Washington.

Thanks for your concern.

MRS. LOYAL J. FRITZ.

WALNUT GROVE, MINN.,
February 12, 1973.

HUBERT H. HUMPHREY,
Washington, D. C.

DEAR SIR: The reason for this letter is to complain about Mr. Butz and the Administration calling in all the corn and other grains not allowing a reseal program. What's their idea? The elevators are all full in our county (Redwood). Nobody buying any corn. No box cars. Would appreciate your putting all the pressure you can on them to allow a reseal program on at least 1972 corn. And see what you can do about getting box cars into the State of Minn.!

Thank you.

ALVIN D. MAKER.

BUTTERFIELD, MINN.,
February 12, 1973.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR MR. HUMPHREY Permit me to introduce myself. My wife and I farm 200 acres in Watonwan Co. We have three children of public school age and my wife works part time as a nurse-anesthetist at the St. James Hospital.

My reason for writing is in the hope that you as our Senator can spur some action to curb Secretary Butz, under the direction of the President, in the unwise direction he is taking in the feed grain program.

Our local elevators are bulging with corn, transportation by rail is almost at a standstill, and then the Secretary, in effect, cancels the farm reseal program. He is calling in 1969, 1970, 1971 corn whose reseal loans mature on May 31st 1973 and offering no reseal on 1972 corn which loan matures on July 31st 1973. All this in the name of "economy" and the vague premise that commercial channels will absorb it.

I admit that resealing corn for several years doesn't seem too wise, but liquidate the whole program in one season and also encourage a large expansion in planting seems to be the height of irresponsibility.

It is strange, too, that "economy," which appears to be nonexistent in most areas of the federal budget, should also prompt an increase to 5½% interest on commodity loans in place of the 3½% which has been in force since the inception of the program.

I am a "child of the depression" and remember too well the years before we had any agricultural program. It seems that the Nixon-Butz combination is bent on returning us to that unhappy period.

I hope you'll use your influence to prevent these changes which are causing great anxiety amongst our local farmers.

Sincerely,

WENDELL I. PETERSON.

JANUARY 19, 1973.

Senator HUBERT HUMPHREY.

DEAR SENATOR: I am writing this letter for a nice Country Elevator in Minnesota. Yes some of the Farmers have a Disaster, But I think the Grain Elevators have a disaster now. The Country Elevator is forced to quit buying Grain on account of no Box Cars to get rid of the Grain in. Our Elevator in Sacred Heart could use 5 Box Cars a day for a long time, to get caught up on Grain, which has been bought and resold to a commission firm with delivery in 30 days.

I personally think if something isn't done there will be a lot of Coop Elevator Managers going to pot. Since Jan. 1, 1973 our Elevator has bought $300,000.00 worth of Grain from Farmers and can't get rid of it. This Grain must be delivered in 30 days. Approximately three years ago I wrote a letter to you on the same subject and you had very good results. We did receive Freight Cars at that time. Please for our sake out in the Country Elevator give it your very best try, we are desperate for freight cars.

My personal point of view is you should not be calling in 69–70–71 sealed corn all at one time. Our Country Elevator can not handle warehouse corn, bin site corn and sealed corn on the farm all at one time. Plus buy a few soybeans at same time. Please talk to Butz, our Secretary of Agriculture.

Will you please except my sincere thank you for the Freight cars we received two or three years ago due to your attitude to help the average Farmer.

Yours truly,

ARVID KROGSTAD,
Chairman of the Board, Sacred Heart Farmers Elevators.

P.S.—Thank you for dealing with our very big problem out here in Rural Minnesota.

KENNETH, MINN.,
January 18, 1973.

DEAR SIR: I would like to know if you can help us farmers get R.R. boxcars in our community.

We have 3 elevators on one Main line. They are Adrain, Magnolia and Luverne. Magnolia says they need 30 for Jan. 49 in Feb, 59 in Mar. They are big operators. The corn is still laying almost a block long near the school.

I wanted to sell some corn and 2 elevators turned me down so I sold one crib to a farmer. Now I can't get my money till he sells hogs.

I'm a widow and get only $85.20 a month social security so I live out on the farm and rent my land out. There are 3 other widows doing the same thing, can't afford to live in town.

I hope you will look into this boxcar deal. We need to move this grain.

Many thanks.

Yours truly,

MRS. MYRTLE GATH.

DOVRAY, MINN.,
February 9, 1973.

DEAR SIR: Enclosed please find thermo-Fox copies of what is happening to the Country

elevator because of the severe car shortage. Would appreciate any help you can give us.

Sincerely,

MERLE MIESEN.

MINNEAPOLIS, MINN.,
January 25, 1973.

Mr. MERLE MIESEN,
Manager, Dovray Grain & Feed Co.,
Dovray, Minn.

DEAR MERLE: I regret to inform you that as of this date, you are late on your shipments of corn to the Gulf in the amount of 7 cars for the month of January.

Today, I was informed by the buyer that he is going to assess us the following discounts on December contracts:

2 cents discount a bushel if shipment is after February 1. An additional 1 cent discount for each 5 days thereafter until the contract is filled.

On your January contracts, there will be a discount of 1 cent for shipments after February 10, and 1 cent discount each 5 days thereafter until our January contracts are filled.

I contacted all the railroads and asked them to do everything possible to furnish you cars so that you will be able to make your shipping time. I sincerely hope that we will be able to make it.

Sincerely yours,

DONALD E. MAHL.

CONTINENTAL GRAIN CO.,
Minneapolis, Minn., February 5, 1973.

GENTLEMEN: We are enclosing a contract adjustment which amends all January 1973 and prior rail corn contracts by extending shipment to February 15, 1973, at 2½¢ per bushel discount.

This adjustment is necessary since the delivered market is charging us for late shipment and a full market difference between January and February is certainly 5 to 10¢ per bushel.

We are fully appreciative of the rail equipment shortage and hope that your situation improves shortly.

Contracts still remaining open will be reexamined prior to February 15, 1973.

Sincerely yours,

LYNN B. OLSON,
Assistant Vice President.

DOVRAY GRAIN AND FEED,
Dovray, Minn.

To those of you that have received loading orders on your CCC Corn which you have in store in your local elevators I would suggest that you follow CCC's instructions very carefully.

CCC has said that warehousemen will be permitted to honor current commitments before shipping on the loading order. An additional storage will be paid on claims properly presented. Warehousemen are advised to completely document their situation on the date the loading order was received as to commitments for cash grain contracts for the producers for delivery at future dates and any other information which will be needed to prove to CCC that additional storage payments by CCC are justified. Make sure all car orders are written and copies are available to prove your position. After your prior commitments are met CCC expects to receive 50% of the cars shipped until a loading order is completed.

Many of you have had us try to buy this Corn for you, however, CCC's asking price has been too high. From $1.20 FOB to a $1.34 FOB in store. On Monday of this week, CCC accepted bids on a "to arrive" basis and sold 7 million bushels of Corn at $1.24 to $1.26 delivered Minneapolis, which is about 16¢ to 20¢ a bushel less than they were willing to sell it to you.

We, in Benson Quinn, feel that this is one of the greatest gifts CCC has ever given the terminal elevators in Minneapolis. We have complained very bitterly to CCC and our congressmen about the sale of this Corn and we highly recommend that you contact your senators and congressmen as soon as possible and file your complaint with them.

You might check with Ag-Sec. Butz regarding his comments or position on this.

MERLE E. IMESEN,
Owner.

FARMERS' COOPERATIVE ASSOCIATION,
Jackson, Minn., February 5, 1973.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: This is a copy of a letter sent to Mr. W. L. Smith, President of the Milwaukee Railroad.

We feel that eight cars in six weeks is unreasonable even with the box car shortage.

The small shipper or larger shipper that can not use a unit train is being penalized at this time. This does not seem legally or morally right.

We hope you will continue your efforts to see that this situation is remedied.

Sincerely,

FORREST D. MARINER,
Manager.

FARMERS' COOPERATIVE ASSOCIATION,
Jackson, Minn., February 3, 1973.

WORTHINGTON L. SMITH,
Chicago, Ill.

DEAR MR. SMITH: The box-car situation in Jackson, Minnesota remains critical. Since our last correspondence with you we have received four empties. This makes a total of eight cars in thirty eight days.

We have agreed to rebuild the floors with ply-wood to make cars fit for grain loading but even this has not helped.

The dispatcher in Austin, Minnesota promised us cars last Wednesday January 31, but so far nothing. We have three times a week service so when we miss a trip it ends up to be a week with out cars.

Thank you for your patience and cooperation.

Sincerely,

FORREST D. MARINER,
Manager.

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

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

Mr. HUDDLESTON. Mr. President, I yield now to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, on last Thursday the program as stated for today indicated that there would be at least 1 yea and nay vote on the adoption of the resolution, that vote to occur at 4 p.m. today.

It was also stated that if a motion to refer was made, that motion to refer would be made at 4 p.m. today and the vote on the adoption of the resolution would occur circa 5 p.m.

It is my understanding now that all sides have worked the matter out and that there will be no motion to refer and that the debate has been completed on the resolution. Consequently, that vote could be taken now on final passage of the resolution.

Due to the fact that the information, as stated in the program which appeared in the RECORD on Thursday, also went out in the whip notices, I would like to suggest that the respective cloak rooms now put out a message to all Senators asking if there is any objection to the vote on final passage occurring at 3 p.m. today. If we receive no objections from either cloakroom, the previous order then could be vacated with respect to a vote at 4 p.m., and that vote could occur at 3 p.m. instead. I make that suggestion.

Mr. COTTON. Mr. President, while we are waiting for that message to go out, will someone yield me about 3 minutes to make a statement for the RECORD.

Mr. DOLE. Mr. President, will the Senator yield so I might ask a question of the Senator from West Virginia?

The PRESIDING OFFICER. Who yields time? The Senator from Vermont has control of the time.

Mr. DOLE. The Senator from New Hampshire has yielded, if I might ask a question.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. I yield.

Mr. COTTON. The Senator only gave me 3 minutes, but I will go ahead and give him some time.

Mr. DOLE. Will the Senator yield so that I might ask a question on the vote at 3 o'clock?

Mr. COTTON. Yes, certainly; if I have 5 minutes, I yield.

Mr. DOLE. Will the vote be a record vote at 3 o'clock, or just a vote?

Mr. ROBERT C. BYRD. The yea-and-nay vote would then be at 3 o'clock rather than 4 o'clock, because the announcement was made that it would be a yea-and-nay vote, and I am sure that some Senators are here today on the strength of that announcement.

Mr. COTTON. Mr. President, I trust my colleagues will recognize that what we now have as a simple resolution goes even more deeply to the jurisdiction of the Committee on Commerce. I would therefore like the RECORD to show that I make this statement reserving such rights as the distinguished chairman of our Committee on Commerce (Mr. MAGNUSON) may have, who was unavoidably unable to be here today. Further, Mr. President, I would like to make one very brief observation.

I wish to correct a misapprehension which I think has inadvertently been prevalent in the Senate several times during today's debate. We have repeatedly heard Senators say that we have been struggling, studying, and worrying about the boxcar shortage for 25 years. Others have talked about it having started back in 1902, and so forth. Actually, it started in 1887 with the first docket of the ICC.

But, I think it should be understood that the controversy in the Senate, particularly in the Committee on Commerce, which did last a long time, has, in large measure, come to an end. The real bone of contention that for a long time delayed affirmative remedial action con-

cerned the situation where boxcars came over the long lines of western railroads to the borders of Massachusetts, Delaware, or other eastern States, and the participating eastern railroads received compensation for every mile a boxcar traveled. The short eastern lines only went a few miles, and this short mileage, coupled with rulings of the ICC meant that they were being badly discriminated against.

Today, many of these eastern railroads are either out of business, or have been absorbed into larger systems so that this controversy does not exist to the degree it once did. I think the Senator from Kansas (Mr. PEARSON) will be able to corroborate this observation.

Thus, the principal issue on any Commerce Committee freight car bill is that which we settled on the floor last year with my amendment, but which is still with us. It can be handled in 5 minutes by a rollcall vote in the Commerce Committee, and if that fails, then another rollcall vote in the Senate. What I wish to emphasize is that there appears to be no need for a prolonged study. The Commerce Committee is ready to act, and I think the go-ahead signal from our distinguished chairman (Mr. MAGNUSON) will be received. We should be able to report a bill, I would think, within a few weeks after it is scheduled for consideration which will really provide the means for building boxcars.

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

Mr. COTTON. If I may have a few more minutes, I am glad to yield.

Mr. PEARSON. I just want to say to the distinguished Senator that in recognition of the Commerce Committee's appreciation of this particular problem, it is my understanding that early this year it was the judgment of the leadership on the committee that we would disband the Special Subcommittee on Freight Car Shortage and include this function in the Subcommittee on Surface Transportation. However, that decision has, as I now understand, been reversed because of a renewed emphasis in trying to bring out that bill again within the near future.

Mr. COTTON. I, too, understand that earlier decision was reversed for the reasons stated by the distinguished Senator from Kansas (Mr. PEARSON).

The PRESIDING OFFICER. Who yields time? If no one yields time, the time will be charged equally against both sides.

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

Mr. PEARSON. I yield.

Mr. ROBERT C. BYRD. Mr. President, the vote on the adoption of the resolution will occur at 4 p.m. today, as previously scheduled. We have received too many objections from both sides of the aisle to any change in the time.

Mr. CURTIS. Mr. President, will the distinguished assistant majority leader yield?

Mr. ROBERT C. BYRD. I yield.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Has all remaining time been yielded back?

The PRESIDING OFFICER. Not on the resolution. The time is still under the control of the Senator from Vermont and the Senator from Kentucky.

Mr. ROBERT C. BYRD. If Senators wished to yield back their time, the Senate could go into a recess.

Mr. AIKEN. No; not yet.

Mr. ROBERT C. BYRD. Mr. President, after conferring with the Senator from Vermont and the Senator from Kentucky, I move that the Senate stand in recess until the hour of 3:50 p.m. today, and that the time for the recess be charged equally against both sides.

The motion was agreed to; and, at 2:59 p.m. the Senate took a recess until 3:50 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. HELMS).

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Kentucky (Mr. HUDDLESTON) I yield myself 1 minute.

ORDER FOR RECOGNITION OF SENATORS BENTSEN, KENNEDY, MATHIAS, HART, HUMPHREY, MUSKIE, CASE, AND ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that on tomorrow, after the distinguished Senator from Missouri (Mr. EAGLETON) has been recognized, the distinguished Senator from Texas (Mr. BENTSEN) be recognized for not to exceed 15 minutes, and that he be followed by the following Senators, each to be recognized for not to exceed 15 minutes and in the order stated: Mr. KENNEDY, Mr. MATHIAS, Mr. HART, Mr. HUMPHREY, Mr. MUSKIE, Mr. CASE, and Mr. ROBERT C. BYRD.

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

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that on tomorrow at the conclusion of the recognition of Senators under the foregoing orders, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

RAIL FREIGHT CAR SHORTAGE

The Senate continued with the consideration of the resolution (S. Res. 59) relating to the railroad transportation crisis caused by the freight car shortage and other factors.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum call be equally charged against the two sides on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to Senate Resolution 59, as amended.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Minnesota (Mr. MONDALE), the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Idaho (Mr. MCCLURE), the Senator from Illinois (Mr. PERCY), and the Senators from Ohio (Mr. SAXBE and Mr. TAFT), are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent because of illness.

The Senator from Texas (Mr. TOWER) is absent on official business.

If present and voting, the Senator from Ohio (Mr. TAFT) would vote "yea."

On this vote, the Senator from Florida (Mr. GURNEY) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Florida would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Illinois (Mr. PERCY). If

present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 60, nays 15, as follows:

[No. 18 Leg.]

YEAS—60

Abourezk	Eagleton	Montoya
Aiken	Eastland	Muskie
Beall	Ervin	Nelson
Bentsen	Fulbright	Nunn
Bible	Hansen	Pastore
Biden	Hart	Pearson
Brooke	Haskell	Pell
Burdick	Hathaway	Proxmire
Byrd, Harry F., Jr.	Hollings	Randolph
	Hruska	Ribicoff
Byrd, Robert C.	Huddleston	Sparkman
Cannon	Jackson	Stafford
Church	Johnston	Stevens
Clark	Long	Stevenson
Cook	Mansfield	Talmadge
Cotton	Mathias	Thurmond
Cranston	McClellan	Tunney
Curtis	McGee	Weicker
Dole	McGovern	Young
Domenici	McIntyre	
Dominick	Metcalf	

NAYS—15

Allen	Buckley	Roth
Bartlett	Case	Schweiker
Bellmon	Griffin	Scott, Pa.
Bennett	Helms	Scott, Va.
Brock	Packwood	Williams

NOT VOTING—25

Baker	Hatfield	Moss
Bayh	Hughes	Percy
Chiles	Humphrey	Saxbe
Fannin	Inouye	Stennis
Fong	Javits	Symington
Goldwater	Kennedy	Taft
Gravel	Magnuson	Tower
Gurney	McClure	
Hartke	Mondale	

So Senate Resolution 59, as amended, was agreed to.

The preamble was agreed to.

The resolution as amended, with its preamble, is as follows:

S. RES. 59

Whereas a railroad transportation crisis currently exists in the United States; and

Whereas such crisis has occurred as the result of a number of factors including—

(1) a late and abundant harvest of agricultural commodities;

(2) favorable market conditions;

(3) the sale of large quantities of grain to the Soviet Union and the delay in concluding an agreement with the Soviet Union for the shipment of such grain;

(4) the policy of the Department of Agriculture regarding the disposal of commodities held in storage by the Commodity Credit Corporation;

(5) the decision of the Department of Agriculture not to extend the resale loans on commodities of certain crop years;

(6) bad weather conditions in certain areas of the Nation;

(7) the dependence of farmers in certain areas upon grain from other areas as the result of extensive crop damage caused by Hurricane Agnes;

(8) the loss of work days at seaports during the Christmas and New Year periods; and

(9) a shortage of railroad freight cars and the ineffective utilization of existing freight cars; and

Whereas immediate and appropriate action is required to alleviate such transportation crisis: Now, therefore, be it

Resolved, That it is hereby declared to be the sense of the Senate that—

(1) the option to reseal loans on farm-stored wheat and feed grain should be made available to farmers by the Commodity Credit Corporation with respect to the 1971 and 1972 crops; and

(2) the President should, and is hereby urged and requested to, immediately appoint a special committee composed of one representative from the Department of Agriculture, one from the Department of Labor, one from the Interstate Commerce Commission, one from the Office of Emergency Preparedness, one from the National Grain and Feed Association, one from the Forest Industries Council, and one from the Association of American Railroads, and an appropriate representative of organized labor to conduct a study of the railroad freight car shortage problem and to submit to the President and to the Senate Agriculture and Forestry and Senate Commerce Committees, within thirty days after its appointment, the results of its study together with its recommendations for the most effective and practical means of (A) delivering adequate quantities of wheat to millers and feed grains to farmers and stockmen in the United States dependent upon such grain for feeding their livestock, and (B) alleviating the backup at those ports where numerous ships and railroad cars are waiting to be loaded and unloaded.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion was agreed to.

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate proceed to the consideration of S. 50.

The PRESIDING OFFICER. Without objection, the motion is agreed to. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 50) to strengthen and improve the Older Americans Act of 1965, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments on page 1, line 4, after the word "of", strike out "1972" and insert "1973"; on page 3, line 14, after the word "Services", strike out "Act of 1972" and insert "Act"; in line 16, after the word "functions", strike out "he" and insert "the Commissioner"; on page 9, line 3, after "June 30", strike out "1974" and insert "1973"; in the same line, after the amendment just above stated, strike out "and $1,250,000" and insert "$1,000,000"; on page 12, line 12, after the word "study", insert a comma and "but no later than eighteen months after enactment of this Act,"; in line 14, after the word "Congress", strike out "no later than eighteen months after the enactment of this Act"; at the top of page 13, insert:

"(1) The Council shall undertake a study or studies concerning the effects of the formulae specified in section 303 for allotment among the States for sums appropriated for area planning and social service programs authorized under title III of this Act. Upon completion of this study, but no later than June 30, 1975, the results of such study, together with recommendations for such changes, if any, in such formulae as may be determined to be desirable, and the justification for any changes recommended, shall be submitted to the Commissioner, the Secretary of Health, Education, and Welfare, the Committee on Labor and Public Welfare of the Senate, and the Committee on Education and Labor of the House of Representatives.

On page 14, at the beginning of line 8, insert "is authorized"; on page 16, line 20, after the word "provided.", insert "In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose."; on page 18, at the beginning of line 4, strike out "Sec. 301. The Older Americans Act of 1965 is amended" and insert "Sec. 301. It is the purpose of this title to encourage"; on page 20, at the beginning of line 11, strike out "$200,000,000" and insert "$150,000,000"; in line 12, after the word "and", strike out "$300,000,000" and insert "$200,000,000"; in line 15, after "section 305", insert "(except as provided in section 307(a))"; on page 24, line 15, after the word "areas')", insert a comma and "in accordance with regulations of the Commissioner, after"; on page 25, line 6, after the word "service", strike out "area and the State may include in any planning and service area designated pursuant to this proviso such additional areas adjacent to the unit of general purpose local government so designated as the State determines to be necessary for the effective administration of the programs authorized by this title", and insert "area; except that the State may designate as a planning and service area, any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance, the effective administration of the programs authorized by this title, and"; on page 28, line 12, after the word "for", strike out "the establishment and maintenance of" and insert "and coordinate information and referral sources in suf-"; on page 29, line 24, after the word "children", strike out "and"; on page 30, line 5, after the word "conducted", strike out "thereunder." and insert "thereunder; and"; at the beginning of line 6, insert:

(5) specify the activities in the planning and service area covered by the area plan which were assisted with funds made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments and specify each of such activities (A) which will not continue to receive assistance under the area plan, and (B) which will continue to receive assistance under the area plan.

On page 31, line 25, after the word "for", strike out "establishing and maintaining" and insert "and coordinates"; on page 32, line 11, after the word "service", strike out "and"; in line 15, after the word "persons", strike out "qualify." and insert "qualify; and"; after line 15, insert:

(10) specifies the activities in the State which were assisted with sums made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments and specifies each of such activities (A) which will not continue to receive assistance under the State plan submitted pursuant to this section, and (B) which will continue to receive assistance under the State plan submitted pursuant to this section.

On page 36, after line 17, insert:

(3) Any State which has designated a single planning and service area pursuant to section 304(a)(1)(E) covering all, or substantially all, of the older persons in such State, as determined by the Commissioner, may elect to pay part of the costs of the administration of State and area plans either out of sums alloted under this section or out of sums made available for the administration of area plans pursuant to section 303(e)(1), but shall not pay such costs out of sums allotted under both such sections.

On page 37, line 10, after the word "or", strike out "$100,000" and insert "$150,000"; on page 39, at the beginning of line 2, strike out "to section 306 the Commissioner may advance to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan." and insert "to section 306 the Commissioner may pay to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan. From a State's allotment for a fiscal year which is available pursuant to Section 303, the Commissioner may, during the period ending one year after the date of enactment of the Older Americans Comprehensive Services Amendments, pay, in accordance with such regulations as he may prescribe, to a State which does not have a State plan approved under section 305, such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved under section 303 of this Act prior to enactment of the Older Americans Comprehensive Services Amendments."; on page 42, line 25, after the word "appropriated", strike out "$70,000,000" and insert "$20,000,000"; on page 43, line 1, after "1973", strike out "$105,000,000" and insert "$25,000,000"; at the beginning of line 3, strike out "$140,000,000" and insert "$30,000,000"; on page 54, at the beginning of line 1, strike out "$15,000,000" and insert "$10,000,000"; in line 2, after "1973", strike out "$20,000,000" and insert "$15,000,000"; in line 3, after the word "and", strike out "$25,000,000" and insert "$20,000,000"; in line 7, after "(except section 412)", strike out "$20,000,000" and insert "$15,000,000"; in line 8, after "1973", strike out "$30,000,000" and insert "$20,000,000"; at the beginning of line 10, strike out "$40,000,000" and insert "$25,000,000"; on page 55, after line 3, strike out:

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—CONSTRUCTION OF MULTIPURPOSE SENIOR CENTERS

"CONSTRUCTION PROJECTS

"SEC. 501. In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of leasing, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities), and, where utilizing existing facilities is not feasible, not to exceed 75 per centum of the cost of constructing new public or nonprofit private multipurpose senior centers. Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible, except that the total payments made pursuant to such grants or contracts in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 502. (a) A grant or contract for construction under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after completion of construction, the facility will be used for the purposes for which it is to be constructed, (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

"(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center, and that there are no existing facilities in the community which could be altered or renovated to serve such a purpose;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment; and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a 276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 267c).

"(b) In making grants or contracts under this part, the Commissioner shall—

"(1) give preference to the construction of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed construction.

"PAYMENTS

"SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefore, the amount of such grant or contract; the amount so reserved may be paid in advance of by way of reimbursement, and in such installments consistent with construction progress, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

"RECAPTURE OF PAYMENTS

"SEC. 504. If, within ten years after completion of any construction for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility shall cease to be used for the purposes for which it was constructed (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated."

And, in lieu thereof, insert:

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS

"GRANTS AUTHORIZED

"SEC. 501. (a) In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities). Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible.

"(b) The total payments made pursuant to grants or contracts under this section in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"(c) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of social services and recreational opportunities for older persons.

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 502. (a) A grant or contract for purchase under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less then ten years after purchase, the facility will not be used and is not infor which it is to be purchased, (B) sufficient funds will be available to meet the non-Federal share of the cost of purchase of the facility, (C) sufficient funds will be available, when purchase is completed, for effective use of the facility for the purpose for which it is being purchased, and (D) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

"(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90-480)); and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants or contracts under this part, the Commissioner shall—

"(1) give preference to the acquisition of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation.

"PAYMENTS

"SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract. The amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in alteration or renovation, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

"RECAPTURE OF PAYMENTS

"SEC. 504. If, within ten years after purchase of any facility for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility ceases to be used for the purposes for which it was purchased (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated."

On page 63, line 21, after the word "There", strike out "is" and insert "are"; in line 23, after "501", strike out "$35,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975" and insert "$10,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975"; on page 64, line 19, after the word "during", strike out "construction)" and insert "acquisition, alteration, or renovation)"; on page 67, at the beginning of line 7, strike out "construction;" and insert "acquisition, alteration, or renovation;"; on page 69, line 25, after the word "the", where it appears the second time, strike out "construction" and insert "acquisition, alteration or renovation"; on page 70, line 11, after the word "the", strike out "construction" and insert "acquisition, alteration or renovation"; on page 72, line 10, after the word "fiscal", strike out "years." and insert "year." "; after line 10, strike out:

"DEFINITIONS

"SEC. 512. For purposes of this bill—

"(1) the term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

"(2) the term 'cost of construction' includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements."

On page 75, after line 4, strike out:

"SEC. 614. (a) There are authorized to be appropriated for grants or contracts under subsection (a) of section 611, $35,000,000 for the fiscal year ending June 30, 1973, $45,000,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975.

"(b) There are authorized to be appropriated for grants or contracts under subsection (b) of section 611, $6,000,000 for the fiscal year ending June 30, 1973, $7,000,000 for the fiscal year ending June 30, 1974, $8,000,000 for the fiscal year ending June 30, 1975."

And, in lieu thereof, insert:

"SEC. 614. (a)(1) There are authorized to be appropriated for grants or contracts under subsections (a) and (b) of section 611, $41,000,000 for the fiscal year ending June 30, 1973, $52,000,000 for the fiscal year ending June 30, 1974, and $63,000,000 for the fiscal year ending June 30, 1975, respectively, of which (A) $35,000,000 for the fiscal year ending June 30, 1973, $45,000,000 for the fiscal year ending June 30, 1974, and $55,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (a) of section 611, and (B) $6,000,000 for the fiscal year ending June 30, 1973, $7,000,000 for the fiscal year ending June 30, 1974, and $8,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (b) of such section.

"(2) If the sums authorized to be appropriated under pargaraph (1) of this subsection are not appropriated and made available for each such fiscal year, then such sums as are so appropriated and made available for each such fiscal year shall be allocated so that—

"(A) any amounts appropriated not in excess of $25,000,000 shall be used for grants or contracts under subsection (a) of section 611; and

"(B) any amounts appropriated in excess of $31,000,000 for the fiscal year ending June 30, 1973, $32,000,000 for the fiscal year ending June 30, 1974, and $33,000,000 for the fiscal year ending June 30, 1975, respectively, shall be used for grants or contracts for such fiscal years under subsection (a) of such section."

On page 78, line 13, after the word "by", strike out "spelling" and insert "striking"; in the same line, after the word "section", insert "and substituting"; in line 14, after the word "thereof", strike out "each fiscal" and insert "such fiscal year"; in line 22, after the word "the", strike out "Secretary" and insert "Commissioner"; on page 83, line 20, after the word "The", strike out "second" and insert "third"; so as to make the bill read:

S. 50

A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Comprehensive Services Amendments of 1973".

TITLE I—DECLARATION OF OBJECTIVES

FINDINGS AND PURPOSES

SEC. 101. The Congress finds that millions of older citizens in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, community agencies, and State and local governments, with appropriate assistance from the Federal Government.

SEC. 102. Section 101(8) of the Older Americans Act of 1965 is amended by inserting after "services" the following: ", including access to low-cost transportation,".

TITLE II—ADMINISTRATION ON AGING

SEC. 201. (a) Section 201 of the Older Americans Act of 1965 is amended to read as follows:

"ESTABLISHMENT OF ADMINISTRATION ON AGING

"SEC. 201. (a) There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as

the 'Administration') which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the 'Commissioner'). Except for title VI and as otherwise specifically provided by the Older Americans Comprehensive Services Act, the Administration shall be the principal agency for carrying out this Act. In the performance of his functions, the Commissioner shall be directly responsible to the Secretary and not to or through any other officer of that Department. The Commissioner shall not delegate any of his functions to any other officer who is not directly responsible to him unless he first submits a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it, unless between the day of transmittal and the end of the thirty-day period either House passes a resolution stating in substance that that House does not favor such delegation. For the purpose of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period. Under provisions contained in a reorganization plan, a provision of the plan may be effective.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate."

(b)(1) Section 202(4) of the Older Americans Act of 1965 is amended to read as follows:

"(4) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services;"

(2) Section 202 of the Older Americans Act of 1956 is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and nonprofit private organizations of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

"(12) convene conferences of such authorities and officials and public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

"(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

"(15) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(3) Section 202 of the Act (as amended by the preceding provisions of this subsection) is further amended by inserting "(a)" after "Sec. 202.", and by adding at the end thereof the following new subsection:

"(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways."

(c) Title II of the Older Americans Act of 1965 is further amended by adding at the end thereof the following new sections:

"FEDERAL AGENCY COOPERATION

"SEC. 203. Federal agencies proposing to establish programs substantially related to the purposes of this Act shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services.

"THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING

"SEC. 204. (a) The Commissioner is authorized and directed to establish and operate a National Information and Resource Clearing House for the Aging which shall—

"(1) collect, analyze, prepare, and disseminate information related to the needs and interests of older persons;

"(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

"(3) encourage the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304(c)(3) and section 305(a)(7), to assist older persons to have ready access to information; and

"(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them.

"(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Information and Resource Clearing House for the Aging.

"(c) There are authorized to be appropriated to carry out the purposes of this section $750,000 for the fiscal year ending June 30, 1973, and $1,000,000 for the fiscal year ending June 30, 1974, and $1,250,000 for the fiscal year ending June 30, 1975.

"FEDERAL COUNCIL ON THE AGING

"SEC. 205. (a) There is established a Federal Council on the Aging to be composed of fifteen members appointed by the President with the advice and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

"(b)(1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

"(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be ex officio members of the Council.

"(d) The Council shall—

"(1) advise and assist the President on matters relating to the special needs of older Americans;

"(2) assist the Commissioner in making the appraisal of needs required by section 402;

"(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans; and

"(4) serve as a spokesman on behalf of older Americans by making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

"(5) inform the public about the problems and needs of the aging, in consultation with the National Information and Resource Clearing House for the Aging, by collecting and disseminating information, conducting

or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

"(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

"(e) The Secretary and the Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

"(f) Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than March 13 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

"(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

"(h) The Council shall undertake a study of the combined impact of all taxes on the elderly—including but not limited to income property, sales, social security taxes. Upon completition of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governor and legislatures of the States, the results thereof and such recommendations as he deems necessary.

"(i) The Council shall undertake a study or studies concerning the effects of the formulae specified in section 303 for allotment among the States of sums appropriated for area planning and social service programs authorized under title III of this Act. Upon completion of this study, but no later than June 30, 1975, the results of such study, together with recommendations for such changes, if any, in such formulae as may be determined to be desirable, and the justification for any changes recommended, shall be submitted to the Commissioner, the Secretary of Health, Education, and Welfare, the Committee on Labor and Public Welfare of the Senate, and the Committee on Education and Labor of the House of Representatives.

"ADMINISTRATION OF THE ACT

"SEC. 206. (a) In carrying out the purposes of this Act, the Commissioner is authorized to:

"(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

"(2) provide short-term training and technical instruction;

"(3) conduct research and demonstrations;

"(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

"(5) provide staff and other technical assistance to the Federal Council on the Aging.

"(b) In administering his functions under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and is authorized to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

"(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

"EVALUATION

"SEC. 207. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

"(b) The Secretary may not make grants or contracts under section 308 or title IV of this Act until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under such section or title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 208.

"(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

"(d) The Secretary shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to Congress and the public.

"(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

"(g) The Secretary is authorized to use such sums as may be required, but not to exceed 1 per centum of the funds appropriated under this Act, or $1,000,000, whichever is greater, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

"REPORTS

"SEC. 208. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

"JOINT FUNDING OF PROJECTS

"SEC. 209. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to any agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

"ADVANCE FUNDING

"SEC. 210. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year."

SEC. 202. Title VIII of the Older Americans Act of 1965 is hereby repealed.

TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

SEC. 301. The Older Americans Act of 1965 is amended by striking out title III and inserting in lieu thereof the following new title:

"TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

"PURPOSE

SEC. 301. It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

"(2) remove individual and social barriers to economic and personal independence for older persons.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Commissioner may prescribe:

"(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services designed to encourage and assist older persons to use the facilities available to them;

"(D) services designed to assist older persons to obtain adequate housing;

"(E) service designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services; or

"(F) any other services; if such services are necessary for the general welfare of older persons.

"(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

"(3) The term 'comprehensive and coordinated system' means a system for providing all necessary social services in a manner designed to—

"(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

"(B) develop and make the most efficient use of social services in meeting the needs of older persons; and

"(C) use available resources efficiently and with a minimum of duplication.

"AREA PLANNING AND SOCIAL SERVICE PROGRAMS

"SEC. 303. (a) There are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, $150,000,000 for the fiscal year ending June 30, 1974, and $200,000,000 for the fiscal year ending June 30, 1975, to enable the Commissioner to make grants to each State with a State plan approved under section 305 (except as provided in section 307 (a)) for paying part of the cost (pursuant to subsection (e) of this section) of—

"(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a)(2)(A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; and

"(2) the development of comprehensive and coordinated systems for the delivery of social services.

"(b)(1) From the sums authorized to be appropriated for the fiscal year ending June 30, 1973, under section (a) of this section, (A) 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 such sum, (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum, and (C) from the remainder of the sum so appropriated, each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all States.

"(2) From the sums appropriated for the fiscal year ending June 30, 1974, and for the fiscal year ending June 30, 1975, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty 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; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (C) no State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (A) of this paragraph only, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(3) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

"(c) Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"(e) From a State's allotment under this section for a fiscal year—

"(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans; and

"(2) such amount as the State agency determines, but not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

"ORGANIZATION

"State Organization

"SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

"(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as 'the State agency') to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas'), in accordance with regulations of the Commissioner, after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: *Provided*, That any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area; except that the State may designate as a planning and service area, any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance, the effective administration of the programs authorized by this title, and

"(2) the State agency designated pursuant to paragraph (1) shall—

"(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(B) provide assurances, satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

"Area Organization

"(b) An area agency on aging designated under subsection (a) must be—

"(1) an established office of aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

"(2) any office or agency of a unit of general purpose local government, which is designated for this purpose by the chief elected official or officials of such unit, or

"(3) any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose, or

"(4) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area,

and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

"Area plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

"(3) provide for and coordinate information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this section and section 305(a)(7), an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which

are available, and assist such persons to take advantage of such opportunities and services; and

"(4) provide that the area agency on aging will—

"(A) conduct periodic evaluation of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

"(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or nonprofit agencies;

"(D) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

"(E) where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children;

"(F) establish an advisory council, consisting of representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder; and

"(5) specify the activities in the planning and service area covered by the area plan which were assisted with funds made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments and specify each of such activities (A) which will not continue to receive assistance under the area plan, and (B) which will continue to receive assistance under the area plan.

"STATE PLANS

"SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

"(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides that each area agency on aging designated pursuant to section 304 (a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

"(7) provides for and coordinates information and referral sources in sufficient numbers to assure that all older persons in the State who are not furnished adequate information and referral sources under section 304(c)(3) will have reasonably convenient access to such sources;

"(8) provides that no social service will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service;

"(9) provides that preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify; and

"(10) specifies the activities in the State which were assisted with sums made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments and specifies each of such activities (A) which will not continue to receive assistance under the State plan submitted pursuant to this section, and (B) which will continue to receive assistance under the State plan submitted pursuant to this section.

"(b) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State is not eligible under section 304,

"(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a), the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or, in his discretion, that further payments to the State will be limited to project under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotments under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of section 304 and section 306. Any such payment or payments shall be matched in the proportions specified in sections 303 and 306.

"(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioners' action.

"PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

"SEC. 306. (a)(1) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975, to make grants to States for paying such percentages as each State agency determines, but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

"(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(e)(1) to cover part of the cost of the administration of area plans.

"(3) Any State which has designated a single planning and service area pursuant to section 304(a)(1)(E) covering all, or substantially all, of the older persons in such State, as determined by the Commissioner, may elect to pay part of the costs of the administration of State and area plans either out of sums allotted under this section or out of sums made available for the administration of area plans pursuant to section 303(e)(1), but shall not pay such costs out of sums allotted under both such sections.

"(b)(1) From the sums appropriated for any fiscal year under subsection (a) of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty 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, or $150,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which

the determination is made, or $50,000, whichever is greater. For the purpose of the exception contained in clause (A) of 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 sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amounts of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs 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. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"PAYMENTS

"SEC. 307. (a) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may pay to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan. From a State's allotment for a fiscal year which is available pursuant to Section 303, the Commissioner may, during the period ending one year after the date of enactment of the Older Americans Comprehensive Services Amendments, pay, in accordance with such regulations as he may prescribe, to a State which does not have a State plan approved under section 305, such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved under section 303 of this Act prior to enactment of the Older Americans Comprehensive Services Amendments.

"(b) Beginning with the fiscal year ending June 30, 1975, not les than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditures under the State plan shall be met from funds from State or local public sources.

"(c) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"MODEL PROJECTS

"SEC. 308. (a) The Commissioner may, after consultation with the State agency, make grants to any public or nonprofit private agency or organization or contracts with any agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

"(1) assist in meeting the special housing needs of older persons by (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities, and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

"(2) improve the transportation services available to older persons by (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) payment of subsidies to transportation systems to enable them to provide transportation services to older persons on a reduced rate basis, with special emphasis on transportation necessary to enable older persons to obtain health services, (D) payments directly to older persons to enable them to obtain reasonable and necessary transportation services, (E) programs to study the economic and service aspects of transportation for older persons living in urban or rural areas, and (F) programs to study transportation and social service delivery interface;

"(3) meet the needs of unemployed low-income older persons who are unable, because of physical condition, obsolete or inadequate skills, declining economic conditions, or other causes of a lack of employment opportunity to secure appropriate employment, which will enable such persons to participate in projects for public service in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement;

"(4) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

"(5) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

"(6) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health and shopping services, reader services, letter writing services, and other services designed to assist such individuals in leading a more independent life.

"(b) For the purpose of carying out this section, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975."

TITLE IV—TRAINING AND RESEARCH

SEC. 401. The Older Americans Act of 1965 is amended by striking out titles IV and V and by inserting immediately after title III the following new title:

"TITLE IV—TRAINING AND RESEARCH

"PART A—TRAINING

"STATEMENT OF PURPOSE

"SEC. 401. The purpose of his part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to changing needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of the aging.

"APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

"SEC. 402. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of the Department of Labor, the Veterans' Administration, the Office of Education, Federal Council on the Aging, the National Foundation on the Arts and Humanities, State educational agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.

"(b) The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

"ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

"SEC. 403. The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institution, or organization for the purpose of—

"(1) publicizing available opportunities for careers in the field of aging;

"(2) encouraging qualified persons to enter or reenter the field of aging;

"(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a parttime basis or for temporary periods in the field of aging; or

"(4) preparing and disseminating materials, including audiovisual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

"TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

"SEC. 404. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or

contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

"(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs),

"(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

"(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,

"(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials, and

"(5) the provision of increased opportunities for practical experience.

"(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

"PART B—RESEARCH AND DEVELOPMENT PROJECTS

"DESCRIPTION OF ACTIVITIES

"SEC. 411. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual for the purpose of—

"(1) studying current patterns and conditions of living of older persons and identifying factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

"(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

"(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of commodity services for older persons;

"(4) evaluating these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation;

"(5) collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

"(6) conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

"SPECIAL STUDY AND DEMONSTRATION PROJECTS ON THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS

"SEC. 412. (a) The Commissioner shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans with emphasis upon solutions that are practicable and can be implemented in a timely fashion. In conducting the study and survey, the Commissioner shall consider—

"(1) the use of all community transportation facilities, particularly public transportation systems, the possible use of school buses, and excess Department of Defense vehicles; and

"(2) the need for revised and improved procedures for obtaining motor vehicle insurance by older Americans to be implemented for use in a coordinated transportation system.

"(b) In connection with the study required by subsection (a), the Commissioner, in coordination with the Secretary of Transportation and the Secretary of Housing and Urban Development, shall conduct research and demonstration projects, either directly or by grants or contracts with public or private nonprofit agencies and organizations, in order to—

"(1) demonstrate possible solutions of economic and service aspect of furnishing adequate transportation to older persons in rural and urban areas including transportation services furnished by social service agencies;

"(2) demonstrate improvement of transportation services available to older persons with emphasis on (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) making payments directly to older persons to enable them to obtain reasonable and necessary transportation services;

"(3) demonstrate improved coordination between transportation systems and social service delivery systems; and

"(4) demonstrate innovative solutions for other special transportation problems confronting older Americans.

"(c) At least half of the projects authorized under subsection (b) of this section shall be conducted in States that are predominantly rural in character.

"(d) Not later than June 30, 1975, the Commissioner shall prepare and transmit to the Secretary, to the President, and to the Congress, a report on his findings and recommendations, including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislation, administrative and other measures to provide solutions to the transportation problems of older Americans not later than June 30, 1975, as he deems advisable.

"(e) In carrying out the study and survey, and the demonstration and research projects under this section, the Commissioner is authorized to—

"(1) procure temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, and

"(2) secure directly from any executive department, bureau, agency, board, commission, office, independent establishment or instrumentality information, suggestions, estimates, and statistics for the purpose of this section; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics, directly to the Commissioner upon request made by him.

"(f) There are authorized to be appropriated for the purposes of this section $7,500,000 for the fiscal year ending June 30, 1973; $15,000,000 for fiscal year ending June 30, 1974; and $20,000,000 for fiscal year ending June 30, 1975.

"PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

"SEC. 421. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology. A grant may be made under this section only if the application therefor—

"(1) provides satisfactory assurance that the applicant will expend the full amount of the grant to establish or support a multidisciplinary center of gerontology which shall—

"(A) recruit and train personnel at the professional and subprofessional levels,

"(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas,

"(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them,

"(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

"(E) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities,

"(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities, and

"(G) create opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the applicant under this section; and

"(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"PART D—AUTHORIZATION OF APPROPRIATIONS

"AUTHORIZATION

"SEC. 431. (a) There are authorized to be appropriated for the purposes of carrying out part A of this title $10,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975.

"(b) There are authorized to be appropriated for the purpose of carrying out the provisions of part B and part C of this title (except section 412), $15,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

"PAYMENTS OF GRANTS

"SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

"(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and

on such conditions, as the Commissioner may determine.

"(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract."

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS

"GRANTS AUTHORIZED

"SEC. 501. (a) In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grant to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities). Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible.

"(b) The total payments made pursuant to grants or contracts under this section in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"(c) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of social services and recreational opportunities for older persons.

"REQUIREMENTS FOR APPROVAL OF APPLICATION

"SEC. 502. (a) A grant or contract for purchase under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after purchase, the facility will be used for the purposes for which it is to be purchased, (B) sufficient funds will be available to meet the non-Federal share of the cost of purchase of the facility, (C) sufficient funds will be available, when purchase is completed, for effective use of the facility for the purpose for which it is being purchased, and (D) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

"(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90–480)); and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants or contracts under this part, the Commissioner shall—

"(1) give preference to the acquisition of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation.

"PAYMENTS

"SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract. The amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in alteration or renovation, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

"RECAPTURE OF PAYMENTS

"SEC. 504. If, within ten years after purchase of any facility for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility ceases to be used for the purposes for which it was purchased (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 505. (a) There are authorized to be appropriated for the purpose of making grants or contracts under section 501, $10,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975.

"(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year.

"MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 506. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

"(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during acquisition, alteration, or renovation) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

"(5) In the plans for such Multipurpose Senior Center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property cr project during acquisition, alteration, or renovation; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h)(1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be cancelled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired in connection with mortgages insured under this section shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"ANNUAL INTEREST GRANTS

"SEC. 507. (a) To assist nonprofit private agencies to reduce the cost of borrowing from other sources for the acquisition, alteration or renovation of facilities, the Secretary may make annual interest grants to such agencies.

"(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from othe sources for the acquisition, alteration or renovation of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

"(c)(1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for payment of annual interest grants in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants in any year pursuant to contracts entered into under this section shall not exceed $1,000,000, which amount shall be increased by $3,000,000 on July 1, 1974, and by $5,000,000, on July 1, 1975.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

"PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

"SEC. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein.

"(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project, 66⅔ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over sixty years of age.

"(d) For the purpose of this part, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years."

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

SEC. 601. Section 601 of the Older Americans Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

SEC. 602. Section 603 of the Older Americans Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "and $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975".

SEC. 603. (a) The heading of part B of title VI of the Older Americans Act of 1965 is amended to read as follows:

"FOSTER GRANDPARENT PROGRAM AND OLDER AMERICANS COMMUNITY SERVICE PROGRAMS".

(b) Section 611 of such Act is amended to read as follows:

"SEC. 611. (a) The Commissioner is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

"(b) The Commissioner is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as 'senior health aides' to work with persons receiving home health care and nursing care, and as 'senior companions' to persons having developmental disabilities.

"(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Commissioner may determine.

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

(c) The first sentence of section 613 of such Act is amended to read as follows:

"In administering this part, the Commissioner shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels."

SEC. 604. Section 614 of the Older Americans Act is amended to read as follows:

"SEC. 614. (a)(1) There are authorized to be appropriated for grants or contracts under subsections (a) and (b) of section 611, $41,000,000 for the fiscal year ending June 30, 1973, $52,000,000 for the fiscal year ending June 30, 1974, and $63,000,000 for the fiscal year ending June 30, 1975, respectively, of which (A) $35,000,000 for the fiscal year ending June 30, 1973, $45,000,000 for the fiscal year ending June 30, 1974, and $55,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (a) of section 611, and (B) $6,000,000 for the fiscal year ending June 30, 1973, $7,000,000 for the fiscal year ending June 30, 1974, and $8,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (b) of such section.

"(2) If the sums authorized to be appropriated under paragraph (1) of this subsection are not appropriated and made available for each such fiscal year, then such sums as are so appropriated and made available for each such fiscal year shall be allocated so that—

"(A) any amounts appropriated not in excess of $25,000,000 shall be used for grants or contracts under subsection (a) of section 611; and

"(B) any amounts appropriated in excess of $31,000,000 for the fiscal year ending June 30, 1973, $32,000,000 for the fiscal year ending June 30, 1974, and $33,000,000 for the fiscal year ending June 30, 1975, respectively, shall be used for grants or contracts for such fiscal years under subsection (a) of such section."

SEC. 605. The authorities conferred upon the Commissioner of the Administration on Aging by the amendments made in this title shall be carried out pursuant to delegations of authority, reorganization plans, and transfers made effective prior to the date of enactment of this Act with respect to authorities conferred upon the Secretary of the Department of Health, Education, and Welfare under title VI of the Older Americans Act of 1965, as amended.

TITLE VII—NUTRITION PROGRAM

AVAILABILITY OF SURPLUS COMMODITIES

SEC. 701. Section 707 of the Older Americans Act of 1965 is amended to read as follows:

"AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a–1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title."

SEC. 702. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(5) provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service areas agencies, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act."

STATE PLANNING

SEC. 703. Section 705(a)(2)(B) of the Older Americans Act of 1965 is amended by inserting "for the fiscal year ending June 30, 1973," following "administrative cost,"; by striking out "any fiscal year" in this section and substituting in lieu thereof "such fiscal year"; and by adding at the end of the first sentence thereof the following sentence: "For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Commissioner shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration."

CONFORMING AMENDMENT

SEC. 704. (a) The first sentence of section 705(a) of the Older Americans Act of 1965 is amended by striking out "303" the first time it appears in such sentence and inserting in lieu thereof "304" and by striking out "303" the second time it appears in such sentence and inserting in lieu thereof, "305".

(b) Section 705(a)(1) of the Older Americans Act of 1965 is amended by striking out "303" and inserting in lieu thereof "304".

(c) Title VII of the Older Americans Act of 1965 is amended by striking out "Secretary" wherever in such title the term refers to the Secretary of Health, Education, and Welfare, and inserting in lieu thereof "Commissioner".

TITLE VIII—AMENDMENTS TO OTHER ACTS

AMENDMENT TO LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 801. (a) The Library Services and Construction Act (20 U.S.C. 351 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IV—OLDER READERS SERVICES

"GRANTS TO STATES FOR OLDER READERS SERVICES

"SEC. 401. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.

"USES OF FEDERAL FUNDS

"SEC. 402. (2) Funds appropriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 403. Such grants shall be used for (1) the training of librarians to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

"SEC. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 402, and

"(2) include an extension of the long-range program taking into consideration the results of evaluations.

"COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

"SEC. 404. In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging and the Director of ACTION for the purpose of coordinating where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965."

(b) Section 4(a) of the Library Services and Construction Act is amended by adding at the end thereof the following new paragraph:

"(4) For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated $11,700,000 for the fiscal year ending June 30, 1973, $12,300,000 for the fiscal year ending June 30, 1974, $12,900,000 for the fiscal year ending June 30, 1975, and $13,700,000 for the fiscal year ending June 30, 1976."

(c)(1) Section 5(a)(1) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 5(a)(2) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(3) Section 5(a) of such Act is amended by striking out the word "and" at the end of such paragraph (B) thereof, by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and", and by inserting after subparagraph (C) thereof the following:

"(D) with respect to appropriations for the purposes of title IV, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

(4) The last sentence of section 5(a)(3) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(5) Section 5(b) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(c) Section 6(a) of such Act is amended by striking out "and III" and inserting in lieu thereof "III and IV".

(d)(1) Section 7(a) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 7(b)(1) of such Act is amended by inserting "and title IV" after "title III".

(e) The amendments made by subsections (a), (b), and (c) of this section shall be effective after June 30, 1972.

AMENDMENT TO NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 802. (a) Section 5(a)(2) of the National Commission on Libraries and Information Science Act is amended by striking out "and" after "areas" and inserting a comma in lieu thereof, and by inserting after "deprived persons," the following: "and of elderly persons,".

(b) The third sentence of section 6(a) (20 U.S.C. 1505(a)) of such Act is amended by inserting before the period at the end thereof the following: ", and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly".

AMENDMENT TO HIGHER EDUCATION ACT OF 1965

SEC. 803. Title I of the Higher Education Act of 1965 is amended by redesignating sections 110, 111, and 112 (and cross references thereto) as 111, 112, and 113, respectively, and by inserting after section 109 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

"SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

"(b) For purposes of making grants under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

AMENDMENT TO ADULT EDUCATION ACT

SEC. 804. (a) The Adult Education Act (20 U.S.C. 1201 et seq.) is amended by redesignating sections 310, 311, and 312 (and cross references thereto) as sections 311, 312, and 313, respectively, and by inserting after section 309 the following new section:

"SPECIAL PROJECTS FOR THE ELDERLY

"SEC. 310. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private nonprofit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, incuding the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

"(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(c) In carrying out the program with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

(b) Section 313(a) of such Act, as redesignated, is amended by inserting before the period at the end thereof the following: "(other than section 310)".

ADDITIONAL AUTHORIZATION FOR SENIOR OPPORTUNITIES AND SERVICES

SEC. 805. In addition to the amounts authorized to be appropriated and allocated pursuant to the Economic Opportunity Amendments of 1972, there is further authorized to be appropriated $7,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Senior Opportunities and Services program described in section 222(a)(7) of the Economic Opportunity Act of 1964.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SHORT TITLE

SEC. 901. This title may be cited as the "Older Americans Community Service Employment Act".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 902. (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 title, 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 title 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 title 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 title.

(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. 903. (a) In order to effectively carry out the purposes of this title, 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 title 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 and other activities assisted under this title to coordinate their projects and activities with agencies and organizations conducting related manpower and unemployment programs receiving assistance under this Act and 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 and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and other provisions of law such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, 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 title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under that title.

(c) In carrying out the provisions of this title, 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 902(b).

(e) Payments under this title 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 title to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 904. (a) Eligible individuals who are employed in any project funded under this title 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 title 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. 905. 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 title 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 title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 906. (a) (1) From the sums appropriated for any fiscal year under section 908 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. 907. As used in this title—

(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, except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or older shall have priority for the work opportunities provided for under this Act;

(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. 908. There are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for fiscal year ending June 30, 1974, to carry out the provisions of this title.

TITLE X—MIDDLE-AGED AND OLDER WORKERS TRAINING

SHORT TITLE

SEC. 1001. This title may be cited as the "Middle-Aged and Older Workers Training Act".

DECLARATION OF FINDINGS

SEC. 1002. The Congress hereby finds and declares that—

(1) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(2) millions of middle-aged and older Americans wish to continue in or obtain employment in order to provide adequately for themselves and to contribute to the Nation as productive citizens;

(3) millions of middle-aged and older Americans are frustrated in these goals and find it increasingly difficult to retain or obtain employment of a remunerative and meaningful nature, as a result of their inability to keep pace with a dynamic economy and changing technology;

(4) without additional legislation, the Age Discrimination in Employment Act of 1967 cannot reasonably be expected to deal adequately with age discrimination in employment which acts to deny employment opportunities for middle-aged and older workers;

(5) as a result of the lack of full opportunity and adequate training and supportive services more than a million men and women between the ages of fifty-five and sixty-four have given up the active search for work and hundreds of thousands of men and women between the ages of sixty-two and sixty-four have been forced to retire with inadequate benefits, resulting in individual frustration, impaired morale and loss of sense of worth and dignity;

(6) in addition to individual loss, the Nation as a whole loses the benefits which may be contributed by middle-aged and older persons and incurs needless costs in unemployment compensation and public assistance which can be reckoned in billions of dollars; and

(7) providing middle-aged and older workers training and educational opportunities and supportive services leading to remunerative and meaningful employment opportunities will increase their incomes and benefit their physical and mental well-being, as well as strengthen the Nation's economy.

STATEMENT OF PURPOSE

SEC. 1003. It is the purpose of this title to establish and assist training programs and relative supportive services which will provide middle-aged and older workers a full opportunity for remunerative and meaningful employment; to assist further in eliminating discriminatory practices which deny work to qualified persons solely on account of age; to improve and extend existing programs designed to facilitate training and the matching of skills and jobs; to assist middle-aged and older workers, and employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices and to otherwise stimulate innovative approaches to make employment opportunities more accessible to middle-aged and older persons.

AUTHORIZATIONS

SEC. 1004. For the fiscal year ending June 30, 1973, the Secretary is authorized to carry out the provisions of this title from funds otherwise available for similar programs. There is authorized to be appropriated for the purpose of carrying out the provisions of this title, $100,000,000 for the fiscal year ending June 30, 1974.

PART A—MIDCAREER DEVELOPMENT SERVICE PROGRAM

PROGRAM ESTABLISHED

SEC. 1011. There is hereby established a comprehensive midcareer development service program, to be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers to retain and obtain remunerative employment by providing manpower training, counseling, and special supportive services to such workers.

TRAINING PROGRAMS

SEC. 1012. (a) The Secretary, through the Manpower Administration, is authorized to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for manpower training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by

him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program set forth in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

(f) The Secretary is authorized to enter into agreements to provide loan guarantees to lending institutions on such terms and conditions as the Secretary shall prescribe in order to permit such institutions to make loans to middle-aged and older persons for training which qualifies under this section.

TRAINING PERSONS TO TRAIN AND RETRAIN MIDDLE-AGED AND OLDER WORKERS

SEC. 1013. The Secretary is authorized to develop and carry out a program under which an adequate number of persons are trained to understand the manpower training and educational needs of middle-aged and older persons and to become qualified to train and retrain middle-aged and older workers in skills needed in the economy in the community in which such workers reside. Such programs shall emphasize developing innovative techniques for training middle-aged and older persons.

SPECIAL SERVICES FOR MASS LAYOFFS

SEC. 1014. The Secretary is authorized to recruit and train personnel within the Department of Labor to be made available to localities in which substantial numbers of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the work force in such locality. In carrying out the provisions of this section, the Secretary is authorized to provide such persons with recruitment, placement, and counseling services.

SPECIALIZED SERVICES

SEC. 1015. (a) The Secretary shall establish and carry out specialized services for middle-aged and older workers who desire to improve their employability, to receive manpower training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the remainder of their working lives.

(b) The Secretary is authorized to recruit and train manpower specialists, including older and retired employment counselors and personnel directors to serve in programs authorized under this section.

EMPLOYMENT SERVICES FOR PART-TIME EMPLOYMENT

SEC. 1016. The Secretary may, where appropriate, make special provisions through the United States employment service, or with the advice and assistance of the employment service, by means of grants to or contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for additional members of middle-aged and older persons who wish such employment.

PART B—SPECIAL REPORTS AND STUDIES

RESEARCH AND INFORMATION PROGRAMS

SEC. 1021. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this title.

(b) In carrying out the purposes of this title the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special informational and educational programs as he determines appropriate.

MANPOWER STUDIES

SEC. 1022. The Secretary is authorized and directed to undertake, either directly or by way of grant or contract, a thorough study of manpower programs authorized by provisions of Federal law other than this title, and other federally assisted training programs to determine whether such programs are responsive to the needs of the middle-aged and older persons. The Secretary shall report the findings and recommendations of this study, and his own recommendations with respect to additional legislation, to the President for transmittal to the Congress not later than July 1, 1973.

(b) In conducting this study the Secretary shall not employ or contract with any individual, institution, organization, or agency providing advice or technical assistance for any program described in subsection (a) of this section.

EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 1023. The Secretary shall study the feasibility of establishing a program of extended unemployment compensation benefits for unemployed older workers who have exhausted their unemployment compensation. On or before July 1, 1973, the Secretary shall report to the Congress and the President his findings and recommendations with respect to such a program of allowances.

COMPENSATION AND DISABILITY INSURANCE

SEC. 1024. The Secretary shall prepare and submit a report to the Congress not later than July 1, 1973, on means of eliminating the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they affect adversely the employment of middle-aged and older workers.

FEDERAL EMPLOYMENT OPPORTUNITIES STUDY

SEC. 1025. (a) The Comptroller General of the United States is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1973. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the executive branch which may be filled by older persons without resulting in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits).

(b) The Comptroller General is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness or efficiency of operations of any department, agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Comptroller General shall make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1973. Such study shall include a determination of—

(1) the extent to which positions can be redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

PART C—GENERAL PROVISIONS

DEFINITIONS

SEC. 1031. As used in this title—

(1) "middle-aged and older" means an individual who is forty-five years of age or older;

(2) "middle-aged" means an individual who is at least forty-five years of age but not older than fifty-four years of age;

(3) "older" means an individual who is at least fifty-five years of age;

(4) "Secretary" means the Secretary of Labor; and

(5) "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.

ADMINISTRATION

SEC. 1032. (a) In order to carry out the purposes of this title the Secretary is authorized to—

(1) provide such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of job training, are knowledgeable in the area of job opportunities for middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this Act; and

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(c) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipients of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(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 audit and examina-

tion to any books, documents, papers, and records of the recipients that are pertinent to the grants, agreements, or contracts entered into under this title.

PROGRAM DEVELOPMENT AND COORDINATION

SEC. 1033. (a) In addition to any other provisions for the administration of this title, the Secretary shall designate personnel to have responsibility for program leadership, development, and coordination. The Secretary shall provide for a central office for information on and special attention to the problems of middle-aged and older workers and the programs concerning such workers.

(b) No individual, institution, organization, or agency shall evaluate any program under this title if that individual, or any member of any such institution, organization, or agency, is associated with the program as a consultant, technical adviser, or in any other capacity.

(c) (1) The Secretary is authorized and directed to require agencies, institutions, and organizations administering training and other programs and activities assisted under this title to coordinate their activities with agencies and organizations conducting related manpower and employment programs receiving assistance under this Act and under other provisions of law, 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 and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and under other provisions of law, such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, 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 title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under such legislation.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 1034. (a) The amounts appropriated under the provisions of this title for any fiscal year shall be allocated by the Secretary in such manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed middle-aged and older persons in each such State bears to the total number of such persons in all States; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The amount apportioned to each such State under paragraph (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which the total number of unemployed middle-aged and older persons in each such area bears to the total number of such persons, respectively, in that State.

(c) As soon as practicable after funds are apportioned to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a) (1) and (b) of this section.

LIMITATION ON TIME FOR DEBATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time under the time agreement not begin running until tomorrow.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

RESUMPTION OF 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 transaction of routine morning business, for not to exceed 45 minutes, with statements therein limited to 15 minutes.

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

Mr. HARRY F. BYRD, JR. obtained the floor.

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

Mr. HARRY F. BYRD, JR. I yield to the Senator.

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

RURAL ELECTRIFICATION ACT OF 1936, AS AMENDED—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, having cleared this request with the distinguished assistant Republican leader, and the distinguished Senator from Nebraska (Mr. CURTIS), and the distinguished Senator from Minnesota (Mr. HUMPHREY), I ask unanimous consent that time on S. 394, a bill to amend the Rural Electrification Act of 1936, as amended—when that bill is before the Senate—be limited to 3 hours for general debate, the time to be equally divided between the Senator from Nebraska (Mr. CURTIS) and the Senator from Georgia (Mr. TALMADGE); that time on any amendment thereto be limited to 30 minutes; that time on any debatable motion or appeal be limited to 20 minutes; and that the agreement be printed in the usual form.

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

The text of the unanimous-consent agreement is as follows:

Ordered, That, when the Senate proceeds to the consideration of the bill S. 394, to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in such year, and for other purposes, debate on any amendment shall be limited to 30 minutes, and debate on any debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided,* That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the Senator from Georgia (Mr. Talmadge) and the Senator from Nebraska (Mr. Curtis): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Virginia may proceed.

Mr. HARRY F. BYRD, JR. Mr. President——

Mr. ROBERT C. BYRD. Mr. President, may we have order while the distinguished senior Senator from Virginia is speaking. The Senator is entitled to be listened to by Senators who wish to remain in the Chamber. I ask that the time required to secure order not be charged against the Senator.

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

REBUILDING INDOCHINA

Mr. HARRY F. BYRD, JR. Mr. President, the United States and North Vietnam have announced an agreement to establish a Joint Economic Commission to channel postwar American reconstruction aid to North Vietnam.

The formation of the Commission—scheduled to begin work in about a month—was announced in a communique issued jointly by Washington and Hanoi following the 4 days of talks held by Presidential Assistant Henry A. Kissinger with Premier Pham Van Dong and other North Vietnamese officials.

The communique said that the two sides "exchanged views on the manner in which the United States will contribute to healing the wounds of war and to postwar reconstruction in North Vietnam."

No dollar amount was announced. But Mr. Nixon has spoken of a $7.5 billion aid program to Indochina over 5 years, with up to $2.5 billion for North Vietnam. More recently, the administration officials have said there is no "fixed figure."

This new foreign aid program will provoke a major battle in the Congress.

Dr. Kissinger, on January 26, in a discussion with a number of Senators at the Capitol, stated that the United States, in signing the cease-fire agreement, made no commitments for economic aid to either North Vietnam or South Vietnam. A commitment for economic aid is not a part of the cease-fire agreement, Dr. Kissinger said.

The negotiators did agree, he said, to give consideration in the future to helping the two countries economically. Dr. Kissinger said it was fully explained to both countries that any such proposal would have to go through our legislative procedures.

Two vitally important questions are involved here:

One, what obligation, if any, does the United States have to pour additional billions of dollars into North Vietnam, or Indochina; namely, Laos, Cambodia, South Vietnam, and North Vietnam?

Two, considering the United States deteriorating financial position, its unabated deficit spending, its continued rate of inflation, and the devaluation of the dollar, can the United States afford to embark on such a gigantic and costly new program as rebuilding Indochina?

Although no price has yet been set, the cost over a period of years is bound to be tremendous. To get its foot in the door, the administration probably will move cautiously and not set the initial figure too high.

But once the principle is established, once a start has been made, the cost will escalate just as did the use of American troops, which started at a few thousand and ended with a cumulative total of more than 2½ million.

Does the United States have a further obligation to Laos, Cambodia, and South Vietnam? We have spent at least 10 years; we have suffered 50,000 dead and 300,000 wounded; we have spent $200 billion to try to protect those countries from Communist aggression. What further obligation do we have?

With reference to North Vietnam, we spent the same 10 years, plus the same 350,000 Americans killed or wounded, plus the same $200 billion in an effort to stem the tide of North Vietnamese aggression against its neighbors. President Nixon has stated that neither side has won. Premier Van Dong has stated that Hanoi has won.

A cease-fire has been agreed to, but today's peace in Vietnam has been described by President Nixon as "fragile." This, I feel, is an accurate description.

Considering the history of Indochina, it would seem to me quite optimistic to expect that the present peace will endure for long.

Do we really believe that the aggressive designs of North Vietnam have been abandoned? Do we believe that the Vietcong, the Pathet Lao, and the Khmer Rouge now will embrace their countrymen in peace? Three American Presidents proclaimed North Vietnam an aggressor seeking to force its will on South Vietnam. Are we now to believe that the dedicated Communist leaders in Hanoi have reversed position?

If we do not believe these things—and I most certainly do not—then what are we proposing with this huge program of aid?

I suggest that we are proposing works of peace which will be wiped out by the engines of war. Before long, it would not surprise me—if we follow this course—if we were to witness a reenactment of the struggles between India and Pakistan, with Asians killing one another with bullets supplied by American money.

Our Government has consistently stated through the years that the only bombing done in North Vietnam has been to military targets. Are we going to rebuild the military potential of North Vietnam?

Aid to North Vietnam, at whose hands we and our allies have suffered so much, seems to me difficult to justify at any time or under any circumstances—unless we feel, which I do not, that Hanoi is entitled to war reparations. If we were to embark on a major assistance program for North Vietnam, would we not be trying to achieve peace by bribery? What happens when the money runs out?

Aid to the other countries of Indochina is also hard to justify at this time, when there is no assurance that any degree of stability has been achieved in those nations.

In my view, a major aid program in Indochina today would be a structure built on sand.

Furthermore, our experience in foreign aid since World War II suggests that the United States invariably finds itself in a dilemma: If we go into another country and supervise the assistance program, we become deeply involved and stand rightly accused of intervening in that country's internal affairs; on the other hand, if we do not do this, corrupt officials of the aided government—all too often, a dictatorship in fact if not in name—divert to their own pockets funds intended to benefit their people, or they use the funds to prepare for war.

Furthermore, the United States has carried the largest portion of the burden of assistance to underdeveloped countries for far too long a period.

Now, in 1973, should we alone seek to rebuild Indochina?

What stake do we have in that part of the world greater than the stake of any other countries?

We fought the Vietnam war alone—virtually alone. We taxed our people and took their sons and expended their resources in a 10-year war in which none emerged the victor—unless it be Hanoi, as its president asserts.

Must we now tax our people and expend our resources to attempt to accomplish economically what we could not accomplish militarily?

We know from bitter experience that in Indochina, men and material disappear as in quicksand. Will not the pit be equally bottomless for American tax dollars?

The American people are compassionate people—but somewhere along the way we must show a little sense along with compassion.

During the current fiscal year, the United States will have the highest Federal funds deficit in its history, with the exception of World War II, when we had 12 million men under arms and were fighting a war in both Europe and the Pacific.

For the 4 fiscal years ending June 30, 1974, the accumulated Federal funds deficit will exceed $100 billion.

The interest charges on the national debt have reached the point where of every dollar of personal and corporate income tax paid into the Federal Treasury by the wage earners of this country, 17 cents goes for one purpose—to pay the interest on the debt.

The continued huge Government deficit is the major cause of the inflation which is eating heavily into every wage earner's check and into every housewife's grocery money.

The dollar is deteriorating in value. This has forced two formal devaluations of the American dollar, totaling approximately 20 percent, the first in December of 1971 and the second last week. I do not oppose formal devaluation, as it only recognizes what already has occurred; namely, a deterioration in the value.

Contrary to Government propagandists, devaluation does not solve any of the fundamental problems. Inevitably, it will increase the cost to the American consumer and thus further stir the fires of inflation.

How much longer can we squander American resources? How much longer can we continue these huge foreign aid programs, which now have an annual cost of more than $9 billion?

Is it logical or reasonable to expect the wage earners of this country to finance a new foreign aid program on top of all these others—the new one being to reconstruct Indochina, including North Vietnam?

Sooner or later, the American people must accept the fact that the resources of the United States are not infinite.

The Nixon doctrine seems to be moving us away from the role of world policeman. But we will have made scant progress if we abandon that role only to continue to play the role of global Santa Claus.

In summary, I fail to see the justification for any assistance to North Vietnam; as to her neighbors, I doubt the wisdom of embarking upon massive assistance to those countries at a time when they are in turmoil, and when the American taxpayer is so hard pressed to pay the bill for the obligations his Government already has incurred.

Mr. STEVENS. Mr. President, I have great respect personally for my neighbor, the Senator from Virginia, and a great respect for his opinion, but I hope that the Senate in particular and the Congress as a whole will keep an open mind on the subject of what we are to do now in Indochina.

The Senator from Virginia rightly asks what is our stake in further actions in Indochina? We have brought about peace in Indochina, and I hope it will be a lasting peace. Many of us feel we must take whatever action will be necessary to assure that the peace in Indochina will be a lasting peace.

All of us who have studied history know that in wars past there have been demands for reparation and demands for payment which have left the participants of the war in the status of economic slavery.

After World War II we showed the world a new concept in the Marshall plan, and particularly in our aid to Japan and Germany. Today Japan and Germany show the rest of the world what it means to have a firm economy, and we know that the German people and the Japanese people realize that we were interested in them as a people through the Marshall plan, and were not interested in

them either as subjugated countries or as economic pawns.

We have just returned from a trip to Cambodia, Laos, and Vietnam. My own conclusion is that the one real thing we have left to export to that part of the world is our economic system. Indochina is really a blister on the economy of the world, and I think it could well become a cancer if we could not show them what it means to have a dynamic economy and what it means to have a viable alternative to war, which has been their way of life for so many years. We can do this, I believe, through demonstrating what it means to have economic self-sufficiency.

We are informed that the administration did not make a commitment, in connection with the peace negotiations, but it is now exploring what commitments should be made on the part of this Nation to assist the peoples of Indochina to reconstruct their economies.

Again I say I hope we will keep an open mind on this question. I feel we must share the burden because ours is still the greatest standard of living in the world. We do this in our own communities through our Community Chests. The United States also has the responsibility, as the greatest consumer economy in the world, to carry out its portion of the world's community chest. We have no greater stake anywhere in the world in contributing to the community chest of the world than in Indochina, because if we do not find ways to help them to restore their economy and to achieve a lasting peace. We will find a restoration of hostilities there.

Mr. President, I want to tell my friend, the Senator from the great State of Virginia, that it is not a question of disagreeing with him personally. I have great personal regard and feelings for him. However, I do believe that we should caution the country and should caution Congress to keep an open mind on what will be necessary to make this peace a lasting peace.

Mr. HARRY F. BYRD, JR. Mr. President, if the Senator will yield, the Senator from Alaska has made some very fine points. I am not in total disagreement with his remarks at all.

I have not been able to reach the conclusion, however, that by the mere expenditure of more dollars we are going to solve the problems of the world. We have been trying to do that for a long time. Including the interest, about $200 billion has been spent on foreign aid, nearly one-half of our total national debt.

We have ended up, I think, with less friends than we started with. Then when we talk about community chests and liken community chest drives in our communities to the pouring of additional funds into Indochina, I must say that I do not quite follow that theory or that logic.

When we start pouring American dollars into Indochina, we are undertaking something that is really gigantic. If we are going to do the job over there which is envisioned in the remarks of the distinguished and able Senator from Alaska, we had better be prepared, if we are going to go into it at all, to pour tens of billions of dollars into that area of the world. A little money is not going to solve the problems over there. A little money will not solve anything. It would be a gigantic undertaking.

I join with the Senator from Alaska when he says that this matter should be fully explored. And I hope it will be fully explored by the Congress and carefully pondered by the American people. This is not Europe that we are dealing with.

We are dealing with something entirely different. We are dealing with governments which do not have the same—and I want to be careful about how I say this—standards in handling the funds of their own people and, I am sure, the funds of any other country that might come to their aid. Their standards differ very sharply from the standards we have in this country for the handling of our tax funds.

If we are going to go into the program at all—and I believe along with the Senator from Alaska that it should be carefully pondered and considered—I hope some guarantees will be provided so that these funds will be used for the purpose for which they are intended and not be used to line the pockets of the government officials of the countries we are trying to help.

That is only one part of the problem, as I see it.

If we do try to tell the people and the governments of those nations how these funds should be used, we will be accused of dictating to them and involving ourselves in the affairs of those nations, as we would be.

It is a complex problem.

I share the feelings of the distinguished Senator from Alaska that, in whatever reasonable way we can, we try to be helpful to other countries of the world. But can we solve their problems by pouring out more American dollars?

I suggest that we be very careful before we go into a wholesale program in Indochina, because I think it is a bottomless pit for American dollars. If we go into it, lets go in with our eyes open.

But as to North Vietnam, that presents a different problem. I do not see how the Congress can take the tax money of the wage earners, take money out of the pockets of the wage earners, and turn that money over to North Vietnam in the form of reparations, and that is what it would be, or as a bribe to keep the peace when our Government has consistently told us that the only bombing damage done to North Vietnam was to military objectives. If someone thinks that we should rebuild the military machine of North Vietnam, the Senator from Virginia certainly does not share that view.

Mr. STEVENS. Mr. President, the Senator from Virginia used some unfortunate references to reparations. I assure the Senator that I will not support any reparations.

I am saying that the one thing that would assure the continuation of peace would be our help. The Marshall plan did stimulate the economy of Japan. However, in later years, we got ourselves involved too much in foreign aid programs. I have been one of those opposed to such things as an extended foreign aid program.

It is a little different concept when we try to restore the economy of a war torn land. That does not mean restoring military bases or a matter of reparations. It is a matter of trying to see if we can in fact bring about an improvement of the economy in that part of the world, which, to me, would be like planting a seed. And if seed money will, in fact, tide over the economy there, we should support it. If the money is meant for the purpose of extending social services and getting ourselves involved in all kinds of government programs, that would be a different matter. I would be opposed to that.

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

Mr. HARRY F. BYRD, JR. I yield.

Mr. BUCKLEY. Mr. President, I have listened to the exchange of remarks between my friends, the Senator from Virginia and the Senator from Alaska, on this subject. It has proven to be extremely interesting. This certainly addresses itself to a different point of view. In fact, I might be, as usual, considered to be somewhere in the middle.

I think the Senator from Alaska has raised an analogy that I regard to be an appropriate one. He spoke of the enormous efforts which our country made to help the economies of Japan and Germany reestablish themselves after World War II.

Mr. President, it seems to me that historically the situation there was totally different from what we find in Southeast Asia today.

First, both Japan and Germany had been absolutely defeated and had unconditionally surrendered to the Allied forces.

Second, their economies had been totally destroyed.

Third, we had responsibilities, as the occupying powers, to see that those countries that needed to get on their feet again did so.

Fourth, there was a totally new management once they took over the management of their own affairs.

Fifth, it was totally clear that there was an abandonment of any ambition to cause trouble against their neighbors.

On the other hand, at this point in time, we have in Hanoi the same management, a management which has claimed victory, a management which has not yet explicitly, to my knowledge, rejected its theory of ultimate domination over all of Indochina. We have a different economy involved.

It seems to me that under all of these circumstances it is premature, at the very least, to begin to talk about helping that economy, the economy of North Vietnam, expand until we know that the leadership of North Vietnam has for all time abandoned its determination to subjugate its neighbors either by force or by so-called wars of national liberation.

Mr. STEVENS. I would say to the Senator from New York that I visited Yugoslavia this past year, and I noted the personal, warm feeling of the people

of that country for those in the American delegation.

We have helped a country which has not foresworn communism, but as a result we have in fact brought about a buffer as far as that part of the Communist world is concerned. Again I assure the Senator from New York that what I am saying is I hope the Senate and Congress will keep an open mind. I think the President has done a magnificent job, and, as far as I am concerned, Dr. Kissinger an outstanding job, in bringing about a cessation of hostilities. All of us wanted to see that happen.

If the exportation of American know-how and some American seed money is the avenue to start an economy in that part of the world which will generate something similar to ours, I think we must explore it fully.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. HARRY F. BYRD, JR. Mr. President, I think the Senator from New York has made a valid and important point in his discussion with the Senator from Alaska. The Senator from Alaska mentioned Germany and Japan. He did not mention Italy, but I will throw in Italy as well.

What happened in those countries at the end of World War II was that they were militarily crushed. Germany threw out nazism, Italy threw out fascism, and Japan threw out from those in power in its government the warmongers and those who brought on the war between Japan and the United States—an entirely different situation from what we have here today with North Vietnam.

Does anyone pretend that North Vietnam has changed its Communist form of government? Has it thrown out communism, as Germany threw out nazism, Italy threw out fascism, or Japan threw out those who brought about the war in 1941? Has, indeed, it ended its aggression? Has it thrown out of power those leaders who brought about the invasion of South Vietnam?

I think the able Senator from New York has raised an extremely important point in pointing out that we have a vastly different situation now from what the United States faced at the end of World War II.

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

Mr. HARRY F. BYRD, JR. I yield to the Senator from New York.

Mr. BUCKLEY. I thank the Senator from Virginia for his remarks. I do want to make it clear, though, that while I am expressing views of intense skepticism, I do not intend to close my mind to the arguments which, in due course, will be voiced by the very persuasive Dr. Kissinger.

But I do feel it should be helpful to the Executive, in focusing its argument, to know how many Members of this body feel in terms of the objections which have to be overcome, and I recognize, as the Senator from Alaska has pointed out, that we have extended aid to Yugoslavia, a Communist nation, only after the pattern of Yugoslavia's external policies had become established, and only after the weighing of our own self-interest in maintaining a position of influence in that part of the world.

What I am suggesting is that we need to satisfy ourselves or to be persuaded by the President and by Dr. Kissinger that we have some firm basis for believing that in point of fact North Vietnam, if not repudiating communism, which one could not expect, had rather reliably repudiated aggression. I think this is the key point. As far as the proposal for extending aid by the economic reconstruction of the remainder of Indochina is concerned, I am certainly sympathetic to those proposals, and feel that we must provide a basis of economic self-sufficiency, although I do feel, as the Senator from Virginia has eloquently pointed out, that there are hazards and pitfalls we should make every effort to avoid.

Mr. HARRY F. BYRD, JR. I shall certainly want to ponder carefully the recommendations of Dr. Kissinger. I think he has done a meaningful job in the negotiations leading to the cease-fire, and will listen most carefully to his recommendations in regard to the reconstruction of Indochina; but there is a fundamental point involved, as I see it, over and beyond the question of whether it is desirable or undesirable to go further into the problems of Southeast Asia, and that is, where is the money coming from?

This country is in a desperate condition financially—a desperate condition. The Europeans know that far better than we do, and they forced another devaluation of the dollar just the other day. So the primary consideration, as I see it, is where is the money coming from?

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

Mr. HARRY F. BYRD, JR. I yield.

Mr. TUNNEY. I agree wholeheartedly with what the Senator is saying. We have seen the budget proposed by the administration this year, and it cuts over $10 billion from programs which deal with our social infrastructure. As I see it, the essential point is not whether we agree with those programs. There are people in this country who feel that those housing, health, and education programs are very important. The essential point is that, even with the drastic cuts, we are going to run a substantial deficit, in excess of $12 billion this year. If we now decide to give money to North Vietnam, we will have to either increase our deficit by the amount we give North Vietnam, take more money out of existing programs or raise new revenues through tax reform. Although I do not close my mind to the possibility, at some point, of extending credit to North Vietnam and perhaps helping in a reconstruction program in Indochina, I, for one, just do not see where that money is going to come from, unless we are prepared to bite the bullet and raise taxes in this country to make the money available. I do not think the money should be made available through additional deficit spending and I do not feel that valuable social programs should be sacrificed. I agree with the point of the Senator from Virginia.

Mr. HARRY F. BYRD, JR. I think the Senator from California raises an extremely good point. If we want to go into this program, maybe the best way to handle it would be, as the Senator from California has suggested, to present the legislation to Congress and attach to it a tax bill to raise the money to pay for sending these funds to Indochina. That would draw a clean-cut issue. But just to embark on a new program, a new foreign aid program on the heels of the foreign aid program that most Members of the Senate say unequivocally has been a failure, a new program involving deficit spending, I think that is something that should be considered very carefully.

I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I say to the Senator from Virginia and the Senator from California, if we fought the war on a deficit basis, why can we not fight for peace on a deficit basis? Certainly those of us who have been in this body and supported the expenditures for war, as I have for 4 years, and I think there are other Senators who have done so for many more years, are going to have to search our consciences before we say we can fight on borrowed dollars, but cannot invest in peace on borrowed dollars.

Mr. HARRY F. BYRD, JR. I think the answer to that is the very fact that we have spent $200 billion over there, which has greatly deteriorated and devalued the American dollar, which has greatly increased inflation in this country, which has greatly eaten into the paychecks of every wage earner in this country, and which has eaten into the grocery dollar of every housewife in this country.

That is why we are faced with this problem, because we have financed the war on borrowed money. If we are going to finance another foreign aid program over there, again on borrowed money, we will further devalue our own situation at home.

Mr. ERVIN. I would appreciate the Senator's yielding to the Senator from North Carolina, as the Senator from North Carolina wants to exclude himself from the saying just used by the distinguished Senator from Alaska (Mr. STEVENS).

The Senator from North Carolina has voted against every proposal to increase the debt limit since he came to the Senate in 1954. If a majority of the Senate had voted as the Senator from North Carolina voted on that one point, we would not have had any deficit spending since 1954 and the national debt would have been exactly what it was during that period of President Eisenhower's administration.

Mr. STEVENS. If the Senator from Virginia will yield me just 30 seconds, I would say to the distinguished Senator from North Carolina that if a majority of the Senate follow him more often, the country would be much better off.

Mr. ERVIN. I thank the Senator from Alaska.

Mr. HARRY F. BYRD, JR. Mr. President, the distinguished Senator from North Carolina raised the question of a balanced budget in getting away from

deficit spending, just as the Senator from California did.

That is what I thought we were trying to head toward, that we were trying to head towards putting the Government's financial house in better order.

How do we put it in better order? By embarking on a new foreign aid program to be paid for out of more and more deficit spending?

Let me elaborate on the figure given by the Senator from California. He mentioned a deficit of $12 billion. I assume he is speaking now on a unified basis.

Mr. TUNNEY. Yes, on a unified basis.

Mr. HARRY F. BYRD, JR. That means, in order to get it down to $12 billion, we have had to utilize the trust funds of the social security system. If we put it on a Federal funds basis, we will find that the Federal Government for this fiscal year will have the highest Federal funds deficit in the history of the Nation with the exception of World War II, when we had 12 million men under arms and were fighting one war in Europe and another in the Pacific. So the deficit, on a Federal funds basis for the 4-year period ending June 30, 1974, will exceed $100 billion. If we want to put that on a unified fund basis, and utilize the surplus from the trust funds, mostly social security, we find that the deficit will be a smashing $85 billion during that short time of 4 years.

So before we can go into new programs it seems to me that we must re-examine our entire financial structure. That is what I am primarily attempting to suggest in connection with the reconstruction of Indochina.

Are we in a position financially to do that?

We can do it in a sound and solid way if the suggestion made by the distinguished Senator from California is followed; namely, to tie the bill to a tax bill and let Congress vote whether it wants to raise taxes to put into Southeast Asia. That will be a clearcut issue and each Senator can vote as he thinks best. That would be the sound way to handle it. My guess is, however, that such a proposal would get very few votes.

Mr. HANSEN. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. I am happy to yield to the Senator from Wyoming.

Mr. HANSEN. I should like to say that I have been very much impressed with the colloquy here this afternoon. I shall need to learn a great deal more about it than I know now before I am able to make a decision for myself on what is best to be done. But I think a couple of observations may be in order.

One, for a long time the nations of the world placed a high value on gold because gold was the one medium of exchange which was accepted by practically all countries the world over. That is no longer true. It is becoming increasingly apparent that the nations of the world today are more interested in jobs, in the standards of living that obtain in the various countries, than in any other one thing because that is the only way we can account for the fact that Japan and Germany, through their national banks, went into the monetary markets and started shoring up the sagging value of the American dollar, simply because they knew that if we were to experience——

The PRESIDING OFFICER (Mr. CLARK). The period for the transaction of routine morning business has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent for a further extension of the period for the transaction of routine morning business, not to exceed 20 minutes, with statements therein limited to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there further morning business?

Mr. HANSEN. I thank the distinguished majority whip.

May I say that what is happening now around the world is this: Many countries recognize that if they are going to maintain a standard of living which will be acceptable to their people, they have to keep their citizens employed.

Our dollars are in oversupply for a variety of reasons, one of which is continuing unbalanced budgets.

West Germany and Japan tried, by purchasing immense amounts of our currency, to keep the dollar from being devalued. They did that, not because of any desire to help us directly but rather to make it possible to continue to sell their products in America. They wanted to keep their workingmen employed. They wanted to preserve Japanese and German jobs. And they wanted to make it no easier for their citizens to import products made by American laborers.

The points raised this afternoon by the distinguished Senator from Virginia are relevant to the concern that we all should feel. I share the admiration, confirmed by many, of the distinguished Senator from North Carolina (Mr. ERVIN) because he has recognized that we cannot do everything on borrowed money. So what it means, I think, is that we must take stock of where we are now and what we propose to accomplish.

The relevant question which has been asked by the distinguished Senator from Virginia—certainly one of the most relevant, in my mind—is, Where is the money going to come from?

If we think we can continue to spend money as we have been spending it for every purpose, and if we were to single out and view individually each one of them, I expect there would not be many Senators who would find no merit in each one of them, but if we were to single them out, one at a time, it is easy to try to justify what we are doing. But in the overall, when we try to consider on the one hand what we are spending and what we have in order to provide that money on the other hand, then I think it becomes relevant to ask: Where is the money coming from? Therefore we could, with every serious and altruistic desire, overextend ourselves in Southeast Asia and then find that we could bring about a deterioration of conditions here in America that would so weaken and so undermine the basic strength of this country that we would no longer be able to discharge the role that I am certain not only most Americans, but also many other people in other countries in the world as well, hope we can continue to discharge—that sort of leadership that we have been able to exert so far. The influence that we have been able to bring to bear has many times made the difference between keeping the peace and causing a loosening up of those forces from which could easily erupt yet another world war.

So I join my colleagues in saying that I think we do need to examine our consciences, we do need to examine the motives of the nations in Indochina as well as those around the world and determine how best we can take such steps as we can afford to take which will assure reaching the objective for which we all strive.

There is no question that we all want peace. We know that basic to that peace is that people have the ability to make a decent living. There is no argument about that. But we know also that we cannot do it all ourselves. There are too many people—and I suspect there are some here in this Chamber—because of the feelings they have about our involvement in Vietnam in the first place, who may be overzealous in spending more than we can afford to spend, and spending it for purposes, perhaps, which we should not now permit our resources, because of a feeling of guilt for our involvement in the the first place.

Because of that, Mr. President, I am going to be listening very closely to the debate as it develops these coming weeks, to try to decide, as best I can, what the best course is for our Nation.

I thank the Senator.

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Wyoming is correct. I feel that the United States does have an obligation to the rest of the world. We must play an important role in world affairs. We cannot isolate ourselves. But I submit that we can only play a major role effectively over a period of time if we are soundly based financially.

As I see it, a nation can only be a progressive nation over a long period of time if it is soundly based financially, if its resources are not depleted.

I think that in assessing our worldwide role—and we have an important worldwide role—we must assess it in the light of the financial situation facing the United States today; and, whatever the reasons might be, the financial condition of our Nation, in my judgment, is very dangerous.

MONUMENT TO 1ST INFANTRY DIVISION, U.S. FORCES IN VIETNAM

Mr. ERVIN. Mr. President, I send to the desk a joint resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 66) to authorize the erection of a monument to the dead of the 1st Infantry Division, U.S. Forces in Vietnam.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate

proceeded to consider the joint resolution.

Mr. ERVIN. Mr. President, the joint resolution, which is introduced at the request of the Society of the First Division, is to give our approval to provide a monument to the dead of the 1st Infantry Division, U.S. forces in Vietnam.

I am honored to present this resolution to the Senate for approval for the erection of a memorial to the heroic dead of the 1st Infantry Division in Vietnam.

This monument will be erected at no expense to the U.S. Government, as were our monuments to the 6,000 dead of this intrepid fighting division in World War I and the 4,300 who made the supreme sacrifice in World War II. Two thousand six hundred names of the heroic dead of the Big Red One in Vietnam will be inscribed on the bronze plates of the proposed memorial.

The proposed monument will be an extension to the east of the present plaza—on grounds previously set aside for memorial purposes for the 1st Infantry Division by Congress.

The Society of the 1st Infantry Division—1st Division Memorial Committee will finance the erection of the monument by contributions of the more than 100,000 fighting men of this famous division who served with it in Vietnam; from former members of the Big Red One with World Wars I and II service; and from next-of-kin and the multitude of friends of the 1st Infantry Division throughout our land. I speak with pardonable pride of this renowned division—having served with the Big Red One in our conflict with the Imperial Powers in World War I.

Gen. John J. Pershing, who commanded the American Expeditionary Forces in the First World War, stated, in substance, that in that conflict the 1st Division displayed a pride of service and state of morale never broken by hardship or battle.

I have followed the heroic episodes of my former outfit during their incomparable feats on two continents in World War II; and then again from their landing in Vietnam throughout their outstanding accomplishments there until they finally returned to their home station at Fort Riley, Kans. Their devotion to duty and to their country—and their desire to memorialize their fallen comrades deserves our admiration and wholehearted support.

As a longtime member of the Society of the 1st Division, I give my personal assurance that their objective in erecting this monument to honor their Vietnam dead will be honorably attained and completed in a manner befitting a memorial to their deceased.

This group of fighting men from Vietnam, their former comrades and friends of the 1st Infantry Division have already accomplished through their personal efforts one of the greatest memorials to their fallen comrades of which I have ever heard. Through their 1st Division scholarship fund they have raised sufficient money to award every son and daughter of a fatal Vietnam casualty who was serving with the division a $2,000 scholarship award to be used to further their education. This will supplement the educational allowance provided by our GI bill and make it possible for the children of the Vietnam dead to enter adulthood on a equal educational basis with those who have been fortunate enough to have their fathers return from that conflict.

In urging the Senate's approval of this joint resolution, I recall the words of our 1st Infantry Division Commander in World War I, Gen. Charles P. Summerall:

What the 1st Division has done—it can do again!

This spirit and this tradition is deeply imbued in every man who has proudly worn the shoulder patch for the Big Red 1.

The men of this illustrious organization—the 1st Infantry Division—along with their comrades in the Society of the 1st Division, and their friends wish to perpetuate the memory and names of their fallen comrades in Vietnam. They want to keep alive and shining the motto of their division: "No mission too difficult: No sacrifice too great: Duty first" and record on eternal bronze tablets the names of those men who made the supreme sacrifice for their homeland in the jungles of Vietnam that a grateful Nation can read and honor those heroes. They will, with the consent of Congress, erect this monument honoring their dead, without cost to our Government.

Mr. President, I ask the unanimous consent of this body in support of the joint resolution.

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

Mr. ERVIN. I yield.

Mr. HANSEN. Mr. President, I do not object. I do not rise to propose any amendment. I simply want to state that I have talked with the minority members—or at least some of them—on the Veterans' Affairs Committee. May I say that despite the unusualness of this request, we can find no reason at all why the resolution should not be given immediate consideration.

It is not often that a proposal is made by a group to fund entirely a project as noteworthy as is this one. I certainly wholeheartedly support it. I hope it receieves the approval of the Senate.

Mr. ERVIN. I thank the Senator.

I yield the floor.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 66) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 66

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Society of the First Infantry Division—First Division Memorial Committee is authorized to erect (at no cost to the United States or the District of Columbia) a monument to the dead of the First Infantry Division, United States Forces in Vietnam, on the public grounds of the United States in the District of Columbia previously set aside for memorial purposes of the First Infantry Division, adjacent to the monument to the dead of the First Infantry Division, American Expeditionary Forces in World War I, and adjacent to the monument to the dead of the First Infantry Division, United States Forces in World War II.

SEC. 2. The design and plans for such monument shall be subject to the approval of the Secretary of the Interior, the National Commission of Fine Arts, and the National Capital Planning Commission.

SEC. 3. The Secretary of the Interior shall be responsible for the maintenance and care of any such monument, in accordance with the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935.

NATIONAL PRIORITIES AND THEIR FINANCING

Mr. TUNNEY. Mr. President, close to a month ago, President Nixon submitted his fiscal year 1974 budget. In response, the Democratic majority in the Senate should proceed without delay to develop its own comprehensive program of national priorities and the means to finance them.

I believe such a counter-program is essential if we are to respond effectively, and to restore hope and vital Government services to virtually millions now deprived of hospital care, school lunches, legal services, and so forth.

Merely restoring the $17 billion in cuts will not do the job. This blunt approach makes neither fiscal nor common sense.

Nor does it make sense to continue to fight the President on each issue separately, with some Senators focusing on pollution cuts, while others concentrate on farm or defense cuts or whatever. This divided and piecemeal approach will inevitably result in a total budget which sharply exceeds the President's. The President will then respond, as recent history shows us so well, by stressing the inflationary consequences of Congress' actions. He will have, as recent history also shows, considerable force of public opinion on his side—despite the fact that large and vocal segments of the public may not support his choices of programs to be cut.

A number of my colleagues have proposed rather sweeping and innovative reforms, calculated to give Congress the capability to put its fiscal house in order and reclaim its constitutional power over the purse. The proposed legislation would permit Congress to set its own priorities within its own ceiling. I strongly believe that we must do that, and I feel that we have to establish procedures for setting a spending ceiling and relating individual appropriations to that ceiling. As a matter of fact, the Democratic caucus recently passed a resolution, which I introduced, urging

the joint committee to review the operation of the budget to do just that.

It is unlikely, however, that these procedures or others proposed will be able to be effective for fiscal year 1974.

Therefore, in order to present a coherent counter-thrust and to do so in time to affect our decisions for fiscal year 1974 appropriations, it would seem that the Democratic majority, or a designated sub-group thereof, must immediately study the fiscal year 1974 budget and agree on the following:

First. Whether the total revenues and expenditures in the Nixon budget conform with sound policy for a strong national economy that increases employment and curtails inflation;

Second. Whether the priorities in the Nixon budget and their short- and long-term implications are a responsible allocation of Federal resources;

Third. Whether the relationship in the Nixon budget between defense and no-defense expenditures is a proper one, and, if not, what such a proper relationship should be;

Fourth. The need for tax reform, and the general outlines for such reform; and

Fifth. A statement, in broad categories, of what our spending priorities ought to be.

It would be my hope that all Democrats would use this agreement as the basis for decisions on each appropriations bill for fiscal year 1974. We would present a unified front to counter the President's budget. And, further, we would all move to enact procedural reform so that never again will Congress be forced to abdicate its rightful constitutional role in the raising and spending of revenues—and never again will promises to millions of Americans, be broken shortly after they are made.

I think this proposal is particularly pertinent in light of recent news that Congress will be requested to make a substantial contribution to the reconstruction of North Vietnam. Before we decide this matter, the Democratic majority needs to establish clear-cut guidelines as to what its priorities will be in the fiscal year 1974 budget.

Further, before we start considering individual appropriation bills, we should have some basic policy guidelines within which to work. I personally do not feel that the guidelines that the President has sent down are satisfactory. I feel strongly that the freezing of housing funds for the disadvantaged, the tremendous cuts in education, the cuts in research and development funds, the cuts in health funds, and many other cuts that have been made in programs for the social and economic infrastructure of this country are ill advised.

On the other hand, I feel that we have to have a budget ceiling, and I think the only salutary aspect of the President's budget and the impoundments that have taken place recently is that they are forcing Congress to face up to the fact that we must have our own independent procedure for establishing budget priorities. Eventually, it seems to me, whether it is a budget committee or the GAO, or some other committee, Congress must have its own and independent equivalent of the Office of Management and Budget.

But, whatever reforms we undertake for the long term, in order to deal with the fiscal year 1974 budget we, as Democrats sitting in Congress, are going to have to act together as soon as possible to establish our spending priorities. It is my hope also that the Republican side of the Senate, and those in the House of Representatives will set their priorities as well. Clearly, we all, Democrats and Republicans, have been given the power of the purse by the Constitution and as Republicans and Democrats we are going to have to reestablish our authority. Otherwise, we are going to see, through evolution, a fundamental constitutional amendment take place. In my mind, this result would be disastrous for the well-being of the Nation.

Mr. HANSEN. Mr. President, I was very much impressed by what my distinguished colleague from California just said. I am sure that he and I agree there are Members on both sides of the aisle who take all kinds of views of the proposals that have been made by the budget; there are those on his side of the aisle and mine who feel cuts should be made, even deeper than have been made, and there are others on both sides of the aisle who deplore that any cuts have been made at all.

But there is one point on which most of us can agree and that is that if Congress wants to take back from the Executive, as some believe is now indicated, the usurpation of power that many insist has been seized by the President, the best way to do that is to look first at ourselves, and if we want to set different priorities than the President is setting I think we have to determine how much money we are going to spend and to come up with an overall budget will not exceed that amount.

I am weary of people who criticize—and I say this not at all with reference to my good friend from California, I am weary of people who criticize the President for seizing power on the one hand and on the other proposing amendments to appropriation bills to spend more money, not less money for programs. It is this sort of action that has resulted in the dilemma, and, indeed, the crisis that we have in this country.

Last fall when we were debating the spending ceiling measure the House said, "Let us leave it up to the President as to where cuts should be made." The Senate took a different tack, and as I recall, some of the leadership in resisting action taken by the House came from the Republican side of the aisle. The Senator from Oregon (Mr. PACKWOOD) spoke eloquently, and the then Senator from Idaho (Mr. JORDAN) and others joined in. They all felt these decisions on the purse strings should be made by Congress. I agree. I say the way they can be made and made so meaningfully is first to devise some mechanism whereby it will be easier to say no than we have said it in the past.

We cannot spend money helter-skelter for every kind of program one can imagine and then in good conscience come out and say we are not going to approve the way the President is withholding funds.

To those who decry the President's actions, I say: Let us start saying no ourselves when we are inclined to appropriate money we do not have.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired. What is the will of the Senate?

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT

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 tomorrow.

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

ORDER ON RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for the recognition of Senators be completed on tomorrow prior to the laying before the Senate of the unfinished business, the Older Americans Act.

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

THE PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. EAGLETON, Mr. BENTSEN, Mr. KENNEDY, Mr. MATHIAS, Mr. HART, Mr. HUMPHREY, Mr. MUSKIE, Mr. CASE, and Mr. ROBERT C. BYRD.

At the conclusion of the aforementioned orders for the recognition of Senators on tomorrow, there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Senate will take up the Older Americans Act, S. 50, under a time limitation of 3 hours, with a time limitation on amendments, motions, or appeals. A yea-and-nay vote will occur on S. 50 tomorrow.

Upon the disposition of S. 50, the Older Americans Act, the Senate will proceed to the consideration of S. 394, a bill to amend the Rural Electrification Act of 1936, as amended. There is a time limitation on S. 394. It is possible that the Senate will complete action on S. 394 tomorrow. However, if action is not completed on S. 394 tomorrow, the Senate will resume consideration of that bill on Wednesday.

For the further information of Senators, upon the disposition of S. 394, the Rural Electrification Act, the Senate will take up S. 39, the so-called aircraft hijacking bill.

So there will be rollcall votes tomorrow, there will also be rollcall votes very likely on Wednesday, and it might be further stated that upon the disposition of the hijacking bill, the Senate will take up the various committee money resolutions. I would assume that the Senate would get to those on Wednesday or Thursday.

ADJOURNMENT

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 tomorrow.

The motion was agreed to; and at 5:34 p.m. the Senate adjourned until tomorrow, Tuesday, February 20, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 19, 1973:

SECURITIES AND EXCHANGE COMMISSION

The following-named persons to be members of the Securities and Exchange Commission for the terms indicated:

John R. Evans, of Utah, for the remainder of the term expiring June 5, 1973, vice James J. Needham, resigned.

Philip A. Loomis, Jr., of California, for the remainder of the term expiring June 5, 1974, vice William J. Casey.

G. Bradford Cook, of Illinois, for the term expiring June 5, 1977, vice Philip A. Loomis, term expired.

HOUSE OF REPRESENTATIVES—*Monday, February 19, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Preserve me, O God; for in Thee do I put my trust.—Psalm 16: 1.

God of our fathers, whose almighty hand has led us in the past and whose creative spirit is ever seeking to lead us in the paths of peace, along the ways of wisdom and up the steps of service, be Thous our guardian and our guide in these days of our national life.

We thank Thee for the life of him whose birthday we celebrate and whose name shines like a star in the firmament of faith and freedom. We remember his courage in adversity, his fidelity amid hardships, his willingness to preserve in spite of setbacks, and his faith in prayer which made him turn to Thee for guidance and strength in hours of need.

May the memory of his devotion to our country warm our hearts this day and may the benediction of Thy spirit abide with us as we continue to labor for the welfare of our people and the well-being of all mankind.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

GENERAL LEAVE

Mr. McFALL. Mr. Speaker, without its being considered a precedent, I ask unanimous consent that all Members who desire to do so may have permission to revise and extend their remarks and include extraneous material in the RECORD following the reading of George Washington's Farewell Address and also in that portion of the RECORD entitled "Extensions of Remarks."

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT OF CHANGE IN LEGISLATIVE PROGRAM

(Mr. McFALL asked and was given permission to address the House for 1 minute.)

Mr. McFALL. Mr. Speaker, I take this time to announce that we are postponing consideration of H.R. 3577, the interest equalization tax extension, and the postponement is at the request of the chairman. H.R. 3577 will not be considered this week.

Mr. Speaker, we will possibly have additional legislation ready by Wednesday, and we will announce that tomorrow.

I would call the Members' attention to the fact that the business of today's session consists only of the reading of George Washington's Farewell Address.

On Tuesday there are no bills to be considered on the Private Calendar. There is one bill, the American Revolution Bicentennial Commission amendment, to be scheduled on the Suspension Calendar for tomorrow.

GEORGE WASHINGTON'S FAREWELL ADDRESS

The SPEAKER. Pursuant to the order of the House of February 7, 1973, the Chair recognizes the gentleman from Virginia, Mr. ROBERT W. DANIEL, JR., to read George Washington's Farewell Address.

Mr. ROBERT W. DANIEL, JR. read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply. I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing