By Mr. ZABLOCKI:

H.J. Res. 378. Joint resolution requesting the President to issue a proclamation designating the week of April 23, 1973, as "Nicolaus Copernicus Week" marking the quinquecentennial of his birth; to the Committee on the Judiciary.

By Mr. DENT:

H. Con. Res. 124. Concurrent resolution providing recognition for Columbus; to the Commitee on House Administration.

By Mr. WHITEHURST:

H. Con. Res. 125. Concurrent resolution expressing the sense of the Congress with respect to the establishment of international criteria for endangered species of wildlife and the establishment of international humane standards; to the Committee on Foreign Affairs.

By Mr. BROWN of California (for himself, Ms. ABZUG, Mr. BURTON, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. CORMAN, Mr. DANIELSON, Mr. DELLUMS, Mr. DIGGS, Mr. DRINAN, Mr. FRASER, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. OWENS, Mr. STARK, Mr. THOMPSON of New Jersey, Mr. CHARLES H. WILSON of California, Mr. WOLFF, Mr. WON PAT, and Mr. YOUNG of Georgia):

H. Res. 242. Resolution authorizing each Member of the House to sue on behalf of the House with respect to funds illegally impounded by the President which would otherwise be available for programs and projects in that Member's district; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BELL, Mr. BIESTER, Mr. BRADEMAS, Mr. BROWN of California, Mr. BURKE of Massachusetts, Mr. BURTON, Mr. CHAPPELL, Mrs. CHISHOLM, Mr. CLAY, Mr. CORMAN, Mr. COUGHLIN, Mr. CRONIN, Mr. DELLENBACK, Mr. DELLUMS, Mr. DE LUGO, Mr. DENHOLM, Mr. DENT, Mr. DIGGS, Mr. DRINAN, Mr. DU PONT, Mr. ECKHARDT, and Mr. EILBERG):

H. Res. 243. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and each Delegate to the House, and for other purposes; to the Committee on House Administration.

By Mr. HARRINGTON (for himself, Mr. ESCH, Mr. FAUNTROY, Mr. FRASER, Mr. FRENZEL, Mr. FROEHLICH, Mr. GIBBONS, Mrs. GRASSO, Mr. GRAY, Mr. HANSEN of Idaho, Mr. HAWKINS, Mr. HECHLER of West Virginia, Miss HOLTZMAN, Mr. HORTON, Mr. KASTENMEIER, Mr. KEMP, Mr. LEGGETT, Mr. LUJAN, Mr. MCCORMACK, Mr. MCKINNEY, Mr. MACDONALD, Mr. MATSUNAGA, Mr. METCALFE, Mrs. MINK, and Mr. MITCHELL of Maryland):

H. Res. 244. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and each Delegate to the House, and for other purposes; to the Committee on House Administration.

By Mr. HARRINGTON (for himself, Mr. MOAKLEY, Mr. MOSHER, Mr. NEDZI, Mr. PEPPER, Mr. PODELL, Mr. POWELL of Ohio, Mr. PRITCHARD, Mr. REID, Mr. RIEGLE, Mr. ROSENTHAL, Mr. ROY, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, Mr. THONE, Mr. VANDER JAGT, Mr. WALDIE, and Mr. WOLFF):

H. Res. 245. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and each Delegate to the House, and for other purposes; to the Committee on House Administration.

By Mrs. SULLIVAN:

H. Res. 246. Resolution to provide funds for the expenses of the investigations and study authorized by House Resolution 187; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

44. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to the use of toxic material in the control of predators; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLATNIK:

H.R. 4698. A bill for the relief of Herman R. Klun and Helen Klun; to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.R. 4699. A bill for the relief of Ramona Castro Flores Vda. de Guzman; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 4700. A bill for the relief of Mrs. Rita Chelnek; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 4701. A bill for the relief of Antonio Corapi; to the Committee on the Judiciary.

By Mr. McSPADDEN:

H.R. 4702. A bill to authorize the President to issue posthumously to the late John Wayne Latchum a commission as a second lieutenant in the Regular Army; to the Committee on Armed Services.

By Mr. MURPHY of New York:

H.R. 4703. A bill for the relief of Rocco and Rosa Alfonzetti; to the Committee on the Judiciary.

By Mr. RODINO (by request):

H.R. 4704. A bill for the relief of certain former employees of the Securities and Exchange Commission; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 4705. A bill for the relief of Mr. Ismael Bautista Corona; to the Committee on the Judiciary.

By Mr. VEYSEY:

H. Res. 247. Resolution to refer the bill (H.R. 4450 entitled "A bill to clear and settle title to certain real property located in the vicinity of the Colorado River in Riverside County, Calif." to the Chief Commissioner of the Court of Claims; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

54. The SPEAKER presented petition of the board of directors, Oklahoma Municipal League, Oklahoma City, relative to Federal aid for highways; to the Committee on Public Works.

SENATE—*Thursday, February 22, 1973*

The Senate met at 11:30 a.m. and was called to order by Hon. WILLIAM D. HATHAWAY, a Senator from the State of Maine.

PRAYER

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

O God, who has made us in Thine own image and given us the gift of thought and mediation that we may be able to understand the meaning of life and human destiny, be with us now, as with reverent hearts and receptive spirits we draw near to Thee to receive the illumination we need for this day and its tasks. We thank Thee for every word Thou has spoken to us and art speaking today in nature, in history, in the Bible, in the church, and in our daily experience. We thank Thee most of all for the Word made flesh and lived among us. Help us to understand what we see in Him. May His mind be in our minds; His will become our will; His kingdom come in our hearts and expressed in our lives.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 22, 1973.

To the Senate:

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

JAMES O. EASTLAND,
President pro tempore.

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

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 21, 1973, the following reports of a committee were submitted on February 21, 1973, during the adjournment of the Senate:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 44. Resolution authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries and investigations (Rept. No. 93–41);

S. Res. 54. Resolution authorizing additional expenditures by the Committee on Armed Services for routine purposes (Rept. No. 93–42); and

S. Res. 55. Resolution authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations (Rept. No. 93–40).

SENATE RESOLUTION 69—ORIGINAL RESOLUTION REPORTED DURING ADJOURNMENT

(Placed on the calendar.)

Under authority of the order of the Senate of February 21, 1973, Mr. CANNON, from the Committee on Rules and Administration, reported on February 21, 1973, an original resolution (S. Res. 69) to amend rule XXV relative to open and closed sessions of committees, and submitted a report (No. 93–43) thereon, which report was printed.

The resolution reads as follows:

S. RES. 69

Resolved, To amend rule XXV, section 7, as follows:

After the number "7.", insert (a).

At the end of the paragraph, insert a new section (b) as follows:

"(b) Meetings for the transaction of business of each standing committee of the Senate, other than for the conduct of hearings (which are provided for in section 112(a) of the Legislative Reorganization Act of 1970), shall be open to the public except during closed sessions for marking up bills or for voting or when the committee by majority vote orders a closed session: *Provided,* That any such closed session may be open to the public if the committee by rule or by majority vote so determines."

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 123 (a), Public Law 91–605, the Speaker had appointed Mr. MIZELL as a member of the Commission on Highway Beautification, vice Mr. SNYDER, resigned.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 21, 1973, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

FURTHER EVIDENCE OF LESSENING OF TENSIONS BETWEEN THE UNITED STATES AND ASIA

Mr. SCOTT of Pennsylvania. Mr. President, a communique has been issued this morning on the visit of Dr. Henry Kissinger to the People's Republic of China. During his stay, as we know, he visited Chairman Mao Tse-tung and Prime Minister Chou En-lai, as well as the Foreign Minister and Vice Foreign Minister and other Chinese officials.

The two countries have agreed on a program for expanding trade as well as scientific and cultural exchanges and have noted that in order to facilitate this process and to improve communications it was agreed that each side would establish a liaison office in the capital of the other country in the near future. Details will be worked out through existing channels.

The two sides agreed that the normalization of relations will contribute to the relaxation of tensions in Asia and in the world. I think we can all agree that this is the case.

I am personally very glad indeed to hear that so much positive and substantive progress was made, not only in the visit to China but also in the visits to North Vietnam, Hanoi, and previous visits to South Vietnam.

This, together with the cease-fire in Laos, brings the total war in Southeast Asia ever nearer to a final close. Then there is the end of the bombing in Laos, which itself is very good news.

I am personally very gratified that a matter which I raised with Premier Chou En-lai last April, to which he promised to give very careful consideration, has been worked out. That is the invitation of the Philadelphia Symphony Orchestra to give concerts in the People's Republic of China, later this year.

The Premier expressed his desire to honor the President, who had invited the same premier orchestra to participate in the inaugural ceremonies.

I am pleased, too, that the recently discovered excavations, resulting in the finding of many valuable and culturally important artifacts, which are going to London and Canada, will also come to the United States.

There will also be an interchange of visits of many kinds—educational, cultural, journalistic, including a visit from a basketball team. I am not indicating a preference, but one of our prime amateur basketball teams will undoubtedly be invited to play a game with a People's Republic of China team.

All of this is good news. It is a part of a series of good news which we have been reporting over the period of the last 4 years, I am very glad to add, resulting from the relaxation of tensions in the world.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, if I may use 1 or 2 minutes of the 5 minutes under the standing order, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders No. 31, 32, and 33, this request having been cleared on both sides.

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

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF SENATE HEARINGS ENTITLED "RUNAWAY YOUTH"

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 2) authorizing the printing of additional copies of Senate hearings entitled "Runaway Youth," which had been reported from the Committee on Rules and Administration with an amendment in line 5, after the word "the", strike out "Ninety-third Congress, first" and insert "Ninety-second Congress, second"; so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary three thousand additional copies of the hearings of its Subcommittee To Investigate Juvenile Delinquency during the Ninety-second Congress, second session, entitled "Runway Youth".

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–23), explaining the purposes of the measure.

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

S. CON. RES. 2

The Committee on Rules and Administration, to which was referred the concurrent resolution (S. Con. Res. 2) authorizing the printing of additional copies of Senate hearings entitled "Runaway Youth", having considered the same, reports favorably thereon with an amendment and recommends that the concurrent resolution as amended be agreed to.

Senate Concurrent Resolution 2 as referred would authorize the printing for the use of the Senate Committee on the Judiciary of 3,000 additional copies of the hearings held by its Subcommittee To Investigate Juvenile Delinquency during the 93d Congress, first session, entitled "Runaway Youth."

The Committee on Rules and Administration is reporting Senate Concurrent Resolution 2 with a pro forma amendment, which would correctly identify by Congress the materials which are intended to be printed.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$1,967.00
2,000 additional copies, at $378.88 per thousand	757.76
Total estimated cost, S. Con. Res. 2	2,724.76

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF SENATE HEARINGS ENTITLED "SATURDAY NIGHT SPECIAL HANDGUNS, S. 2507"

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 3) authorizing the printing of additional copies of Senate hearings entitled "Saturday Night Special Handguns, S. 2507," which had been reported from the Committee on Rules and Administration with an amendment in line 5, after the word "the", strike out "Ninety-third" and insert "Ninety-second"; so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary three thousand additional copies of the hearings of its Subcommittee To Investigate Juvenile Delinquency during the Ninety-second Congress, first session, entitled "Saturday Night Special Handguns, S. 2507".

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–24), explaining the purposes of the measure.

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

The Committee on Rules and Administration, to which was referred the concurrent resolution (S. Con. Res. 3) authorizing the printing of additional copies of Senate hearings entitled "Saturday Night Special Handguns, S. 2507", having considered the same, reports favorably thereon with an amendment and recommends that the concurrent resolution as amended be agreed to.

Senate Concurrent Resolution 3 as referred would authorize the printing for the use of the Senate Committee on the Judiciary of 3,000 additional copies of the hearings held by its Subcommittee To Investigate Juvenile Delinquency during the 93d Congress, first session, entitled "Saturday Night Special Handguns, S. 2507".

The Committee on Rules and Administration is reporting Senate Concurrent Resolution 3 with a pro forma amendment, which would correctly identify by Congress the materials which are intended to be printed.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$4,269.00
2,000 additional copies, at $726.23 per thousand	1,452.46
Total estimated cost, S. Con. Res. 3	5,721.46

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF SENATE HEARINGS ENTITLED "JUVENILE CONFINEMENT INSTITUTIONS AND CORRECTIONAL SYSTEMS"

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 4) authorizing the printing of additional copies of Senate hearings entitled "Juvenile Confinement Institutions and Correctional Systems," which had been reported from the Committee on Rules and Administration with an amendment: in line 5, after the word "the", strike out "Ninety-third" and insert "Ninety-second"; so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary two thousand additional copies of the hearings of its Subcommittee To Investigate Juvenile Delinquency during the Ninety-second Congress, first session, entitled "Juvenile Confinement Institutions and Correctional Systems".

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–25), explaining the purposes of the measure.

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

The Committee on Rules and Administration, to which was referred the concurrent resolution (S. Con. Res. 4) authorizing the printing of additional copies of Senate hearings entitled "Juvenile Confinement Institutions and Correctional Systems," having considered the same, reports favorably thereon with an amendment and recommends that the concurrent resolution as amended be agreed to.

Senate Concurrent Resolution 4 as referred would authorize the printing for the use of the Senate Committee on the Judiciary of 2,000 additional copies of the hearings held by its Subcommittee To Investigate Juvenile Delinquency during the 93d Congress, first session, entitled "Juvenile Confinement Institutions and Correctional Systems."

The Committee on Rules and Administration is reporting Senate Concurrent Resolution 4 with a pro forma amendment, which would correctly identify by Congress the materials which are intended to be reprinted.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$6,620.00
1,000 additional copies, at $1,424.97 per thousand	1,424.97
Total estimated cost, S. Con. Res. 4	8,044.97

CHANGE IN ORDER OF RECOGNITION OF SENATORS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for the recognition of the Senator from Mississippi (Mr. EASTLAND) and the Senator from Ohio (Mr. TAFT) be reversed.

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

Under the previous order, the Senator from Ohio (Mr. TAFT) is recognized for not to exceed 15 minutes.

ORDER OF BUSINESS—INTRODUCTION OF A BILL

(The remarks Senator TAFT made at this point when he introduced S. 971, the Home Preservation Act of 1973, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and ask that the time for the quorum call be charged against the time of the distinguished Senator from Mississippi.

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

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ABOUREZK). Without objection, it is so ordered.

CHANGE IN ORDER OF RECOGNITION OF SENATORS

Mr. ROBERT C. BYRD. Mr. President, may I inquire of the Chair, under the order, what Senator was to be recognized at this time?

The PRESIDING OFFICER. Following the Senator from Mississippi (Mr. EASTLAND), the Senator from West Virginia (Mr. ROBERT C. BYRD).

Mr. ROBERT C. BYRD. Mr President, I ask unanimous consent that the order recognizing me at this time and the order recognizing the distinguished Senator from Arkansas (Mr. MCCLELLAN) be reversed so that he may be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas is recognized.

THE FACTS ABOUT DEFENSE SPENDING

Mr. MCCLELLAN. Mr. President, there is today an impression among many of our citizens that defense spending is the prime cause of the rapidly increasing high cost of the Federal Government. This is, indeed, an erroneous impression. The fact is that since 1964 the cost of Government has gone up $150 billion—from $118.6 billion to $268.7 billion estimated in fiscal 1974. Of that total increase, only 19 percent, or $28.6 billion, is attributable to military spending. The remaining 81 percent, or $121.4 billion, is attributable to nonmilitary functions and services, such as human resources and general government.

Since 1964, Federal outlays for human resource items—education and manpower, health—including medicare and medicaid; income security, including social security; public assistance and unemployment insurance, and veterans benefits—have increased from 29 percent to 47 percent—$34.3 billion to $125.5 billion. This percentage is nearly half of all Federal expenditures. This means that, during the past decade, the Federal Government has spent $36.5 billion more for human resource programs than it has on the military functions of the Department of Defense—$788.3 billion for human resources—$751.8 billion for defense.

The defense share of the total Federal budget continues to decline. In fiscal 1974, for example, proposed defense outlays constitute only 29 percent of the total Federal budget—down 13.4 percent from the prewar fiscal 1964 level. Thus, the defense portion of the proposed budget for 1974 is the lowest percentage of the total Federal outlays for military functions since fiscal year 1950.

Moreover, defense spending has been rising far less rapidly than any other major item in the budget. While total Federal outlays have gone up about 127 percent in the past decade—from $118.6 billion to $268.7 billion, estimated for 1974—defense spending has increased by only 58 percent during this same period—from $49.5 billion to $78.2 billion. At the same time, Federal aid to education jumped 466 percent, from $1.1 billion to $6.3 billion; public assistance 246 percent, from $3.1 billion to $10.7 billion; social security 235 percent, $16.2 billion to $54.2 billion, and health care and medical services, including medicare and medicaid, increased dramatically by 4,571 percent—from $393 million to $18.4 billion.

So, Mr. President, contrary to errone-

ous belief of many, the truth is that our Government is spending far less for defense than it is on nondefense programs. This salient but too often overlooked fact is graphically illustrated in a chart prepared by the staff of the Senate Appropriations Committee, a copy of which has been placed on the desk of each Member of the Senate. I now ask unanimous consent to have this chart, which shows the true perspective of defense spending, printed in the RECORD.

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

COMMITTEE ON APPROPRIATIONS, COMMITTEE PRINT, BUDGET OUTLAYS BY FUNCTION

[Dollar amounts in millions]

	Fiscal year 1964		Fiscal year 1974 (proposed)		
	Amount	Percent of total budget	Amount	Percent of total budget	Comment
(1)	(2)	(3)	(4)	(5)	(6)
Department of Defense	$49,577	42	$78,200	29	Up $28,623 or 58 percent.
Federal aid to education	1,110	0.9	6,281	2.3	Up $5,171 or 466 percent.
Public assistance	3,085	2.6	10,665	4	Up $7,580 or 246 percent.
Social security—Federal old-age survivors and disability trust fund	16,203	14	54,232	20	Up $38,029 or 235 percent.
Health services, medicare, medicaid, and others	393	0.3	18,358	7	Up $17,965 or 4,571 percent.
Interest (net)	9,810	8	24,672	9	Up $14,862 or 151 percent.
Other	38,406	32	76,257	28	Up $37,851 or 99 percent.
Total	118,584	100	268,665	100	Up $150,081 or 127 percent.

10-YEAR COMPARISON OF DEPARTMENT OF DEFENSE OUTLAYS TO TOTAL OUTLAYS

[Dollar amounts in millions]

	Fiscal year 1964		Fiscal year 1974		Increase	
	Amount	Percent of total budget	Amount	Percent of total budget	Amount	Percentage
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Defense	$49,577	42	$78,200	29	+$28,623	19
Federal Government other than defense	69,007	58	190,465	71	+121,458	81
Total	118,584	100	268,665	100	+150,081	100

Mr. McCLELLAN. Mr. President, in evaluating the fiscal situation and in pointing out where the real increases in spending have occurred during the past 10 years, I do not do so for the purpose of defending the amount of appropriations being requested for the Defense Department. In my judgment, reductions still can be made and should be made in the defense budget that has been submitted for fiscal year 1974.

Last year we did reduce the defense appropriations request by some $5 billion. The total reductions under budget requests for all appropriations for fiscal 1973 was somewhat less than $6 billion. So the reductions last year in expenditures under the budget requests were primarily reductions made in the defense appropriation.

We anticipate—and we shall certainly try to make—further reductions under the budget requests this year, and I make this statement as chairman of the Defense Appropriations Subcommitee. But I do think we should set the record straight, in that the great increase in the cost of Government that we have experienced during the last decade is not attributable primarily to defense spending.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield?

Mr. McCLELLAN. I yield to the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I congratulate the distinguished chairman of the Committee on Appropriations for having taken the floor at this time to make the statement which he has just made.

I want to associate myself with his remarks—and I do so in the same tenor of his remarks—that what he is saying is not being said in defense of the military budget in its entirety. He has stated that unquestionably there are areas in that budget which could be reduced, and possibly ought to be reduced. He has stated that Congress should scrutinize the defense budget carefully and that where it can make savings commensurate with national security, it should make them. I share this viewpoint.

He has also directed attention to the fact that while the defense budget has gone up from the standpoint of dollars and cents, the outlays for human resources and other areas have gone up to a much greater extent. He is not finding fault with this, and neither am I.

Mr. President, the defense budget for fiscal year 1974—and I want the distinguished chairman of the committee to correct me if I am wrong—is in the amount of $79 billion when we exclude Atomic Energy and other related costs. This is an increase of about $4.2 billion over the comparative figure for last year. But that $4.2 billion increase is really necessitated by virtue of the increases in military pay that we ourselves have enacted into law and by virtue of inflationary increases that we have all witnessed. For example, let us take purchases. Out of that $79 billion, $35 billion—or 44 percent—is for purchases of goods and services, and that covers everything from Scotch tape and missiles to telephone bills and aircraft carriers. The inflationary pressures in this area have gone up 39 percent from 1964 to 1974.

What I am saying is that 56 percent of this budget is to pay people, and yet we are going to have a lower overall manpower level—2.2 million—than we have had at any time since before the Korean war. With 56 percent to pay people, this leaves 44 percent for goods and services, the price of which has gone up tremendously. For example, the price of a submarine is about $182 million today compared with its equivalent 10 years ago of about $55 million; the cost of a destroyer would be about $93 million today compared with $27 million 10 years ago; an $800,000 helicopter today would have cost $300,000 10 years ago; and so on and so on.

I think the Senator is just expressing the hope that we will keep this defense budget in its proper perspective and not all go after it with the idea that all the cuts can come out of defense.

Mr. McCLELLAN. Mr. President, will the Senator yield at that point?

Mr. ROBERT C. BYRD. I yield.

Mr. McCLELLAN. It is said that we are running today about $25 billion in debt, or more, each year; that there is a deficit along that line. The President, in his budget that he submits here, shows that we are going into debt $12.7 billion this year or that is the amount of our expected deficit. Actually it would be about $25 billion as related to the Federal budget. We are going to borrow about $12 billion from trust funds to be expended for general purposes of operating the Government. Thus, the Federal funds, the Treasury will owe the trust funds about $12 billion more than it now owes to those funds. But, on the basis of overall intake and outgo, it will be about $12.7 billion.

We must understand and keep in mind that if we should cut all of this out of military funds we would certainly have inadequate appropriations for defense.

We cannot cut the salaries of military personnel. These are fixed by law. Between $3 and $4 billion of the President's

increased request over the budget expenditures of last year is for salaries, clothing, food and shelter, and support of the men in our Armed Forces. This comes to 56 percent of total proposed military expenditures for fiscal year 1974.

The other 44 percent to which the distinguished Senator from West Virginia referred is for the procurement of supplies, weapons, maintenance of defense installations, and so forth. The total requested for defense can be reduced some, I believe, and we hope to do that. But all reductions that will be required to hold the line on spending cannot be taken out of defense spending alone. Much of it will have to be taken out of other programs and services.

But what I am trying to point out and have the RECORD reflect very clearly is that you cannot reduce military appropriations enough to balance the budget or even bring it within near balance. There will have to be very substantial cuts in other places, also.

Mr. ROBERT C. BYRD. Yes. And the military pay increases and increases in military retirement result from laws which we ourselves have passed.

Mr. McCLELLAN. Yes. There was a substantial increase in legislation Congress passed last year and it was a deserved increase in my judgment. Now we have to make additional appropriations for it. This necessarily increases the cost of Government.

Mr. ROBERT C. BYRD. Yes. And the only way to cut that is to cut down the manpower level which has already been cut to 2.2 million in the 1974 budget.

Mr. McCLELLAN. Whether that can be further reduced is a matter of opinion. I am not prepared to say, but as long as we have the present level of forces it takes this amount, 56 percent, of the total budget to meet this cost.

Mr. ROBERT C. BYRD. To pay people.

Mr. McCLELLAN. To pay the people; to pay servicemen.

Mr. ROBERT C. BYRD. Mr. President, has the time expired?

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. ROBERT C. BYRD. Mr. President, now, am I to be recognized under the order?

The PRESIDING OFFICER. Under the previous order the Senator from West Virginia is recognized for not to exceed 15 minutes.

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

The PRESIDING OFFICER. The Senator may proceed.

Mr. ROBERT C. BYRD. Mr. President, may I say further to the distinguished chairman of the Committee on Appropriations that I feel that some of the forces we have in Europe and their dependents could be brought home. Perhaps this is an area in which we could legitimately make some cuts. The distinguished majority leader has led this fight over a number of years and I have joined him and will again.

Mr. McCLELLAN. I supported him in that effort and I still support him. I think we should bring most of our NATO troops home.

Mr. ROBERT C. BYRD. Yes. So there are areas in the military that could legitimately be cut, but we should keep in true perspective this budgetary picture as it affects the military. I believe the Senator said 29 percent or 30 percent of the total outlay is involved for defense.

Mr. McCLELLAN. Twenty-nine percent.

Mr. ROBERT C. BYRD. Whereas, as recent as fiscal year 1970, 41 percent of the total outlay was for defense. So it is down from 41 percent in 1970 to 29 percent in 1974. I assume the chairman would agree that if we look at the military budget against the gross national product we again see a decreasing proportion for the military. I think it is down to 6.4 percent of the gross national product, which is considerably lower than a few years ago.

While we certainly want, therefore, to continue to scrutinize the military budget, I share with the chairman the belief that we must keep in mind that the top priority—we speak about priorities—is to insure that this Nation survives. That is the No. 1 priority because the greatest danger to peace in the world would be a weak America.

Mr. McCLELLAN. I agree with the Senator. When I began examining the budget and making comparisons and trying to ascertain what had caused such a tremendous increase in the cost of Government, I was greatly surprised to find that of the $150 billion increase in the cost of our Federal Government over the past 10 years the military accounted for only 19 percent of that increase, and these other programs shown in the table that I have placed in the RECORD are the primary—the principal cause of the mounting cost of Government.

Another illustration is that interest on the national debt in 1964, 10 years ago, was less than $10 billion a year; the estimate for next year, fiscal year 1974, will be $26 billion.

I understand that is probably an underestimate and that it will come nearer being $28 billion than $26 billion. So, as we go further and further into debt and the interest rate increases—it is higher now than it was 10 years ago—that becomes an uncontrollable item that has to be paid each year. Thus the cost of Government increases proportionately.

Mr. ROBERT C. BYRD. I thank the distinguished Senator for presenting to the Senate this very interesting, informative, and enlightening statement. He has performed a service.

Mr. McCLELLAN. I thank my colleague.

Mr. President, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, how much time remains to me?

The PRESIDING OFFICER. The Senator from West Virginia has 11 minutes.

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

ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders or their designees under the standing order, the Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

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

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

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Appropriations, with amendments:

H.J. Res. 345. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes (Rept. No. 93-44).

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. Res. 35. Resolution authorizing additional expenditures by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States (Rept. No. 93-45); and

S. Res. 56. Resolution authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations (Rept. No. 93-46).

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. TAFT (for himself and Mr. CRANSTON):

S. 971. A bill to help preserve and improve low- and moderate-income housing. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JAVITS (for himself and Mr. SCHWEIKER):

S. 972. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. HOLLINGS:

S. 973. A bill to amend section 2412 of title 28, United States Code, to provide for the recovery of attorney's fees and expenses in certain actions brought by or against the United States. Referred to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. WILLIAMS, and Mr. MONDALE):

S. 974. A bill to amend the Public Health Service Act to provide, in the training of health professionals, for an increased emphasis on the ethical, social, legal, and moral implications of advances in biomedical research and technology. Referred to the Committee on Labor and Public Welfare.

By Mr. HARTKE (for himself and Mr. SCOTT of Pennsylvania):

S. 975. A bill to prohibit the transportation or shipment within the United States of gas cylinders not inspected in the United States. Referred to the Committee on Commerce.

By Mr. McINTYRE (for himself, Mr. BIBLE, Mr. NELSON, Mr. BURDICK, Mr. SPARKMAN, and Mr. HUMPHREY):

S. 976. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that Act with respect to small businesses. Referred to the Committee on Labor and Public Welfare.

By Mr. TAFT:

S. 977. A bill to amend the law enforcement education program. Referred to the Committee on the Judiciary.

By Mr. EASTLAND (for himself, Mr. ALLEN, Mr. BAKER, Mr. BARTLETT, Mr. BELLMON, Mr. BENNETT, Mr. BENTSEN, Mr. BROCK, Mr. BURDICK, Mr. CHILES, Mr. COOK, Mr. COTTON, Mr. CURTIS, Mr. DOMINICK, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. GURNEY, Mr. HANSEN, Mr. HASKELL, Mr. HATFIELD, Mr. HOLLINGS, Mr. MAGNUSON, Mr. MCCLELLAN, Mr. MCCLURE, Mr. MCGEE, Mr. MCGOVERN, Mr. MOSS, Mr. NUNN, Mr. PACKWOOD, Mr. RANDOLPH, Mr. ROTH, Mr. SCOTT of Virginia, Mr. SPARKMAN, Mr. STENNIS, Mr. STEVENS, Mr. TALMADGE, Mr. THURMOND, Mr. TOWER, Mr. WEICKER, and Mr. YOUNG):

S. 978. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful. Referred to the Committee on the Judiciary.

By Mr. BROOKE (for himself and Mr. GRAVEL):

S. 979. A bill to authorize the establishment of the Springfield Armory National Historic Site, Massachusetts, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. JAVITS (for himself, Mr. TUNNEY, Mr. BROOKE, Mr. CASE, Mr. HART, Mr. HUMPHREY, Mr. KENNEDY, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. PELL, Mr. RIBICOFF, and Mr. WILLIAMS):

S. 980. A bill to permit payment of extended unemployment compensation benefits to additional workers, and for other purposes. Referred to the Committee on Finance.

By Mr. BELLMON:

S. 981. A bill to amend the Commodity Credit Corporation Charter Act to provide for the publication of certain information. Referred to the Committee on Agriculture and Forestry.

By Mr. KENNEDY (for himself, Mr. INOUYE, Mr. JAVITS, Mr. PELL, and Mr. WILLIAMS):

S. 982. A bill to substantially reduce the personal dangers and fatalities caused by the criminal and violent behavior of those persons who lawlessly misuse firearms by restricting the availability of such firearms for law enforcement; military purposes, and for certain approved purposes including sporting and recreational uses. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. BIBLE, Mr. COOK, Mr. CRANSTON, Mr. EAGLETON, Mr. HART, Mr. HUMPHREY, Mr. KENNEDY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. PASTORE, Mr. RIBICOFF, Mr. STEVENSON, Mr. TOWER, and Mr. FONG, Mr. BROCK, Mr. BENTSEN, Mr. CHURCH, and Mr. TUNNEY):

S. 983. A bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such Act to schedule II; and

S. 984. A bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. BIBLE, Mr. EAGLETON, Mr. HART, Mr. HUMPHREY, Mr. KENNEDY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. PASTORE, Mr. STEVENSON, Mr. TOWER, Mr. FONG, Mr. BROCK, Mr. BENTSEN, Mr. CHURCH, Mr. TUNNEY, and Mr. RIBICOFF):

S. 985. A bill to amend the Controlled Substances Act to establish effective controls against diversion of particular controlled substances and to assist law enforcement agencies in the investigation of the diversion of controlled substances into other than legitimate medical, scientific, and industrial channels, by requiring manufacturers to incorporate inert, innocuous tracer elements in all schedule II and III depressant and stimulant substances, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. HUMPHREY, and Mr. TALMADGE):

S. 986. A bill to incorporate the Gold Star Wives of America. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. RANDOLPH, and Mr. HART):

S. 987. A bill to protect the constitutional rights of those subject to the military justice system, to revise the Uniform Code of Military Justice, and for other purposes. Referred to the Committee on Armed Services.

By Mr. THURMOND (for himself, Mr. SCOTT of Virginia, Mr. CURTIS, and Mr. FONG):

S.J. Res. 68. A joint resolution proposing an amendment to the Constitution of the United States with respect to the method of appointing electors of the President and the Vice President of the United States. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 971. A bill to help preserve and improve low- and moderate-income housing. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. TAFT. Mr. President, on behalf of the Senator from California (Mr. CRANSTON) and myself, I am today, introducing the Home Preservation Act of 1973.

When Department of Housing and Urban Development Secretary Romney announced the "freeze" on new commitments under existing housing programs, he stressed the need for a period of concentrated reevaluation to determine whether our national housing strategy should be redesigned. Senator CRANSTON and I are introducing this legislation at this early date so that it can be given thorough consideration as a part of that reevaluation. We believe strongly that housing policy should be altered to place more emphasis on keeping our existing housing in good condition.

During the past several years, the Nation has been fortunate enough to experience a recordbreaking pace of housing construction; 1972 was the second straight year in which a new all-time record for housing starts was established. The record has improved even more dramatically for subsidized housing. As Secretary Romney said some time ago, we have provided more housing for low- and moderate-income families in the past years than in the previous 31.

At the same time that we have been making great strides in providing new housing, however, the existing housing in all too many of our cities has been falling apart. In 1969, the Secretary of HUD even stated that existing housing was deteriorating faster than new units were being built. The number of substandard units in Baltimore, for example, increased from 43,000 to 65,000 between 1960 and 1969. New York City's inventory of deteriorating housing grew by 37 percent in the early and middle 1960's, while the number of units in standard condition grew by only 2.4 percent. The situation is similar in other cities across the country. As of 1968, more than 6 million housing units were substandard and were either dilapidated, deteriorating, or lacking in full plumbing facilities. It is not uncommon for the housing of our low- and moderate-income Americans to be infested with rats and plagued by stench and garbage, treacherous electrical arrangements, leaky roofs, inadequate heating systems, and broken windows, stairs, and handrails.

Over the last few years, a new dimension to this already dismal picture has developed as massive amounts of housing have simply been left to rot. Cleveland is losing 2,400 units per year in this way, and Chicago is losing about 1,800. There are approximately 20,000 abandoned buildings in Philadelphia, 5,000 in Baltimore, 2,000 to 3,000 in Detroit, and around 1,000 in Boston and Washington. In New York City, housing is being abandoned at a faster rate than it is being constructed. Even these figures do not indicate the seriousness of the abandonment problem at the local level, since abandonments tend to snowball in a neighborhood. The abandoned properties attract socially undesirable elements who either vandalize the properties or use them for socially unacceptable and illegal purposes. Residents of nearby structures who can move out of the neighborhood are likely to do so. The resultant high vacancies and reduced rental incomes encourage more abandonments, blight, and social problems.

Perhaps the most tragic part of the abandonment story, however, has been the Federal Housing Authority's involvement in it. Partly as a result of pressure from Washington in the late 1960's, the FHA quickly expanded its mortgage insurance programs in central cities. The necessity caution was not exercised and the result has been well documented: over-appraisals of property; approval of "rat traps" as suitable for Government-supported low-income residents; and clientele who received insufficient counseling, did little maintenance and could not really afford their mortgage payments or were unwilling to continue payments for housing which had proved

to be defective. Abandonment after abandonment occurred, at an average cost to the taxpayers estimated by General Accounting Office Comptroller General Staats to be $3,835 per each section 235 unit, on which a foreclosure takes place.

Congress should give full consideration to the impressive construction record under HUD programs as it endeavors to reevaluate housing policies, but the new construction figures should not hoodwink anyone into thinking that we can continue to devote insufficient attention to the deterioration and abandonment problem—one of the prime items that ought to be on our agenda for housing this year. Every housing unit that deteriorates to the point where it no longer constitutes a suitable living environment partially negates the new construction effort. Furthermore, the cost of providing new low-income housing is often astronomical when compared with the cost of stopping housing decay in its early stages. Anyone who has been involved with urban renewal is also aware that it is much less difficult, expensive, and disruptive to prevent slums than to cure them. In most cases, even the people who are supposed to be helped by housing and community development programs would rather not trade their old neighborhoods, with the buildings, streets, and friends they have known all their lives, for a "renewed" neighborhood.

In other words, it is ridiculous to pour money into new construction and urban renewal without making a concerted attempt to save the suitable housing we already have. A housing preservation program could be a tremendously effective weapon for preventing slums and urban blight; 80 percent of the abandoned housing in New York City was classified only 3 years earlier as sound or deteriorating, but not dilapidated. Yet our present attitude with regard to the condition of existing housing can only be described as "neglect." After inflation is taken into account, Americans' expenditures for housing maintenance, repairs, and major replacements actually declined in constant dollars from $127 per unit in 1962 to $102 per unit in 1970. According to the President's June 1972 Report on Housing Goals, the average American spends enough on repairs and maintenance to care adequately for a housing unit with only slightly more than half the value of his home. This neglect certainly contributed to a housing loss total for the 1960's which exceeded the record of the 1950's by 3.4 million.

Government policies have done little to stem the tide of housing deterioration. Despite the overwhelming number of housing programs, only the code enforcement program is designed specifically to help preserve neighborhoods and houses before their condition becomes catastrophic—and that program is not even being funded this year. The general policy has been that a homeowner or landlord with an aging dwelling is not the Government's concern until the property falls apart to the point that substantial rehabilitation is necessary. This policy is even reflected to some extent in our tax laws; accelerated depreciation for rehabilitation is only available for rehab jobs of at least $3,000. But substantial rehabilitation has proved so prohibitively expensive, and the relocation which often must accompany it so distasteful, that rehabilitation is the only category for which we are falling considerably short of the pace needed to attain the 10-year housing goal set in 1968.

The Government's crisis policies have been applied to whole neighborhoods as well as the housing stock. All too often we have followed the bulldozer and bureaucrat approach of sitting on our hands until a neighborhood is virtually ruined, then undertaking a renewal program involving enormous social upheaval and tremendous expense for the taxpayers.

It is true that there are neighborhoods which have deteriorated to the point where a housing preservation program will make little difference and comprehensive redevelopment is the only viable strategy. In many neighborhoods which can still be saved, it will take more than home improvements to prevent further blight. Local and Federal funds will have to be coordinated so that improved services can be provided to such neighborhoods.

The realization that home preservation measures cannot save our cities singlehandedly, however, is not a valid excuse for governmental inaction. There is a vast amount of aging housing whose useful life can be prolonged significantly if necessary improvements are made. We should help people save these homes while the saving can still be done at reasonable costs. Action should be taken before the homes deteriorate to the point where they become major contributors to blight or slums.

The Home Preservation Act is designed to help us get more mileage out of our existing housing stock in several ways. Title I, which was essentially included in last year's Senate housing bill, will make home repairs possible for many homeowners and landlords who cannot afford to increase their monthly housing expenses. This legislation recognizes that much of our housing is deteriorating because owners just cannot afford to spend money on their property. All elements of housing costs—financing, maintenance, operating, and property taxes—have been rising swiftly and steadily over the past decade. As a result, the owner-occupant finds that he cannot afford to make needed repairs and improvements. The landlord realizes that adequate rent rises to meet the increasing expenses are precluded by the limited incomes of his tenants, and reacts by skimping on maintenance and repairs. The result in terms of the livability of dwellings is disastrous. New York judges, recognizing the seriousness of this economic squeeze, often charge such meager fines as 50 cents for violations of housing codes. In areas where militant tenants have brought about strict enforcement of the codes, many landlords have chosen to abandon structurally sound units rather than follow a court order requiring them to carry out moderate rehabilitation.

This attitude is likely to predominate in neighborhoods where there is already considerable blight and the abandonment process is well under way. In neighborhoods where blight is not so widespread and the abandonment process has hardly begun, however, many people may very much want to stay and protect their investment. Nevertheless, taking out a loan for repairs and improvements is impractical for them if it means increasing their monthly debt service payments. In addition, their neighborhoods have long been "red-lined" by conventional lending sources, and financing for mortgages and repairs is exhorbitantly expensive if available at all.

Title I would help people in this situation by allowing FHA insurance to be used for obtaining the private market refinancing necessary to stretch out existing mortgages. In this manner, money could be provided for home repairs without forcing the property owner to pay higher monthly housing expenses. For example, a homeowner that has a $100 monthly mortgage payment and 3 years left to pay on his mortgage could use the title I program to lengthen his mortgage so that he is loaned the capital to repair his home. He would repay the new mortgage by continuing to pay $100 as long as necessary to cover both his outstanding mortgage indebtedness and his repair loan. For example, the new repayment period might be 10 years rather than only 3.

This title also includes appropriate safeguards to insure that the program will not be abused and that it will be used only in situations where it is likely to be effective. It involves no front-end subsidy. I believe that it will prove to be an effective means of enabling owners to preserve their housing and prevent housing deterioration—at very little cost to the Federal Government.

Title II of the Home Preservation Act recognizes the special home repair and improvement needs of our Nation's elderly and handicapped citizens. These citizens often have trouble obtaining home improvement loans at decent interest rates because of their limited potential earnings capacity. Because a proportionately higher percentage of these people's income must be used for health care expenses, they cannot afford housing expenses as high as others with the same amount of income. Particularly in the case of the elderly, home repairs and improvements take on added importance because their homes are often their only major investments. In addition, special home preservation assistance is needed for the elderly because about 84 percent of them have already paid off their mortgages and therefore cannot be helped by title I of this bill. In the case of the handicapped, housing improvements will help to fulfill one of their most vital needs by facilitating their ability to live independently.

To take care of the special home preservation needs of the elderly and handicapped for the first time, title II of our bill would authorize HUD to provide 3-percent home repair loans of up to $5,000 for elderly and handicapped homeowners who could not otherwise afford to fix up their homes. We recognize, however, that some of the Nation's poorest elderly

and handicapped citizens will not be able to afford even a 3-percent loan. Accordingly, such citizens could obtain an interest-free loan with all payments deferred for their lifetimes.

I expect that this title will have a considerable impact on housing in our rural areas, where so many of the elderly poor are located.

Title III addresses directly the problem of mortgage defaults and related distress sales and housing abandonments in our inner cities. A 1962 study by HUD's predecessor agency, the Housing and Home Finance Administration, casts considerable light upon the foreclosure problem. In its interviews with borrowers in six large metropolitan areas whose FHA, Veterans' Administration, or conventional mortgages had been foreclosed, HHFA found that "curtailment of income," "illness or injury," and "increased housing costs" were the most frequent reasons given for foreclosure. Over 58 percent of the borrowers mentioned curtailment of income, usually as a result of loss of employment, as a major reason for foreclosure. Close to one half of the borrowers listed illness or injury, and over 30 percent of the borrowers listed increased housing costs consisting mainly of taxes, repairs, and improvements.

In recognition of the hardships caused by losing such a major investment as a home through foreclosure, the public expense involved when the mortgage is insured by the Government and the importance of such factors as unemployment, illness and injury in bringing about these hardship situations, section 109 of the Housing and Urban Development Act of 1968 authorized the Department of Housing and Urban Development and the private insurance industry to develop an insurance program which would help homeowners meet mortgage payments in times of personal economic adversity. Although the Department of Housing and Urban Development's required report under section 109 has never been submitted, HUD personnel have informally stated that this type of insurance is not practical because the premiums would have to be too high.

Consequently, title III of our bill would tackle the same problem in a different way. Assistance would be provided in the form of direct loans to homeowners who otherwise would face emergency situations which could lead directly to foreclosure. It is designed especially for FHA- and VA-insured borrowers. Loans to those borrowers could save the Government considerable amounts of money, by helping to avert multi-thousand dollar losses to the taxpayers through foreclosures.

Government loans would be available to borrowers who are temporarily unable to make part or all of their mortgage payments because of the death, illness, or unemployment for reasons beyond the control of the principal mortgagor. These loans would only be made to borrowers who have already tried to take care of their problem by working with lenders to alter the mortgage terms, and the amount of any loan could not exceed whatever amount would be required to make mortgage payments for a year. In addition, HUD would be directed to encourage the development and use of nongovernmental methods of dealing with this type of personal catastrophe.

Loans of up to $5,000 would also be available to help homeowners who otherwise would be unable to finance repairs necessary to protect the basic livability of their homes. This provision is a "gap filler," in recognition that title I cannot help those whose mortgages have been repaid and title II is of value only to the elderly and handicapped. There are also some situations in which a direct repair loan makes much more sense than a Government-guaranteed mortgage extension, in spite of the budgetary outlay involved. For example, if a homeowner needs only $1,000 for essential repairs, refinancing under title I could involve an excessive closing cost amount in relation to the loan principal.

To minimize Government involvement and expense under title III, no repair loan will be made unless refinancing under title I is unavailable or undesirable given the applicant's situation. In addition, the applicant must accept any available FHA-insured home improvement loan under title I of the National Housing Act for the maximum term provided at the maximum monthly amount he can reasonably repay. Only any additional money which he needs would be loaned to him under title III.

Repayment of title III loans could be deferred if necessary, but the borrower would have to repay as soon as he could afford to do so without expending an excessive proportion of his monthly income for housing. Loans to borrowers with FHA and VA mortgages could be deferred for a longer maximum period than loans to conventional mortgagors. The interest rate on these loans will be the Treasury borrowing rate on loans of at least comparable maturity—10–12 years—plus one-fourth of 1 percent for "normal" expenses. Thus the only subsidy involved in this program would be the "abnormal" administrative and loss expenses incurred because these are high-risk loans with rather flexible terms. As in title II, HUD would protect its investment by placing a lien on any property whose mortgagor receives a loan.

The first of the three miscellaneous sections contained in title IV creates a Home Preservation Loan Fund. This revolving fund will be the source of money for loans under title II and loans to borrowers with conventional mortgages under title III. Repayments under these programs will be made to the fund. Title III borrowers with Government-guaranteed mortgages will use the FHA's Special Risk Insurance Fund, since these loans are partially designed to reduce the expenditure of the FHA's insurance funds. Fifty million dollars is authorized for the Home Preservation Fund.

The second section of title IV authorizes demonstration programs designed to improve maintenance of federally assisted housing. I believe that this is one of the most essential areas in which we must work—not just from the standpoint of keeping housing in good shape, but from the standpoint of making federally assisted housing acceptable to the neighborhoods and therefore facilitating its development. Citizens whose neighborhoods are being threatened by federally assisted housing often voice the fear that those people will not keep up their property. We should encourage the assisted people themselves to maintain their housing better so that this cannot be considered a valid objection to low-income housing.

More specifically, section 402 would encourage low-income FHA homeowners to open joint checking accounts with approved counseling agencies and, based on the maintenance needs of their homes, deposit an agreed-upon amount of money in the account every month. The account could only be used for maintenance or emergency expenditures and the counseling agency would have to cosign all withdrawals. This would give the counseling agency the opportunity to accompany each withdrawal with the counseling advice it deems appropriate to encourage effective and improved maintenance practices and efficient use of maintenance funds.

The legislation also gives the Secretary of HUD the power, on a demonstration basis, to provide cash bonuses to assisted families which have done an exceptionally good job of maintenance. I am told that total expenditures by local housing authorities in Ohio of bonuses as small as $50 per year have resulted in substantially better maintenance of public housing.

The Secretary of Housing and Urban Development is asked to evaluate these demonstrations during the next 3 years and make any legislative recommendations which he deems appropriate.

The last section of the Home Preservation Act could lead to the elimination of redtape and result in reducing the number of tragic instances where participation in an FHA program means a duped consumer, a house in intolerable condition and another housing abandonment. This section asks the Secretary of Housing and Urban Development to recommend within 6 months the extent to which FHA processing functions could be performed by the lenders participating in the various programs.

In some FHA programs the lenders may be able to take the responsibility for such functions as screening applicants and inspecting dwellings, if appropriate safeguards are instituted to ensure that lenders would try to do a good job. Perhaps a 5-percent coinsurance arrangement, whereby lenders would be reimbursed for only 95 percent of any loss due to foreclosure, would give them an appropriate stake in carrying out their functions conscientiously. Under such an arrangement, I doubt that the FHA's 1969–70 record of insuring, by some counts, nearly as many defective section 235 homes as homes which were in good condition would have been compiled. The problem would be to strike a balance so that lenders would not be discouraged unduly from participating in the FHA programs which help those most in need. In addition, lenders would probably have to be paid for assuming additional functions.

It is generally agreed that the tremendous workload on the FHA insuring offices during 1969 and 1970 increased sub-

stantially the incidence of sloppy appraisals and exploitation by speculators. If the FHA could successfully transfer some of its processing functions to lenders, its insuring offices would be able to devote more attention to proper administration of the functions which must be retained by the Government. The problem of waiting months for the FHA to finish processing insurance applications could also be alleviated.

The measures included in this bill constitute a comprehensive program to preserve our Nation's housing. Title I will assist both homeowners and landlords who are still paying off mortgages and cannot afford high housing costs per month. Title II is designed to help fulfill the special needs of the elderly and handicapped, the majority of whom do not have mortgage obligations. Title III will meet the home repair needs of those who are not helped by other programs, and for the first time will provide a means of preventing needless foreclosures. Title IV creates a basis for dealing directly with two problems which have aggravated our home preservation efforts so much: inadequate maintenance and poor FHA administration of insurance programs.

In keeping with the necessity for fiscal restraint, these programs attack the housing deterioration problem with a minimal amount of Federal outlays. As much reliance as possible is placed on private financing. No loans are available under any section of our bill to people whose needs could be satisfied adequately through private arrangements. Where direct outlays have been deemed necessary, we have provided for loans rather than grants—even though grant programs would probably be much easier to administer.

I believe that the programs authorized by the Home Preservation Act can be coupled with more extensive use of preservation-oriented programs, such as code enforcement and section 23 leased existing housing, to combat the deterioration problem effectively. The goals of this bill—to provide repair assistance on a broad-scale basis for those who cannot afford repairs; deal adequately with the home repair problems of our elderly and handicapped citizens; prevent foreclosures which could have been averted, particularly where the mortgage in question is Government insured; encourage better home maintenance and facilitate better the administration of FHA insurance programs so that taxpayer sponsorship of housing deterioration and abandonment will be minimized—are absolutely essential. I hope that this bill provide a model from which Congress can work to formulate legislation which will achieve these goals. I am by no means wedded, however, to the bill's specific provisions. In particular, there is a great need to simplify and consolidate the present maze of housing programs, and I would cooperate fully with any efforts on the part of the administration or others to include an effective and simple home preservation program in any consolidation of our housing laws.

The import thing is not that the exact form of this bill be adopted, but that our housing programs be redesigned to devote much more attention to the preservation of the existing stock. We are letting housing be wasted needlessly, and the result is more poor people living in hazardous conditions, blight in our cities and rural areas, and acclerated neighborhood disintegration.

It is about time that we stop allowing our landscapes to be littered and our neighborhoods to be lost and start working to preserve our Nation's housing.

I ask unanimous consent that a statement by Senator CRANSTON and the text of the proposed legislation be printed in the RECORD.

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

STATEMENT BY SENATOR CRANSTON

Our nation's housing policy is marked by extremes. We tend to ignore housing conditions—until they get bad enough, and then the Federal government intervenes with drastic programs like renewal. There are few gradations in between, with the exception of small programs like Section 312 rehabilitation loans and code enforcement. As a result, in my own State of California, there are 700,000 substandard units. Our nation's housing policy has for too long neglected the protection of our existing housing stock.

The President's 1972 Fourth Annual Report on National Housing Goals indicates that within the nation's existing stock of 68 million units, 5.2 million are in substandard condition. Of these, 1.4 million are dilapidated or need major repairs. The bulk, while deteriorating, could be saved with moderate rehabilitation.

In the Home Preservation Act of 1973, which I am pleased to introduce with Senator Taft, assistance is provided for the moderate rehabilitation of structures in order to extend their life and usefulness.

The result of poor housing maintenance is that many buildings that could be repaired and whose useful life could be extended are being abandoned. A study entitled "Housing and Poverty" (1970) by William Grigsby et al. concludes with this warning:

"The country is fast approaching a housing crisis. For a number of cities, it has already arrived. It is not a production crisis, present emphases of federal programs notwithstanding. Rather, it is occasioned by the deterioration and partial abandonment of large sectors of the inner city. Were only the worst buildings being abandoned or poorly maintained, the interpretation of this situation would have to be favorable. This is not the case, however. Much fairly good housing is falling into disuse and disrepair. Indeed, the numbers are overwhelming even reasonably large production efforts for low-income families."

The Department of Housing and Urban Development estimates that between now and 1978, 8.5 million units presently in use will be eliminated from the housing supply. In Baltimore, 4,400 units are abandoned annually; in Philadelphia, an estimated 35,000 units; in New York City, the number is put at 50,000 units per year. The startling fact is that 80 percent of the abandoned units in New York City had been classified only three years ago as sound but deteriorating.

Landlords and owner occupants of inner city property are either unwilling or unable to finance needed repairs so that much of the housing for low- and moderate-income families in urban areas is intolerable—rat-infested and garbage strewn, with broken stairs and handrails, defective furnaces, hazardous wiring, leaky roofs, and crumbling foundations.

These families will not be helped by relying solely upon new construction. The bulk of subsidized units under the Section 235 and 236 programs have been constructed outside of the central city. The President's January 5 moratorium on new subsidy commitments means that even this construction will be diminished.

In Newark and New York, housing units are being abandoned faster than they are being built. Short as we are of decent housing, we cannot afford such losses.

Title I of the Home Preservation Act is designed to extend the life of housing in neighborhoods threatened by housing abandonments. Financial assistance—through the mechanism of refinancing—is extended to landlords and owner occupants of single family and multi-family units in declining neighborhoods which are, nevertheless, reasonably stable.

Under Title I, FHA insurance is used to guarantee mortgages refinanced by private lenders for property in areas threatened by housing abandonments. The refinanced mortgage includes a building improvement loan.

These loans are either not now available or are only available at high interest rates because they involve a higher risk than ordinary refinanced loans and are more expensive to administer. The combination of an FHA guarantee and Federal administrative assistance to assure that the buildings are properly maintained will enable lenders to charge lower interest rates. The legislation further provides that if refinanced loans are not available at the FHA established interest rates, the Government may subsidize the points necessary to bring the interest down to the FHA level.

Stretching out the mortgage over a longer period will make available monies for the repair and improvement of the structure, without, however, increasing the mortgagor's monthly debt payment and without increasing a tenant's rental payment. If a tenant or mortgagor now pays $150 per month for housing expenses, he will pay no more after the mortgage is refinanced. All the additional money made possible by refinancing must be used to repair the structure and keep it in good condition for the term of the new mortgage.

Title I is essentially the same proposal that Senator Taft and I offered in the 92d Congress and which was embodied in the Senate-passed version of the 1972 Housing and Urban Development Act.

The 1970 Census showed that of the nation's 20 million elderly, 68 percent own their own homes—more than 80 percent own them mortgage free. To many elderly, a home represents a life-long investment. Despite limited income and problems due to advancing age, many elderly homeowners want to retain their homes but find the cost of upkeep and repairs beyond their reach. Their dilemma is not easy to resolve: they cannot finance repairs to keep their homes livable, yet alternative housing suitable in location and price is scarce. I believe we should help the elderly remain homeowners if that is their desire.

The Department's current rehabilitation loan program is limited to urban renewal, code enforcement, and concentrated rehabilitation areas. Loans are available only to bring homes all the way up to code or renewal standards. If the elderly do not reside in these areas, they must turn to private lending sources for short-term rehabilitation loans at high interest. Based on the 1970 Census, the average income for an owner-occupied elderly household is $3700, making short-term loans at high interest an impossibility.

Title II provides home repair and improvement loans on easy terms to elderly and handicapped homeowners with limited income who need to correct defects that impair the use and livability of their homes.

The Act provides for 3 percent home re-

pair loans up to a maximum value of $5,000. A low income elderly or handicapped homeowner unable to carry a low-interest loan is eligible for an interest-free grant of up to $5,000. This grant constitutes a lien on the property to be discharged at the time the property is sold or when assets of the estate are liquidated upon the owner's death.

I believe this loan program will give more elderly persons the opportunity to live out their lives in their own homes—in a manner which gives them dignity.

Two years ago at this time, California had a staggering unemployment rate of 7.1 percent. Homeowners who had lost their jobs due to cut-backs in the aerospace industry and other industries faced the prospect of losing their homes because they could not keep up their mortgage payments.

To provide them with relief, I introduced in the 92nd Congress S. 735, a bill authorizing the Federal government to insure loans to defray mortgage payments on behalf of homeowners who were temporarily unemployed or whose income had been sustantially reduced.

While the rate of unemployment has dropped from its high point in 1971, there still are families who face losing their homes because the breadwinner has been laid off or because disability or illness has struck him down. Senator Taft and I have developed a loan program in Title III of this Act to sustain homeowners through periods of distress.

Title III provides loans to borrowers, whose mortgages are insured by the Federal government or by conventional lenders, in an amount sufficient to cure the default on the mortgage within 12 months. Repayment is expected as soon as the mortgagor can meet the obligation without incurring an excessive monthly housing expense, customarily interpreted to mean a housing expense which represents over 30 percent of one's income. Borrowers with conventionally financed mortgages must begin repayment not later than five years after the issuance of the loan; however, borrowers with FHA and VA insured mortgages may defer repayment for longer periods if it is necessary.

Recognizing that distress sales also result because mortgagors cannot finance unexpected and necessary repairs, Senator Taft and I have included in Title III emergency home repair loans, whose repayment may likewise be temporarily deferred.

The interest rate on loans issued under Title III will bear the same interest rate as marketable obligations of the United States having a maturity of 10 to 12 years, plus ¼ of 1 percent for routine expenses.

Since the terms of these loans are flexible—and, thus, carry a higher risk—and because they represent a direct budget outlay, Senator Taft and I view them as assistance of a last resort—loans to be used after mortgagors have tried to get lenders to forbear, or after mortgagors have sought home improvement loans under Title I of the National Housing Act, and after the possibility and desirability of refinancing has been investigated.

Title IV of the Home Preservation Act creates a Home Preservation Loan Fund, for which $50 million is authorized. This fund will cover loans to the elderly provided in Title II and loans to borrowers with conventionally insured mortgages in Title III. Loans to borrowers with FHA and VA mortgages in Title III will be charged to the Special Risk Insurance Fund.

Title IV has two additional sections: the first authorizes the Secretary to undertake demonstration programs in counseling low income homeowners on home maintenance; the second, requires the Secretary to report to Congress on the possibility of transferring to mortgagees the responsibility for processing and approving applications for mortgage insurance under programs of the National Housing Act.

The Home Preservation Act is intended to strike a better balance in our housing policy, which has up until now been weighted toward newness—new construction, renewal, new communities, new-town's-in-town. This has been an expensive emphasis. The social and economic costs of permitting neighborhoods to decay are high. So is the price tag for clearance and new construction. The nation's demand for decent housing requires that we be less wasteful of our resource of existing units. Senator Taft and I offer the Home Preservation Act as a start in that direction.

The bill reads as follows:

S. 971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Home Preservation Act of 1973".

FINDINGS AND POLICY

SEC. 2. (a) The Congress affirms the national goal, as set forth in section 2 of the Housing Act of 1949, of "a decent home and suitable living environment for every American family". The Congress finds, however, that policies designed to contribute to the achievement of this goal have not directed sufficient attention and resources to the preservation of existing housing and neighborhoods, that the deterioration and abandonment of housing for the Nation's lower income families has accelerated over the last decade, and that this acceleration has contributed to neighborhood disintegration and has partially negated the progress toward the national housing goal which has been achieved through new housing construction.

(b) The Congress declares that a greater effort should be made to encourage the preservation of existing housing and neighborhoods inhabited by lower income families, under conditions where such efforts are economically justifiable and have reasonable prospects for success, and that such efforts should utilize the resources and capabilities of the Federal Government, State and local governments, and private enterprise. The Congress further declares that such an effort should concentrate, to a greater extent than it has in the past, on housing and neighborhoods where deterioration is evident but has not yet become acute.

TITLE I—REFINANCING FOR HOME PRESERVATION

SEC. 101. Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"REFINANCING FOR HOME PRESERVATION

"SEC. 244. (a) The purpose of this section is to encourage the preservation and upgrading of existing low- and moderate-income housing through a program of mortgage insurance, designed to enable residential property owners who cannot afford additional monthly housing expenses to undertake needed housing repairs and renovations and moderate, but not necessarily substantial, housing rehabilitation and to help combat the phenomenon of housing abandonment.

"(b) The Secretary is authorized to insure any mortgage in accordance with the provisions of this section, upon such terms and conditions as he may prescribe, and to make commitments for such insurance prior to the date of the execution of any mortgage or any disbursement thereon. The Secretary shall establish procedures to expedite, to the maximum extent feasible, the processing and approval of applications for insurance hereunder.

"(c) As used in this section—

"(1) the term 'low- or moderate-income housing' means a building containing one or more dwelling units, which is predominantly occupied by families or individuals of low, or moderate income, as determined by the Secretary in a manner consistent with the purpose of this section; and

"(2) the term 'sound condition' means a condition which meets all State and local requirements relating to housing conditions, public health or safety other than the requirements of any building code, except that in the event such local requirements are absent or inadequate, the Secretary may impose alternative appropriate standards; and

"(3) the terms 'mortgage', 'mortgagee', and 'mortgagor' shall have the same meaning as in section 201 of this Act.

"(d) A mortgage insured under subsection (b) shall—

"(1) cover predominantly residential property which provides either low- or moderate-income housing in sound condition or housing which is not in sound condition but which is capable of being placed in sound condition with assistance provided under this section;

"(2) cover property located in a neighborhood or area which is threatened by housing deterioration or abandonment but which is reasonably stable and contains sufficient public facilities and services to be reasonably capable of supporting long-term values, or which is to be improved through community programs of neighborhood preservation or rehabilitation;

"(3) secure an indebtedness the principal amount of which does not exceed the sum of—

"(A) the amount required to refinance existing indebtedness secured by the property;

"(B) such initial mortgage service charges, points, closing costs, and appraisal, inspection, or other costs and fees as the Secretary shall approve pursuant to regulations consistent with the purposes of this section; and

"(C) the estimated cost of any repairs and improvements required by subsection (e) and of all additional repairs and improvements accomplished with funds provided by any loan insurable hereunder;

"(4) provide for complete amortization by periodic payments within such term satisfactory to the Secretary, as the mortgagor and mortgagee shall agree upon, based upon the projected remaining economic life of the structure after repairs and improvements have been made, but not to exceed, in any event, twenty-five years; and

"(5) bear interest on the amount of the principal obligation outstanding at any time at a rate not in excess of such per centum per annum as the Secretary shall by regulation prescribe as necessary to meet the applicable mortgage market.

Notwithstanding any other provision of this section, the Secretary's insurance obligation with respect to the principal of a mortgage may not exceed 90 per centum of the sum of—

"(A) the appraised value of the property as of the date the mortgage is accepted for insurance (except that the Secretary may exclude any increase in that value which he determines to be caused by governmental actions under this section);

"(B) such initial mortgage service charges, points, closing costs, and appraisal, inspection, or other costs and fees as the Secretary shall, by regulation, and consistent with the purpose of this section, approve; and

"(C) the cost of any repairs and improvements required by subsection (e) and of all additional repairs and improvements provided by any loan insurable hereunder,

except that in the case of refinancing by a nonprofit or cooperative described in subsection (e) (3), the obligation of the Secretary may not exceed 98 per centum of such sum

"(e) The Secretary shall prescribe such terms and conditions as he deems necessary to assure that—

"(1) refinancing pursuant to this subsection results in the making of any repairs to

the property that are necessary to place it in a sound condition or enables the mortgagor to pay off a mortgage containing a balloon payment provision, and is not used primarily to reduce the monthly debt service payable by the mortgagor except in hardship cases as determined by the Secretary;

"(2) in the case of refinancing pursuant to this section which is used primarily to repair and improve the property, a reasonable proportion of the loan proceeds shall be used to finance repairs and improvements;

"(3) the mortgagor or a member of his immediate family shall have owned the property for a period of not less than three years prior to such refinancing, unless the mortgagor is a cooperative or nonprofit certified by the Secretary as eligible for insurance under this section;

"(4) the property will be continuously maintained in sound condition for the period of the loan; and

"(5) in the case of refinancing pursuant to this section which involves a rental project containing more than four dwelling units—

"(A) the mortgagor shall deposit in a checking account to be used solely for maintenance expenditures not less than that percentage of his gross rental receipts which he designates and the Secretary approves as necessary or appropriate to maintain the building in sound condition;

"(B) during the mortgage term no rental increases may be made except those which are necessary to offset actual and reasonable operating expense increases;

"(C) no excessive rent increase has been made in anticipation of refinancing pursuant to this section; and

"(D) before any rental increase takes effect, tenants will be afforded reasonable notice of the proposed increase and a sufficient opportunity to present written objections to the Secretary and to be heard thereon.

"(f) Any mortgagee under a mortgage insured under this section shall be entitled to receive the benefits of the insurance authorized hereunder—

"(1) in accordance with the provisions of section 204(a), which apply to mortgages insured under section 203, if the mortgage is secured by property containing fewer than 5 dwelling units, and the provisions of subsections (b), (c), (d), (g), (j), and (k) of section 204 shall be applicable to such mortgages; or

"(2) in accordance with the provisions of section 207, if the mortgage is secured by property containing more than four dwelling units, and the provisions of subsections (d), (e), (h), (i), (j), (k), (l), and (n) of section 207 shall be applicable to such mortgages,

except that all references contained in sections 204 and 207 to the 'Mutual Mortgage Insurance Fund' shall be construed to refer to the 'Special Risk Insurance Fund' and all references therein to sections 203 and 207 shall be construed to refer also to section 214.

"(g) In carrying out his functions under this section, the Secretary shall use his best efforts to enlist the support and cooperation of State and local governments in establishing and maintaining programs which contribute to the achievement of the purposes of this section, including the provision of adequate municipal services in low- and moderate-income areas, particularly in areas threatened by building abandonment, and in insuring, to the maximum extent feasible, the administration of laws and ordinances relating to the existing housing stock, including building codes, housing codes, health and safety codes, zoning laws and property tax laws, in a manner which will encourage maximum utilization of this program in accordance with the purposes of this section.

"(h) The Secretary shall develop and maintain full information and statistics regarding the utilization of and experiences incurred under this program, which shall include information and statistics concerning—

"(1) financial market conditions, including the interest rates, payback periods, and other terms and conditions affecting housing eligible to be refinanced hereunder;

"(2) the character, extent, and actual costs of repairs, renovations, and moderate housing rehabilitation undertaken hereunder;

"(3) factors affecting and statistics showing the extent of actual and potential utilization of this program;

"(4) factors affecting the processing time of applications submitted hereunder and statistics showing processing times actually experienced;

"(5) mortgage arrearages, defaults and and foreclosures on mortgage loans insured hereunder and expenses incurred as a result of such arrearages, defaults and foreclosures;

"(6) abuses of the program, actual or potential, and remedial and punitive actions taken in connection therewith; and

"(7) the costs of administering the mortgage insurance program provided by this section,

and shall submit to the Congress not later than February 15 of each year an annual report summarizing such information, together with an analysis of the effectiveness and scope of the program and recommendations for its improvement and future utilization.

"(i) If the Secretary determines that the unavailability of property insurance coverage is hindering the widespread utilization of this program, he shall take all practicable steps to ensure that the protection and benefits of title XII of this Act are utilized to provide adequate property insurance coverage for mortgagors and mortgagees under this program.

"(j) If the Secretary determines that widespread utilization of this program is hindered by the charging of points or discounts by mortgagees, he shall take steps to implement the Government National Mortgage Association's authority under section 305(j) and 302(c) of this Act to purchase and make commitments to purchase mortgages insured under this section, at a price equal to the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items, and to sell such mortgages at any time at a price within the range of market prices for the particular class of mortgages involved at the time of sale as determined by the Association."

SEC. 102. (a) Section 238(b) of the National Housing Act is amended—

(1) by striking out "and 243" each time it appears and inserting in lieu thereof "243, and 244";

"(2) by striking out "and 237" and inserting in lieu thereof "237, and 244"; and

(3) by striking out "or 243" and inserting in lieu thereof "243, or 244".

(b) The second sentence of section 305(g) of such Act is amended by inserting between "and" and "no such commitment" the following: ", unless the mortgage is insured under section 244,".

(c) Section 235(i)(3)(A) of such Act is amended by inserting after "Housing and Urban Development Act of 1965" the following: "*Provided further*, that the mortgage may involve an existing dwelling or a family unit in an existing project if such mortgage involves refinancing consistent with the purposes of section 244 and subject to the provisions of subsections (d) and (e) of such section, other than the requirement in subsection (e)(1) of such section that refinancing not be used primarily to reduce the monthly debt service payable by the mortgagor except in hardship cases.

TITLE II—HOME REPAIR LOANS FOR THE ELDERLY AND HANDICAPPED

SEC. 201. (a) In order to assist elderly or handicapped families to repair and improve their homes and thereby provide themselves with decent, safe, and sanitary housing, the Secretary is authorized to provide assistance in the form of loans as provided for in subsection (c), and in the form of advances when necessary as determined under subsection (d), to elderly and handicapped families who own and occupy residential property containing one, two, three, or four dwelling units, to cover the cost of repairs, improvement, and other rehabilitation necessary to protect or improve the basic livability or utility of such property.

(b) For the purpose of this section, the term "elderly or handicapped families" has the same meaning as in section 202 of the Housing Act of 1959.

(c)(1) The Secretary may make a loan with respect to residential property if he determines that—

(A) the applicant is without sufficient resources to afford the necessary repairs, improvements, or other rehabilitation;

(B) the applicant is unable to secure the necessary funds for such repairs, improvements, or other rehabilitation from other sources upon terms and conditions which he could reasonably be expected to fulfill; and

(C) the loan is an acceptable risk taking into consideration the need for rehabilitation, the ability of the neighborhood to provide a suitable living environment, the security available for the loan, including the applicant's equity in the property, and the ability of the applicant to repay the loan.

(2) Except as provided in subsection (d), assistance under this section with respect to any property shall be in the form of a loan in a principal amount equal to the lesser of (A) the cost of the necessary repairs and improvements of such property as determined by the Secretary, or (B) $5,000. Any such loan shall bear interest at the rate of 3 per centum per annum on the amount of the principal obligation outstanding at any time, provide for complete amortization by periodic payments within a period not exceeding fifteen years, be secured as determined by the Secretary and be subject to such other terms and conditions as the Secretary may prescribe to assure that the purpose of this section is carried out.

(d)(1) In any case where assistance other than (or in addition to) a loan under subsection (c) is necessary to enable an elderly or handicapped family to carry out repairs, improvements, or other rehabilitation because an elderly or handicapped family cannot afford all or part of the required payments of principal and interest on the loan, the Secretary is authorized to make an advance to such family to cover or assist in covering the cost of the necessary repairs, improvements, or other rehabilitation. The amount of such advance shall be the cost of the repairs, improvements, or other rehabilitation (but not more than $5,000), reduced by the principal amount of any loan made under subsection (c) in connection with the same repairs, improvements, or other rehabilitation.

(2) Any advance made to an elderly or handicapped family under this subsection shall be a repayable advance and as such shall create a lien on the property in favor of the Secretary in an amount equal to the amount of the advance, and such lien shall be duly recorded. Such advance shall be repaid (without interest) and the lien discharged at such time as the property is subsequently sold or otherwise transferred to another person (other than to the owner's surviving spouse) and shall be subject to such other terms and conditions as the Secretary may prescribe.

(e) The Secretary is authorized to dele-

gate to or use as his agent any Federal or local public or private agency or organization to the extent he determines it to be desirable to carry out the objectives of this section in the area involved, and to reimburse any such agency for necessary expenses for services and facilities for the servicing of loans or advances made under this title.

(f) All funds received and loans, repayable advances, or other disbursements made by the Secretary in carrying out his functions under this title shall be credited or charged, as appropriate, to the Home Preservation Loan Fund established by section 401 of this Act.

TITLE III—EMERGENCY HOME PRESERVATION LOANS

STATEMENT OF PURPOSE

SEC. 301. The purpose of this title is—

(1) to prevent mortgage defaults, distress sales, and the abandonment of homes, particularly in cases where a mortgage insured or guaranteed by the United States Government is involved, by mortgagors who are temporarily unemployed or whose income is drastically reduced because of the death, illness, or disability of the principal mortgagor, and who require the assistance available under this title for a reasonable period of time in order to make the necessary financial adjustments; and

(2) to prevent mortgage defaults, distress sales, and the deterioration and abandonment of homes, particularly in cases where a mortgage insured or guaranteed by the United States Government is involved, by homeowners who are unable to finance on reasonable terms, through conventional means or other Federally assisted home repair programs, the full cost of repairs necessary to protect the basic livability or utility of their homes.

PERIODIC PAYMENT ASSISTANCE

SEC. 302. (a) The Secretary of Housing and Urban Development is authorized, upon such terms and conditions as he may prescribe, to enter into a loan agreement with a mortgagor who is temporarily unable to make monthly mortgage payments as a result of the death, disability, illness, or unemployment of the principal mortgagor for reasons beyond his control, which agreement provides for the making of disbursements on that loan in the form of periodic payments to a mortgagee on behalf of that mortgagor.

(b) The amount of any such periodic payment with respect to any mortgage may not exceed the amount of the monthly payment required under the mortgage for principal, interest, taxes, insurance, and mortgage insurance premium. Payments on behalf of any mortgagor may not be made for more than twelve months.

(c) No such periodic payments may be made unless the Secretary determines that—

(1) the mortgagor has sought to extend the time permitted for the curing of the default and has sought to modify the terms of the mortgage by recasting any unpaid amount owed on the mortgage over an additional period of time beyond the term of the mortgage;

(2) the making of such payments, together with such other assistance as may be available from public or private sources, can reasonably be expected to result in a curing of the default within twelve months; and

(3) the mortgagor has executed a loan agreement which meets the requirements of section 304.

(d) In carrying out the purpose of this section, the Secretary shall issue regulations limiting the benefits of this section to mortgagors who, except for the assistance provided by this section, have no other practicable means of curing the default in their mortgage obligations. The Secretary shall encourage the use of such other means as may be appropriate to carry out the purpose of this section and section 301(1).

REPAIR AND IMPROVEMENT LOANS

SEC. 303. (a) The Secretary is authorized, upon such terms and conditions as he may prescribe, to make home repair loans to homeowners who are unable to finance on reasonable terms, by any means other than the assistance under this section, the full cost of repairs necessary to maintain their homes in a suitable living condition.

(b) No such loan may be made unless the Secretary determines that—

(1) the homeowner has applied for a home repair loan insured pursuant to section 2 of the National Housing Act for the maximum principal amount reasonably repayable by him over the maximum repayment period prescribed for such loans, taking into account his ability to meet monthly payments on such a loan, and if any such loan was available to him, the homeowner received such loan in such principal amount;

(2) the repairs are necessary to establish or maintain the basic livability of the home, and the cost of the repairs exceeds the principal amount of the loan referred to in the preceding clause;

(3) the principal amount of the loan made by the Secretary, when added to the principal amount of the loan referred to in clause (1), does not exceed $5,000, or the cost of the repairs, whichever is less; and

(4) refinancing pursuant to section 244 of the National Housing Act is unavailable, or such refinancing would be a less desirable means of providing the necessary assistance to the homeowner than the provision of a loan under this section.

LOAN TERMS

SEC. 304. (a) Any loan under this title shall—

(1) bear interest at not to exceed a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years, adjusted to the nearest one-eighth of 1 per centum, plus one quarter of 1 per centum, per annum;

(2) provide for complete amortization by periodic payments within such reasonable period (commencing after any period of deferral under clause (3)) as the Secretary may prescribe in order that, to the maximum extent practicable, the homeowner or mortgagor not be required to pay an excessive proportion of his monthly income for housing;

(3) provide that repayment may be deferred until (A) the first mortgage on the property with respect to which the loan under this title was made has been repaid, or (B) the Secretary is satisfied that repayment on reasonable terms can proceed in an orderly fashion without requiring the homeowner of mortgagor to pay an excessive proportion of his monthly income for housing, whichever occurs first; and

(4) comply with such other terms, conditions, and restrictions as the Secretary may prescribe.

Notwithstanding any other provisions of this section, repayment on any loan may be deferred for a maximum period of five years unless the borrower is a mortgagor whose mortgage is insured or guaranteed by the United States Government, except that the repayment of any loan made pursuant to section 303 may be deferred until any loan referred to in section 303 (b)(1) has been repaid.

(b) Any loan made under this title shall be secured by a lien against the property with respect to which the loan is made, and such lien shall be duly recorded. Notwithstanding any other provisions of this title, upon the sale or other similar transfer of such property, the Secretary shall, to the maximum extent practicable, perfect such lien.

(c) Notwithstanding any other provision of law, the Secretary is authorized (1) to make expenditures to preserve and protect his interest in any security for, or the lien or priority of the lien securing, any loan or other indebtedness owing to the Secretary or the United States under this title, and (2) to bid for and to purchase at any foreclosure or other sale or otherwise acquire property pledged, mortgaged, conveyed, attached, or levied upon to secure the payment of any loan or other indebtedness owing to by the Secretary or by the United States under this title. The authority conferred by this subsection may be exercised as provided in the last sentence of section 204 (g) of the National Housing Act.

(d) During any period when the repayment of a loan is deferred pursuant to subsection (a) (3), interest shall accrue on and be added to the unpaid principal balance of the loan.

LOAN FUNDS

SEC. 305. All funds received and loans or other disbursements made by the Secretary in carrying out his functions under this title with respect to mortgages insured or guaranteed under the provisions of chapter 37 of title 38, United States Code, the National Housing Act, or title V of the Housing Act of 1949 shall be credited or charged, as appropriate, to the Special Risk Insurance Fund established under section 238 of the National Housing Act. All funds received and loans or other disbursements made by the Secretary in carrying out his functions under this title with respect to any property which is not subject to a mortgage insured or guaranteed by the United States under such provisions shall be credited or charged, as appropriate, to the Home Preservation Loan Fund authorized in section 401 of this Act.

TITLE IV—MISCELLANEOUS

HOME PRESERVATION LOAN FUND

SEC. 401. There is created a Home Preservation Loan Fund (hereinafter referred to as the "fund") which shall be used by the Secretary as a revolving fund for carrying out his loan functions under both title III of this Act (but only with respect to any property which is not subject to a mortgage insured or guaranteed by the United States) and title II of this Act. There is authorized to be appropriated to the fund the sum of $50,000,000. All payments made by mortgagors with respect to such loans, cash adjustments, the principal of and interest paid on debentures which are the obligation of the fund, expenses incurred in connection with or as a consequence of the acquisition and disposal of property acquired under this section, and all administrative expenses in connection with the loan insurance operations under this section shall be credited or charged, as appropriate, to the fund. There are authorized to be appropriated such sums as may be necessary from time to time to cover losses sustained by the fund in carrying out the purposes of this section. Moneys in the fund not needed for current operations of the fund shall be deposited with the Treasury of the United States to the credit of the fund or invested in bonds or other obligations of, or in bonds or other obligations guaranteed by the United States. The Secretary, with the approval of the Secretary of the Treasury, may purchase in the open market debentures which are the obligation of the fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtained from other investments authorized by this section. Debentures so purchased shall be cancelled and not reissued.

IMPROVED MAINTENANCE OF FEDERALLY ASSISTED HOUSING

SEC. 402. In order to promote improved maintenance practices and thereby to avoid unnecessary housing deterioration and to assist mortgagors whose mortgages are insured under section 235 of the National

Housing Act in meeting the responsibilities of homeownership, the Secretary is authorized, on a demonstration basis and under such conditions and circumstances as he deems appropriate, to encourage such mortgagors to establish and maintain joint checking accounts for maintenance expenditures with agencies providing counseling services to such mortgagors under section 101(e) of the Housing and Urban Development Act of 1968. No disbursement of funds from such joint checking account shall be made without the authorization of both the mortgagor and the agency providing counseling. A mortgagor shall contribute to such joint checking account a monthly amount agreed upon by the agency providing counseling sevices and the mortgagor, taking into account the estimated normal monthly maintenance expense for the dwelling owned by the mortgagor, but such monthly contributions shall not be demanded when the beginning monthly balance in such joint checking account exceeds $150. The agency providing counseling shall agree to the disbursement of funds from the joint checking account upon the request of the mortgagor, if such agency is satisfied that such mortgagor intends to use the funds for home maintenance or for emergency expenses. All such disbursements of funds shall be accompanied by such counseling assistance as the agency providing counseling deems appropriate to encourage effective and improved maintenance practices and efficient use of maintenance funds. The Secretary is authorized to undertake such variations of this demonstration as he deems appropriate, and to demonstrate other methods of improving maintenance and thereby prevent deterioration of Federally-assisted housing. Such variations may include the provision of cash bonuses to those families in Federally-assisted housing who maintain their dwellings exceptionally well relative to other such families in such housing. Within 3 years, the Secretary shall recommend to Congress under what circumstances and conditions, if any, and by what methods, joint checking accounts for maintenance expenditures similar to those authorized by this section should be encouraged or required, and any other measures which he finds will result in improved maintenance of housing. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

PROCESSING OF INSURANCE APPLICATIONS

SEC. 403. The Secretary shall study the possibility and desirability of transferring to mortgagees approved by the Secretary all or some of the functions now performed by the Department of Housing and Urban Development which relate to the processing and approval of applications for mortgage insurance under the programs carried out under the provisions of the National Housing Act. Not later than six months after the date of enactment of this Act, the Secretary shall report his findings to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Banking and Currency of the House of Representatives. The Secretary shall include in his report a list of those functions relating to the processing and approval of applications for insurance, if any, which should be performed by such mortgagees, the need, if any, for safeguards such as coinsurance to prevent mortgagees' abuse of their increased responsibility, the form which any needed safeguards should take, the extent to which any such safeguards could unduly discourage mortgagees from participating in any insurance program, and the need, if any, to provide compensation to the mortgagees for the functions they would assume if the Secretary's finding pursuant to this section were put into effect.

By Mr. JAVITS (for himself and Mr. SCHWEIKER):

S. 972. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes. Referred to the Committee on Labor and Public Welfare.

ADMINISTRATION'S HEALTH MAINTENANCE ASSISTANCE ACT OF 1973

Mr. JAVITS. Mr. President, today, as the ranking minority member of the Appropriations Subcommittee of the Committee on Labor and Public Welfare, I send to the desk, on behalf of myself and the Senator from Pennsylvania (Mr. SCHWEICKER), the administration's Health Maintenance Assistance Act of 1973.

Mr. President, while the bill does not go as far as my own, its provisions are an important contribution from the administration. It would get action for us on the indispensable problem of supplying health services which will be an essential element of the national health insurance plan on which I have introduced appropriate legislation, as have other Senators.

The proposed legislation is designed to carry out the President's recommendations for a Federal program to assist in demonstrating the feasibility of health maintenance organizations as part of our pluralistic health care delivery system. The President's budget contains $60,000,000 for this purpose for fiscal year 1974. While the bill does not go as far as my own provisions, it is an important contribution toward getting us to action.

This new approach can have a variety of forms and names and sponsors, for example, when I introduced my national health insurance bill in the 91st Congress, a separate title authorized the establishment of local comprehensive health service systems, now commonly termed "HMO's". The term applied to all of these units by the President, and in the bill I introduce today on behalf of the administration, is HMO's—health maintenance organizations.

Whether these organizations be called HMO's, local comprehensive health service systems, or prepaid group health practices this concept has two essential attributes. It brings together a comprehensive range of medical services in a single organization so that a patient is assured of convenient access to all of them. And it provides needed services for a fixed contract fee, which is paid in advance by all subscribers.

However, I believe if we are to achieve the desired objective—to rationalize our health care system to benefit all Americans—the administration's bill must more strictly define the criteria for HMO establishment and operation; be strengthened to assure a more meaningful role for consumers in HMO operation; and, respond more effectively to the problem of individual State prohibitions against the formulation of HMO's.

To stimulate such an innovative medical care delivery system, this bill provides:

First, a program of assistance during the period July 1, 1973–June 30, 1978, to public or private organizations to plan and develop health maintenance organizations and to expand existing ones.

Second, the assistance is in the form of grants and contracts for planning costs with priority for medically underserved areas and grants and contracts for costs of initial operation in medically underserved areas.

Third, review of and opportunity to comment on applications by State and local health planning authorities is required.

Fourth, joint funding for all Federal assistance to any health maintenance organization, and waiver of normal contracting procedures if necessary.

Fifth, Secretary of Health, Education, and Welfare is authorized to carry out his responsibility for health care of Indians by contracting with health maintenance organizations.

We can no longer depend upon an already overburdened health care system to provide medical services. We must rationalize our health care system to benefit all Americans, and early enactment of the needed legislation is essential. The Health Subcommittee of the Committee on Labor and Public Welfare will begin executive consideration today on this bill and other HMO legislation, of which I am a cosponsor. HMO's increase the value of the services a consumer receives for each health dollar because HMO's or such similar organizations provide a strong financial incentive for better preventive care and for greater efficiency.

I ask unanimous consent that the letter of transmittal of the Secretary of Health, Education, and Welfare and a summary of the bill be made a part of my remarks.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
February 21, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes". The bill has the short title of the "Health Maintenance Organization Assistance Act of 1973".

Also enclosed for your convenience are copies of a brief summary of the major provisions of the bill.

This proposed legislation is designed to carry out the President's recommendations for a federal program to assist in demonstrating the feasibility of health maintenance organizations as part of our pluralistic health care delivery system. The President's budget contains $60,000,000 for this purpose for fiscal year 1974.

The proposal would do this through grants to and contracts with private and public sponsors for planning the establishment or expansion of health maintenance organizations, and for the initial operation of such organizations in medically underserved areas.

We view the effort to assist in the development of health maintenance organizations

as a demonstration effort that will emphasize different forms of health maintenance organizations and that will emphasize geographic distribution of a concept that has already proved workable in limited situations. We estimate that the objectives of such a demonstration effort can be met over a five year period.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

SUMMARY OF THE HEALTH MAINTENANCE ORGANIZATION ASSISTANCE ACT OF 1973

1. The bill would establish a demonstration program providing assistance to public and private organizations to plan, develop and expand health maintenance organizations during the next five fiscal years.

2. The assistance would be in the form of grants and contracts for planning costs with priority for medically underserved areas and grants and contracts for costs of initial operation in medically underserved areas.

3. Review of and opportunity to comment on applications by State and local health planning authorities would be required.

4. Joint funding would be authorized for all Federal assistance to any health maintenance organization, with authority to waive normal contracting procedures if necessary.

5. The Secretary would be authorized to carry out his responsibilities related to the provision of health care to Indians by contracting with health maintenance organizations.

By Mr. HOLLINGS:

S. 973. A bill to amend section 2412 of title 28, United States Code, to provide for the recovery of attorney's fees and expenses in certain actions brought by or against the United States. Referred to the Committee on the Judiciary.

Mr. HOLLINGS. Mr. President, today I am reintroducing a bill which will amend section 2412 of title 28 of the United States Code, to provide that in a civil action involving a private litigant and the United States, the prevailing party shall be awarded a judgment for reasonable fees and expenses for attorneys if the court finds that the act or omission of the other party was arbitrary, capricious, or in bad faith, or if the conduct of the other party in instituting or prosecuting such action was frivolous, unduly dilatory, or in bad faith. In short, this amendment would provide a vehicle whereby unnecessary litigation would be precluded or deterred under the threat of having the party be financially responsible if he maintains a judicially untenable position.

This is not a case of the traditional legal "gray area" where there is a genuine question of merit on both sides of the issue. It is strictly limited to those actions which should not have been brought in our courts, or actions that have been judicially found to be far beyond the standards of reasonableness.

On February 19, 1973, I introduced S. 901, a bill for the relief of T. Michael Smith, which is clearly a case in point on this subject. In 1953, after 19½ years of Government service, Mr. Smith was fired from the Reconstruction Finance Corporation. Mr. Smith felt that such action was unwarranted and embarked upon the time-consuming and treacherous route of appeal through the Civil Service Commission and the courts. Seven years later, the U.S. Court of Claims found as a matter of law that the action by the U.S. Government was "arbitrary and capricious and in bad faith." (*T. Michael Smith* v. *The United States*, 151 Ct. Cl. 205, 209 (1960)). I certainly have no quarrel with the administrative proceedings and judicial remedies which Mr. Smith was required to follow; however, at the end of this 7-year period of litigation, Mr. Smith's expenses amounted to $17,577.49. The court awarded Mr. Smith $67,051.08, which award was for the back pay to which Mr. Smith was legally entitled due to his wrongful discharge by the Government. In other words, he was to be made whole from the arbitrary, capricious, and bad-faith action of the U.S. Government. It is quite clear, however, that he was not made whole, since it cost him $17,577.49 in order to pursue his claim.

Mr. President, I sincerely feel that when courts of competent jurisdiction initially find that any actions by a party rises to the standard of being in bad faith, capricious, willful, frivolous, or unduly dilatory, the prevailing party should not be punished by having to pay the cost of prosecuting or defending his position. As I mentioned earlier, this is not the case where the determination has been based upon "weighing of the facts." It is somewhat akin to the doctrine of punitive damages where the action of the party has been judicially determined to be so willful or grossly negligent that punishment should also be financially evoked.

There is precedent for this point in law, whereby a private litigant was awarded reimbursement for the expenses incurred in securing reinstatement after wrongful removal (Private Law 86-406) (74 Stat. 68). Rather than having private litigants turn to the vagaries and whims of Congress every time such a wrong has been perpetrated. I suggest we amend the law to include a provision whereby the court, after finding that the standards have been violated, could average such costs. This is true whether it be the U.S. Government or a private individual. We have heard a great deal about the unnecessary litigation clogging our courts, and I feel that this would be most beneficial in this regard. Attorneys would be hesitant to bring such actions when the facts would indicate that their client, whether the United States or an individual litigant, may be required to pay the cost of the litigation.

Mr. President, I sincerely hope that legislation will receive a proper review and that this question be thoroughly aired and considered.

By Mr. JAVITS (for himself, Mr. WILLIAMS, and Mr. MONDALE):

S. 974. A bill to amend the Public Health Service Act to provide, in the training of health professionals, for an increased emphasis on the ethical, social, legal, and moral implications of advances in biomedical research and technology. Referred to the Committee on Labor and Public Welfare.

MEDICAL SCHOOL TEACHING

Mr. JAVITS. Mr. President, I introduce for Senator WILLIAMS, chairman of the Labor and Public Welfare Committee, Senator MONDALE, and myself a bill which would authorize special project grants and contracts for medical schools to develop and operate programs which provide increased emphasis on the ethical, social, moral, and legal implications of advances in biomedical research and technology.

Unfortunately, leadership in the reform of practices in the use of human subjects at risk in research procedures has not come from the medical profession per se. In large measure, the response to assure meaningful control to tragic accounts of experiments involving human beings has come from governmental sources. Our medical schools have a proud record of scientific leadership and I am confident that through medical school programs stimulated by the bill we introduce today with their record in ethical, moral, and social innovation can be equally distinguished.

The ideals of the medical profession—set forth in the Hippocratic Oath, and codes such as the Declaration of Helsinki—relate primarily to concern for the individual's good as entrusted to the physician. It is urgent that our medical schools place greater emphasis upon the totality of the physician's consideration for the individual and society of the ethical, moral, and social concerns inherent in scientific inquiry. While the profession highly values research, it must, at the same time, more deeply involve itself in the consideration and implication of the ethics and morality of the enlistment of human subjects in such highly valued research.

In "Research on Human Subjects—Problems of Social Control in Medical Experimentatior" by Bernard Barber, John J. Lally, Julia Loughlin Makarushka, and Daniel Sullivan, the authors with an unequivocal "no" their own rhetorical question, "Have medical schools been ethical leaders in the establishment of controls, principally those of formal peer review, for safeguarding the welfare and rights of human subjects of biomedical research?"

The bill we introduce today provides the opportunity for our Nation's medical schools to develop the appropriate program curriculums regarding ethical, moral, and social issues to meet that need—the protection of human subjects at risk in medical research and improved understanding of the consequences and implications for the individual and society of the advances in biomedical science—and through their own initiative and leadership construct an appropriate continuing professional institutional activity to safeguard human subjects in research.

The bill complements the concern expressed in the 92d Congress. Senate passed Senate Joint Resolution 75—of which I was a cosponsor—introduced by Senator MONDALE, who I am pleased is joining with Senator WILLIAMS and myself as a cosponsor of this measure.

There is no doubt but that we must constantly and continually encourage research into the great enigma of man and his world if we are eventually to overcome the abysmal depths of ignorance and disease. But we must guard against self-delusion lest it harm that precarious quality of life which is so uniquely human—for being human—we must also be humane. Scientific inquiry must constantly be blended with judgment, compassion, and sympathy, the true synthesis of humaneness and humanity.

The measure we introduce today will stimulate our Nation's medical schools to provide the urgently needed leadership—which I know is readily available to them—to achieve the desired objective we all share, safeguarding, and protecting the rights of human subjects in research.

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

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

S. 974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 772(a)(7) of the Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting immediately before the semicolon at the end thereof the following: ", or (C) providing increased emphasis on, the ethical, social, legal, and moral implications of advances in biomedical research and technology with respect to the effects of such advances on individuals and society".

By Mr. HARTKE (for himself and Mr. SCOTT of Pennsylvania):

S. 975. A bill to prohibit the transportation or shipment within the United States of gas cylinders not inspected in the United States. Referred to the Committee on Commerce.

Mr. HARTKE. Mr. President, for myself and the Senator from Pennsylvania (Mr. SCOTT), I reintroduce a bill to amend chapter 26 of title 49 of the United States Code. This legislation which was introduced as S. 4004 in the last session of Congress, is designed to prohibit the Secretary of Transportation from promulgating any regulations which would permit the transportation of compressed gas cylinders within the United States which have not been inspected within the United States.

The regulations of the Department of Transportation presently provide that compressed gas cylinders may not be offered for transportation in domestic traffic unless they have been made in accordance with the applicable DOT specification and unless the tests required by such specification were made in this country. Compressed gas cylinders are used to transport and store various gases such as carbon dioxide, helium, oxygen, argon, and nitrogen for industrial and medical purposes.

The cylinders are for the most part quite large and the gases they hold are oftentimes highly flammable, explosive, toxic, or corrosive. Due to the nature of the cylinder contents and the extremely high pressures under which the gases are stored and transported in the cylinders—sometimes exceeding 2,600 pounds per square inch—exceptionally high quality standards are necessary to assure safety.

On January 19, 1971, the Hazardous Materials Regulations Board of the Department of Transportation, in a notice published in the Federal Register, stated that it was considering whether it was necessary to continue to require that the tests be performed in the United States. The Board made clear that the motivation for this possible change in safety requirements was not safety, but "the desire to import foreign-made cylinders for industrial and medical gas service and the future difficulties which will evolve from passive restraint systems being incorporated into foreign manufactured automobiles."

I do not believe that the suggested changes should be made. On the contrary, I believe that unless a positive showing can be made that the safety of American workers and consumers will not be endangered by the suggested changes in the regulations, the Department of Transportation must continue to require that these tests be performed within the United States. My review of the record before the Hazardous Materials Regulations Board convinces me that there has been no showing that safety will be enhanced or even preserved by this action. Rather, the proposed action would be a step away from safety and would create risks to which the American worker and consumer should not be exposed.

Accordingly it is my hope that hearings on this legislation will be held as soon as possible. At such hearings DOT representatives would have the opportunity to present evidence which would establish that safety will not be diminished if the regulations are changed as suggested. I would also hope that DOT would stay any action on the proposal until the hearings are completed and a report is submitted.

The American cylinder manufacturing industry has established an unequaled safety record, but this record could be jeopardized if the proposals of DOT on this subject are adopted. There can be no doubt that the proposals do not enhance safety. In fact, there is a serious possibility that, if adopted, they would have exactly the opposite effect.

In this period of our history where concern is being expressed by the Congress for workers' health and safety and for consumer protection, it seems strange and very inconsistent for DOT to propose action, not on the basis of safety which is its only jurisdictional basis for action in this area, but on the basis of trade considerations.

Accordingly I will call for hearings on this legislation as soon as possible.

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

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

S. 975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chapter 26, Title 49 of the United States Code is amended by inserting the following new section:

"SEC. 1736. (a) As used in this section, the terms—

(1) "person" shall mean an individual, corporation, partnership, association, joint stock company, business trust, or unincorporated organization.

(2) "compressed gas cylinders" shall mean any container holding any gas under a pressure greater than 100 pounds per square inch at 130 degrees Farenheit.

(b) In promulgating rules regulating the safe transportation within the United States of compressed gas cylinders, the Secretary shall not permit any person engaged in interstate commerce to receive for transportation or shipment, or to transport or ship within the United States any such cylinders which have not been inspected within the United States.

(c) Any person who knowingly transports or ships, or causes to be transported or shipped a container for compressed gas in violation of this section and the regulations promulgated thereunder shall be subject to a fine of not more than $1,000 and/or imprisonment for not more than one year.

Mr. McINTYRE (for himself, Mr. BIBLE, Mr. NELSON, Mr. BURDICK, Mr. SPARKMAN, and Mr. HUMPHREY):

S. 976. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that act with respect to small businesses. Referred to the Committee on Labor and Public Welfare.

Mr. McINTYRE. Mr. President, on behalf of Senators BIBLE, NELSON, BURDICK, SPARKMAN, HUMPHREY, and myself, I am reintroducing today a bill that is identical to S. 3873 which we cosponsored last year to amend the Occupational Safety and Health Act which would establish in the Department of Labor a small business procedure to assist small businessmen in complying with the regulations issued under that act.

In the past several years, I have held a number of hearings on the Senate Select Committee on Small Business and on the Small Business Subcommittee of the Senate Banking, Housing, and Urban Affairs Committee, of which I am chairman, regarding the effect that various pieces of legislation have on the competitive position of the small business segment of our economy.

It happens that very often in passing well intentioned legislation to remedy a specific problem area that small businessmen are unintentionally injured and put at a competitive disadvantage. Certainly, in passing the Occupational Safety and Health Act, there was no intent by Congress to unintentionally injure small business, and the purpose of my bill is to make sure that this does not happen.

Mr. President, 14,000 deaths a year and over 2 million serious injuries to workers in this country make not only a strong, but absolute, case that occupational health and safety regulations are essential. This is why I voted for the Occupational Safety and Health Act.

But problems have developed with the administration of this law. Congress has experienced this problem many times before. Well-meaning legislation embodying essential public interest goals often causes reactions which are totally unin-

tended. The enforcement of OSHA regulations have created in some cases insurmountable problems in a crucial area of our business community—the small business sector.

When Congress established the Small Business Administration in 1953 as a permanent agency, it specifically recognized the small businessman's contribution to the free enterprise system and also recognized his precarious state vis-a-vis big business. The Occupational Safety and Health Act also made recognition of the unique status of the small businessman in providing for SBA loans to meet OSHA requirements. The problem, however, is simply not the availability of loan funds, though that is extremely important. The crucial problem, as I see it, is the recognition or lack of it—whichever the case may be—by OSHA officials that there are extreme differences between a vertically integrated conglomerate corporation and a small businessman.

While OSHA regulations may create some problems for large businesses, which I am sure they do, these corporations have the financial resources and the managerial ability to provide in plants and on worksites safety engineers whose sole function is to assure compliance with health and safety requirements. The small businessman, however, is not nearly so fortunate.

The cost of obtaining such assistance and the expertise to make practical application of health and safety technology is quite often far beyond the reach of the small businessman.

While we, in Congress, and in the executive branch have expressed alarmed concern with the state of our economy and have time and again passed legislation aimed at strengthening the American economic system, it seems that too often these measures have little or no impact on the small business sector.

A work survey by the Research Institute of America on the first quarter of 1971 clearly illustrates this point. Earnings of manufacturers with assets in excess of $1 billion increased their earnings by 18.8 percent while during the same period manufacturers with assets of less than $1 million suffered a 40.4-percent decrease in profits. This is a devastating statistic.

Congress must recognize that small businessmen in this country must overcome almost insurmountable problems to remain competitive with big business. And we must make sure that our actions do not unintentionally result in driving thousands of small businesses to the brink of bankruptcy and disaster. This, I am afraid, may be the unintentioned result of the operation of OSHA if we are not careful.

Amendments have been offered to the Occupational Safety and Health Act calling for numerical exemptions to the enforcement provisions of this legislation. The House Select Committee on Small Business held hearings in June of this year on the impact of this law on small business and the overwhelming testimony given by small business representatives to that committee was that what was needed was not an exemption from the act but assistance in complying with it. It should also be noted that the Senate Labor and Public Welfare Committee is presently holding hearings on the impact of OSHA on small business.

The Department of Labor in testifying before the House Small Business Committee stated that numerous mistakes have already been made in applying health and safety standards. But what may be statistics to the Department of Labor is cold reality to a businessman who finds himself unable to continue his business because the regulation as promulgated by OSHA was impossible for him to comply with.

Discussions I have had with numerous small businessmen have indicated that substantive changes in the OSHA are needed. Small businessmen have told me that they find the regulations issued by OSHA extremely complex and technical in nature and that procedures should be developed to simplify the requirements in a way that small businessmen not having access to technical expertise know what is required of them.

Another complaint often made is that the small businessman in attempts to comply with OSHA requirements can receive no assurances that the safety equipment he purchases conforms to OSHA regulations. This indicates to me that possibly the Secretary of Labor could provide certification as to what equipment or action would meet his agency's health and safety requirements.

My bill would establish a specific small business program which would, first, require that regulations be simplified and technical assistance offered in meeting regulations; second, require the Secretary to provide certification as to what equipment or action will meet OSHA requirements; third, require regulations be applied on an industry-by-industry basis and small business exceptions to individual regulations be granted where appropriate; fourth, maintain close surveillance of effects of regulations on competition to assure that small businessmen are not unintentionally injured economically because of regulation; fifth, require the Secretary to certify that regulations can actually be complied with and a finding must be made that the regulations will have a positive effect on the health and safety of employees so that needless regulations are not issued; sixth, provide a small business record-keeping procedure to cut down on required paperwork and eliminate needless redtape; seventh, distinguish between different types of business activities such as light and heavy construction; and eighth, provide small business with one onsite inspection without mandatory penalty.

The important thing is to examine the operation of the Occupational Safety and Health Act to assure that regulations and requirements issued by the Department of Labor do not unintentionally adversely affect competition and cause unneeded economic injury to the small business sector of our economy. This, in my opinion, can be done with my bill without providing specific exemptions based solely on the number of workers.

An article appeared in the February 20, 1973, edition of the Wall Street Journal, written by Mr. Michael Jett, detailing the difficulties small businessmen are encountering in complying with the legislation, and I request unanimous consent that this article be printed in the RECORD at this point.

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

"AN ASININE SITUATION": NEW JOB-SAFETY RULES PERPLEX THE OWNERS OF SMALL BUSINESS; "NEEDLESS" COSTS CITED

(By Michael Jett)

Henry Weast of Dahinda, Ill., is quitting the heavy-excavation business. He says he can't afford it any more.

It isn't that the business wasn't profitable. It was a steady money maker, and in Mr. Weast's view, it might have continued that way for a long time. It might have, except for one thing—OSHA—more formally known as the Occupational Safety and Health Act of 1970.

Among other things, that massive piece of safety legislation would have required him to spend $150,000 to install safety devices on his equipment to protect operators in case the machinery toppled over. "It just looked like there would have been no end to spending money," says Mr. Weast. "If I had fixed up one thing, they would probably have found something else."

As a result, Mr. Weast and his two partners have already dismissed 20 employes and they are currently trying to sell their machinery. From now on, they plan to continue selling sand, gravel and other building materials, but that end of the business accounted for only about 20% of their total $1.5 million volume last year.

COSTLY AND "FOOLISH"

The reaction of Mr. Weast and his partners to the stringent new regulations may have been drastic, but their quitting the excavation business illustrates one effect the law has had on countless thinly capitalized small businessmen across the country. In a variety of ways, small businessmen say, the OSHA regulations—covering safety matters ranging from hard hats and guard rails to exit signs and safety posters—are causing widespread confusion, anger and frustration.

At the core of their problem, they contend, is the fact that practically every regulation—and they brand many of them foolish—requires them to spend money on measures that don't contribute to either safety or efficiency. More over, they complain, many of the highly technical regulations are incomprehensible to the layman. And even if the rules can be understood, these people add, compliance is difficult. In fact, by some estimates, as many as 20,000 specific rules and regulations apply to any single work establishment.

Indeed, the sheer bulk of the regulations is intimidating, and countless businessmen say that after they have waded through them all, they're hopelessly confused. Marvin Krauss, a furniture shop owner in South Amana, Iowa, says: "There are about 300 pages with pretty small print in the construction standards, and it's pretty darned hard to pick out exactly what fits you sometimes. You almost have to have a lawyer to figure it out."

Such complaints are becoming routine for officials charged with overseeing and enforcing the act. An OSHA spokesman says, however, that "some over-reaction" is to be expected. "Most of the complaints from small business people arise not from actual inspections, but from the fear of what might happen should there be one," he says. Unless there has been an accident or a complaint by an employe, the OSHA man says, smaller concerns are much less likely to be inspected than larger firms. He adds that if a small businessman finds himself in a fi-

nancial pinch as a result of the regulations, he can always apply for a small business administration loan, as provided in the act.

Due in part to the confusion and lack of understanding of some of the overlapping rules, numerous small businessmen are reluctant to talk for attribution—they're worried about what might happen if an OSHA inspector should see their names and then decide to drop by. "I'd hate to meet Mr. OSHA tomorrow because of my discussion with you," says a Midwest farm-equipment dealer who has spent nearly $100,000 on new equipment and repairs to satisfy safety rules. "We'll only know if we can really comply after somebody tears us apart." Like many other businessmen, he replaced a number of round toilet seats with horseshoe-shaped ones before OSHA rescinded the toilet-seat rule.

"AN ASININE SITUATION"

According to Herbert Liebenson, legislative vice president of the National Small Business Association, many of the fears expressed by small businessmen arise "because the Labor Department has done a very poor job of notifying people what to expect under the law." In fact, many businessmen say they still don't understand how the law is administered, and they worry they will have to answer to inspectors who know almost nothing about their particular type of business.

"OSHA worries the hell out of me," says Ralph Zuber, manager of a furniture store in Amana, Iowa. "I want to comply, but I've got to keep making a living. Did you know we've even got to paint the electrical outlets orange? Why, I don't know."

Adds James Curless, an International Harvester franchiser in Fairmount, Ind.: "It becomes an asinine situation. The dangerous facets of our business are virtually beyond anyone's control. One of our employes got hurt when he bumped the automatic transmission lever on a tractor and it rolled over his leg. No laws can cover anything like that."

What angers many small businessmen the most, however, is the cost of complying with the regulations. "I spent about $250,000 for four new punch presses, to enclose a conveyor, some electrical work and other things," says the owner of a metal fabricating shop in the Southeast, "and I don't think it did any good for safety or production. The punch presses, costing $15,000 to $30,000 apiece, had to be replaced only because they were too noisy. Those machines had been declared literally unusable."

W. C. Williamson, co-owner of an Atlanta roofing company, was fined $600 after an employe was killed when he fell through a hole in a one-story building the company was working on. Mr. Williamson says the man was shown the hole and told not to remove the cover unless there was a foreman present. Why he took the cover off and exactly how he fell through the hole aren't known, but Mr. Williamson thinks he did all he could to protect the man. "I'm going to spend about $2,000 to fight a $600 fine," he says, "but it's the principle of the thing. It would be the same thing if they fined me if he drove his car into a telephone pole on his way to the job."

"It's going to be a full-employment act for lawyers," says Lawrence Stessin, editor of a newsletter dealing with the OSHA regulations. It isn't going to hurt Mr. Stessin either. After sending out a sample issue last October, he was swamped with 30,000 subscriptions in one month. "We're just inundated" with requests for information and subscriptions, he says.

With all the confusion, some shady characters are bound to jump at the opportunity to take advantage of the situation. "The three latest rackets," Mr. Stessin says, are men posing as OSHA inspectors who are actually industrial spies, potential burglars figuring out a plant's security or con men who talk the owner into offering him a bribe for not imposing heavy "fines."

COST MAY BE HIGHER

A survey of its members by the National Association of Manufacturers shows small concerns of one to 100 employes estimate it will cost them about $33,000 each to comply with the act. But that figure may not tell the whole story. Kenneth E. Schweiger, the association's director of employe relations, says the real cost to the small businessman is probably much higher. "He doesn't know what's expected of him," says Mr. Schweiger. "Smaller business has grossly understated estimates of the cost."

Further, once the money is spent, employers still can't be sure if they're in compliance. "I spent $125,000 directly to meet the law," complains a Midwestern contractor. "And after I spent the money I was inspected three times and was fined every time for some minor violations. There's no way I can meet the letter of the law as it's written."

When it comes to spending the money, many small businessmen are faced with a dilemma—what to try to get done first and what to try to get by with. "There's no consistency from one plant to another," complains the owner of several small wood-working factories in the Midwest. "I've been fined at one plant for something that has been overlooked at another. One will come through with flying colors and another will be penalized."

Businessmen don't know which way to jump," Mr. Curless, the Harvester dealer, says. "They try and do a little at a time and hope that when the inspectors come they won't be too severe. We asked our insurance man to come out and inspect us. He said the way interpretations of the rules change so often, he couldn't even give us a decent inspection."

"I'D PROBABLY—GO HOME"

"We've got to write our own ticket," says Bruce Martin, assistant executive manager of the National Roofing Contractors Association. "You can't comply with all of it. What we did was take the construction regulations and got it boiled down to about six pages of the most important standards and told our guys to try to comply with these."

And some are going to try to get by without doing anything at all. "I'd just run myself nuts if I tried to comply," says an Illinois heating and air-conditioning contractor. "I've only got three employes, and in a small business everyone has to be a money maker and that (complying with regulations) would be a full-time job. If an inspector walks in here, I'd probably just hand him the keys and go home. It would be giving up a lot, but it's not worth the worry and frustration."

Whatever problems the act is causing businessmen around the country, there are still some who must be delighted with the law—the safety-equipment companies. "You take a good hard look," says Mr. Liebenson of the National Small Business Association, "and the economic benefits will go to the insurance and safety-equipment companies."

"Many problems for the small businessmen," he adds, "came about because of the sales techniques of companies selling products for OSHA regulations. They became frightened and started protesting."

"We have spawned new enterprises in a variety of ways," George C. Guenther, former assistant labor secretary, told a House subcommitee on small businesses last June. "We would hope most of them are wholesome, but certainly there may be those whose consultative services are at less than desirable levels."

Still others may find themselves beneficiaries of the law. Many employers are going to be spending a lot of money on lawyers if they want to appeal a fine they feel was undeserved. Small businessmen almost never have a lawyer on their staffs.

Mr. McINTYRE. Mr. President, I request unanimous consent that this bill be printed at this point in the RECORD.

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

S. 976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the heading of section 28 of the Occupational Safety and Health Act of 1970 is amended to read as follows:

"PROVISIONS AFFECTING SMALL BUSINESSES"

(b) Section 28 (a) of such Act is amended by inserting "(1)" immediately after the subsection designation, by striking out "(1)" and inserting in lieu thereof "(A)" and by striking out "(2)" and inserting in lieu thereof "(B)".

(c) Subsections (b), (c), and (d) of section 28 of such Act are redesignated as paragraphs (2), (3), and (4), respectively.

SEC. 2. Section 28 of the Occupational Safety and Health Act of 1970, as amended by this Act, is further amended by inserting at the end thereof the following:

"(b) The Secretary shall, with respect to the applicability of standards established under section 6 of this Act, to small business concerns, consider—

"(1) the distinction between large and small business concerns;

"(2) the applicability of each such standard on an industry by industry basis;

"(3) where feasible and appropriate on the basis of the type of activity in each such industry, exceptions for small business concerns.

"(c) The Secretary shall provide or establish

"(1) a detailed description of the equipment required or action needed to be taken by a small business concern to comply with the requirements of each applicable standard;

"(2) simplified requirements for small business concerns designed to eliminate unnecessary and duplicative record keeping and reporting.

"(d) Notwithstanding any other provision of this Act, no standard shall be applicable with respect to any small business concern until the Secretary certifies that that standard can reasonably be complied with by the small business concerns to which it applies and that the standard will constitute an improvement of the occupational safety and health of the employees of the small business concerns to which that standard applies.

"(e) Small business concerns shall be given upon request one on-site inspection, and notwithstanding provisions of Section 9 and 10 of this Act, the Secretary shall establish procedures for such inspection and no citation shall be issued or penalty assessed against a small business for violation of any standards based on such inspection. The provisions of this subsection shall not apply with respect to the application of the provisions of section 13 to any small business concern.

"(f) The Secretary shall maintain a continuing review of the operation of this Act to assure that small business concerns are not unintentionally injured economically in a manner having an adverse effect on competition as a direct result of standards established under section 6, and shall provide annually a report thereon to the Select Committees on Small Business of the Senate and House of Representatives.

"(g) The Secretary is authorized to prescribe such rules and regulations as are necessary to carry out the provisions of subsections (b), (c), (d), and (e) of the section.

"(h) For the purpose of subsection (b), (c), (d), and (e) of this section, the term 'small business concern' means any such concern as defined pursuant to section 3 of the Small Business Act."

By Mr. TAFT:

S. 977. A bill to amend the law enforcement education program. Referred to the Committee on the Judiciary.

Mr. TAFT. Mr. President, the law enforcement educational program was established to help law enforcement personnel upgrade their professional capabilities. Unfortunately, however, the way in which this measure was drafted is penalizing those who would use their educational training to advance their careers in other law enforcement agencies. At the present time, trainees who use their training to secure better jobs with other law enforcement agencies will have to repay the Federal Government all or a portion of their tuition grants. This law was designed to see that these educational opportunities are not used to lure men and women away from law enforcement. I do not believe, however, that this law should be used to keep trainees from bettering themselves with other law enforcement agencies. If I may be excused for saying so, LEEP penalizes those who leap.

Recently, this matter was brought to my attention by a letter which I received from Raymond H. Clark, chief U.S. probation officer, U.S. District Court, Southern District of Ohio. His letter is as follows:

DEAR SENATOR: Pursuant to our conversation of last Friday in Cincinnati, I am writing about a matter involving two United States Probation Officers in this district who have previously taken advantage of educational programs funded by the Law Enforcement Educational Program.

United States Probation officer Leonard H. Reid is assigned to our Columbus office. Prior to his entry upon active duty as a federal officer, on November 29, 1971, he had been Chief Probation Officer for the Miami County Court of Common Pleas in Troy, Ohio. Mr. William R. Jones, formerly employed by the Ohio Youth Commission, entered upon active duty as a federal probation officer in Dayton on January 8, 1973.

Prior to the appointments of Messrs. Reid and Jones, each was enrolled in the graduate program in Corrections at Xavier University. Both have since completed the requirements for master degrees.

Upon leaving their former employment and entering the federal service both Messrs. Reid and Jones learned that they will be obliged to each repay the United States approximately $2,000 plus interest at the rate of seven per centum. Those amounts represent sums expended by the government through LEEP to Xavier University. It seems that the law provides that a grantee must remain with the same employer for a period of two years after completing his training. Failure to do so, even though the grantee may be doing allied work with another governmental agency, means that the grantee must reimburse the government, with interest. We are told that had the amounts been advanced in the form of loans, waivers of repayment could be had but that under these particular circumstances there is no way that the repayment requirement can be waived.

Perhaps congress had reasons for including such provisions; however, under these circumstances at least it does seem that the officers involved are to be penalized for attempting to improve their situations which, of course, was one of the motivating reasons for pursuing additional education. Further, since both have entered the federal service, it would seem too that the entire nation from whence the funds originated is being advantaged and that such an expenditure resulted in the federal government receiving something for its investment.

I have some understanding of the many grave problems that congress must grapple with and I surely recognize that this is by no means one of them. It is, though, of major concern to the two men involved and doubtlessly, I suppose, to numerous others in similar situations throughout the country.

If there is anything that you can do to bring about a change, I can assure you that it will be genuinely appreciated by all of us.

Thank you and kindest personal regards.

Very truly yours,

RAYMOND H. CLARK.

I believe that the LEEP program should not prevent trainees from advancing their careers, providing they remain in law enforcement work. Therefore, I am today introducing a bill which would relieve them of the obligation of repaying their tuition and fees when they change jobs, providing that they remain in law enforcement work. It is my intention that this bill would permit probation officers, as an example, to go from a Federal agency to a State agency or from a State agency to a Federal agency, without having to repay the money which they have received under the LEEP program.

According to the Department of Justice, only 9.6 percent of LEEP grants are in repayment status and only 0.4 percent have been repaid in full. I am also informed that of those from whom repayment is being sought, the great majority have moved to other criminal justice departments. At the present time, the number of personnel in the LEEP program who are being lost to the criminal justice system is described as "negligible." Since these men and women will continue to devote their professional talents to law enforcement, I do not believe that we should penalize them under the LEEP program.

By Mr. EASTLAND (for himself, Mr. ALLEN, Mr. BAKER, Mr. BARTLETT, Mr. BELLMON, Mr. BENNETT, Mr. BENTSEN, Mr. BROCK, Mr. BURDICK, Mr. CHILES, Mr. COOK, Mr. COTTON, Mr. CURTIS, Mr. DOMINICK, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. GURNEY, Mr. HANSEN, Mr. HASKELL, Mr. HATFIELD, Mr. HOLLINGS, Mr. MAGNUSON, Mr. MCCLELLAN, Mr. MCCLURE, Mr. MCGEE, Mr. MCGOVERN, Mr. MOSS, Mr. NUNN, Mr. PACKWOOD, Mr. RANDOLPH, Mr. ROTH, Mr. SCOTT of Virginia, Mr. SPARKMAN, Mr. STENNIS, Mr. STEVENS, Mr. TALMADGE, Mr. THURMOND, Mr. TOWER, Mr. WEICKER, and Mr. YOUNG):

S. 978. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful. Referred to the Committee on the Judiciary.

Mr. EASTLAND. Mr. President, today, for myself and 40 cosponsors, I am reintroducing legislation to permit the many hundreds of small soft drink manufacturers of the Nation to continue to produce, distribute, and sell their products as they have in this country for the past 75 years.

The threat to the existence of these small businessmen began in mid-January of 1971, when the FTC announced an intention to issue complaints against seven soft drink franchise firms which sell syrup to these local manufacturers. The complaints were finally and formally issued under date of July 15, 1971. They allege generally that the named companies have each hindered competition in the soft drink industry by restricting the soft drink manufacturers to designated geographic areas. There is no allegation by the Commission that interbrand competition is lacking in the soft drink industry.

In this action the Commission is seeking to extend the decision of the Supreme Court in United States against Arnold Schwinn & Co. This case held that it was a violation of the antitrust laws for a manufacturer of bicycles to impose limitations on the territory in which, or the customers to whom, distributors could resell goods after a completed transaction had taken place between the manufacturer and distributor.

However, Mr. President, the Schwinn decision did not consider a trademark licensing arrangement comparable to the soft drink industry in which many local small businesses share with a franchise company the risks and rewards involved in manufacturing a trademarked product as well as those of distributing it.

Mr. Richard W. McLaren, former Assistant Attorney General for antitrust, while a member of the private bar, expressed the dissimilarity between the soft drink industry and the Schwinn doctrine with clarity when he questioned:

What effect does *Schwinn* have upon 'good business purpose' restrictions imposed by a manufacturer selling ingredients or parts for final manufacture or installation by a dealer under the manufacturer's trademark? This would include such things as sales of softdrink syrup to bottlers. . . . A strong argument can be made that the authorities upholding reasonable restrictions in this kind of situation are not affected by *Schwinn*. What is involved is a licensing arrangement including the use of a capital asset—a trademark—which historically has been governed by the ancillary restraints doctrine and the rule of reason. *Schwinn*, on the other hand dealt only with the resale of finished articles of commerce. . . .

If the client is a licensor or franchisor selling ingredients or partially finished articles of commerce, or services, and licensing others to operate and serve the public under his trademark, I think that the ancillary restraints doctrine is still very much alive and will justify longer range territorial restrictions.

When the FTC first announced its decision to move against this industry, the agency was virtually flooded with inquiries from Members of Congress acting in behalf of their small bottler constituents. The general response to these inquiries was that there was no need for alarm since a full hearing was to be conducted before the Commission's administrative law judge, and although bottlers had been denied the status of parties to the proceedings, some few were granted intervenor standing; and in the

course of this hearing the bottler would be given a complete opportunity to present his case.

Despite those assurances from the FTC staff, the agency moved on July 31, last year, for a partial summary judgment contending that these vertical arrangements were illegal per se on the basis of Schwinn. Granting this motion would deny the bottler the hearing that the FTC staff has been telling Congress was forthcoming. The administrative judge has not yet ruled on this motion.

Hearings have not as yet been scheduled on these complaints, but it is expected that adjudication will begin shortly. The process of litigation, including appeals to the courts should they be necessary, may well require 4 to 7 years, during which these small plants will suffer the economic paralysis created by the legal uncertainties cast over them.

During August and September of last year, full and complete hearings were held on this legislation before the Antitrust and Monopoly Subcommittee of the Senate Committee on the Judiciary. Anyone with an interest in this bill was provided the opportunity to be heard. From the testimony given and from the evidence placed in the record, two incontrovertible facts are evident.

First, the FTC action, if successful, will destroy most of the small bottlers across this Nation. No knowledgeable party to the circumstances of the case denies this. As a matter of fact, the demise of these small businesses is part and parcel of the FTC case, since it argues greater economy as an outgrowth of fewer, larger plants.

The second aspect of this proposal which is indisputable is that this proposal is franchisee legislation. There has been some publicity that this bill is authored by the franchise companies. That allegation is totally false. If FTC were to succeed in its attack, not one company named in the complaints would go under. They would simply take on the character of other large, national food and beverage companies, with or without contract manufacturers. But the small, local bottler cannot survive and it is he who has come to the Congress. The hearing record with the testimony and evidence submitted to it, clearly demonstrate this.

The objectives sought by the FTC will be disastrous for the franchisees of this industry and harmful to the public interest. Local soft drink manufacturers, in the overwhelming majority, do not view the territorial system as an imposed limitation on their competitive freedom. To the contrary, this system is the only feasible means of assuring to the consumer the advantages of intensive local competition between national brand products, local label products, and store brands, owned and controlled by the major retail food and chain stores. Additionally, this system is the only means of securing the widespread availability of this product to the consuming public.

Mr. President, while soft drink manufacturers are generally small businessmen, they represent a strong, local economic force in over 1,600 communities in our country. All but about 100 of the approximately 2,832 soft drink manufacturers fall within the Small Business Administration's definition of small business. Still, this industry has clung so persistently for so long to the concept of local manufacture and local distribution, makes a meaningful contribution to the national economy. Its employment exceeds 150,000 wage earners. The capital investments in plant and equipment of these businessmen and their families combine to exceed $1 billion. In 1970 alone they committed over $325 million to construct and equip new facilities and expand existing facilities.

The large capital investments made in this industry for four generations were made in reliance upon the legality of exclusive trademark rights—rights which have been conferred without successful challenge for almost a century. A number of State and Federal courts have had occasion to examine this right of exclusive trademark usage in the soft drink industry and has consistently upheld it; holding further, that these rights are indeed vested property rights of the soft drink manufacturer. As a result of this litigation, the status of the soft drink manufacturer as truly independent businessman, free from the abuses that have attached to some recent franchising arrangements involving other products, has long been established.

The system has worked well. Soft drink brands compete for consumer acceptance in even the smallest outlets in the most isolated communities in America. Interbrand competition has also been pervasive and intense; and it has been heightened in recent years by the sharp increase in private and retail store controlled brands marketed and sold by the large grocery chains. Retail competition between brands of soft drinks is evident to everyone.

The results of the destruction of the traditional territorial systems which the Commission seeks would likely include th elimination of the large majority of independent small bottlers who presently are active competitors in the industry and important contributors to their local economies.

Such governmental action would precipitate the loss of the millions of dollars of investments made by these people in reliance on court-tested contract provisions.

The hearing record verifies the prediction that a substantial concentration of the soft drink manufacturing business into a handful of large, regional, metropolitan companies would follow the destruction of these local businesses, with a corresponding increase in the economic power of the major grocery chains to influence the soft drink market in favor of their controlled brands. Large producing soft drink units, severed from the intimacy of their markets and consumers, would mean elimination or substantial reduction of competition and availability for the many small volume retailers who depend upon the local bottler's route sales method of distribution.

Certainly, no long-term increase in competition or reduction in prices to the consumer can be foreseen.

Undoubtedly, Mr. President, the staff of the FTC is genuinely seeking to promote the public interest; and upon a superficial view, the elimination of these territorial restrictions might appear to serve that end. Such a theoretical analysis, however, ignores the hard facts and realities of the marketplace.

The traditional route delivery marketing method of the soft drink industry has produced intensive competition between soft drink manufacturers for the trade of virtually every restaurant, filling station, bowling alley, country store and every other outlet imaginable in these territories. Competition for shelf space, aisle location, facings, and consumer attention in the supermarket is fierce. If the territorial system is destroyed as a result of the FTC action, warehouse delivery to grocery chains and other volume buyers will replace this individual outlet struggle. Such a decrease in retail competition for the soft drink consumer will not bring lower prices.

The manufacturers fortunate enough to be located in close proximity to the chain stores' warehouses or who are in financial position to restructure their methods of operation to specialize in only large volume customers over a wide geographic area will be able to increase their sales. The majority of producers, however, who are neither fortunately situated nor financially able to quickly adapt will inevitable be placed in an untenable economic and competitive position.

Bottlers left with only the smaller volume outlets will immediately suffer sharp sales reductions and be forced to raise prices to their remaining customers. Only large metropolitan soft drink producers will have the customer base and financing necessary for the $1 million plus investment required for the production of nonreturnable containers demanded by the large food retailers as compatible with their warehousing systems.

Thus the success of the Commission's complaints will inevitably lead to the demise of the majority of small local bottlers and any immediate, short-term gain in intrabrand competition which might result from the Commission's action will surely be far outweighed by a long-term loss to competition in general. In addition to less service to the consumer in choices and availability, as well as likely increased costs, such restructuring of the industry, with its inevitable forward integration, will bring the total demise of the returnable package—the only consumer package available today acclaimed for its contribution to our environmental concern.

We have watched the disappearance of many local manufacturing and processing industries from the communities of America for several years. Local bakeries, ice cream plants, dairies, and many others have fallen to the tide of mass merchandising and industrial concentration. The local entrepreneur with his intimacy to his consumers, his economic and social roots embedded in the fabric of local society and his personal reputation as a citizen inextricably interwoven in each transaction has made major contribution to the backbone of this Nation.

What remains should not be destroyed, albeit through well intentioned regulatory zeal.

Mr. President, if as I fear, the FTC's action results in a restructuring of what is now a competitive industry of about 3,000 local manufacturing concerns into a highly concentrated one with only a few hundred regional companies, the antitrust laws, ironically, will have been used to achieve the opposite of the intent of the Congress.

The bill we are introducing today has the objective of assuring that, where the licensee of a trademarked food product is engaged in the manufacture, distribution, and sale of such produce, he and the trademark owner may legally include provisions in the trademark licensing agreement which, first, give the licensee the sole right to manufacture, distribute, and sell the trademarked food product in a defined geographic area or, second, which limit the licensee, directly or indirectly, to the manufacture, distribution, and sale of such product only for ultimate resale to consumers within that geographic area, subject to the conditions that: first, there is adequate competition between the trademarked product and products of the same general class manufactured, distributed, and sold by others, second, the licensee is in free and open competition with vendors of products of the same general class, and third, the licensor retains control over the nature and quality of such product in accordance with the Trademark Act of 1946—the Lanham Act.

Several times during the Senate hearings of last summer the suggestion was made that the effect of these bills might be to establish the per se legality of vertical territorial arrangements in the soft drink industry. I believe this to be an erroneous assumption. Rather than to establish a rule of per se legality, the purpose of the proposed legislation is to make clear to the antitrust enforcement agencies of the Federal Government that the Congress intends those agencies to consider the existence of vigorous interbrand competition before passing upon the legality of vertically imposed territorial restrictions where trademark licensing is involved.

Thus, if the legislation is enacted, each territorial arrangement would be viewed in the economic context in which it operates and the existence of competition in the market would be taken into account, subject to the further requirement that the nature and quality of the licensee's goods or services in connection in which the mark is used are legitimately controlled by the licensor in accordance with the Trademark Act of 1946. These are traditional, legal concepts.

The legislation, Mr. President, seeks no more than to continue the climate created almost a century ago and which has been part and parcel of our national economy unencumbered until the current FTC action. It establishes nothing new and asks no more than to continue in the same atmosphere where vigorous interbrand competition has produced nationwide availability and a healthy, small business complex which has proven beneficial to all consumers.

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

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

S. 978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45) is amended by insertion of a new subsection (3) as follows:

"(3) Nothing contained in this Act, or in any of the antitrust Acts, shall render unlawful the inclusion and enforcement in any trademark licensing contract or agreement, pursuant to which the licensee engages in the manufacture (including manufacture by a sublicensee, agent, or subcontractor), distribution, and sale of a trademarked food product, of provisions granting the licensee the sole and exclusive right to manufacture, distribute, and sell such product in a defined geographic area or limiting the licensee, directly or indirectly, to the manufacture, distribution, and sale of such product only for ultimate resale to consumers within a defined geographic area: *Provided,* That this subsection shall apply only if (1) such product is in free and open competition with products of the same general class manufactured, distributed, and sold by others, (2) the licensee is in free and open competition with vendors of other products of the same general class, and (3) the licensor retains control over the nature and quality of such product in accordance with the provisions of the Trademark Act of 1946, as amended (15 U.S.C. 1051)."

SEC. 2. Subsection 3, 4, 5, and 6 of section 5(a) are redesignated 4, 5, 6, and 7, respectively.

SEC. 3. Subsection 5 (as redesignated) of section 5(a) is amended by deleting "(3)" and inserting "(4)" in lieu thereof.

By Mr. BROOKE (for himself and Mr. GRAVEL):

S. 979. A bill to authorize the establishment of the Springfield Armory National Historic Site, Massachusetts, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

THE SPRINGFIELD ARMORY BILL

Mr. BROOKE. Mr. President, today I reintroduce with Senator GRAVEL a bill to authorize the establishment of the Springfield Armory as a National Historic Site. This bill was first introduced on December 9, 1971, and referred to the Interior Committee which then asked the Department of Interior for its comments. The Department reported favorably recommending an amendment which I have incorporated into the bill. Unfortunately the bill was a casualty of the severe time limitations at the end of the 92d Congress.

Commissioned in 1794, the armory was the first so designated to serve the United States. It served to defend our Nation well, producing high quality munitions until its deactivation in 1968. Its closing was regrettable because it signaled the possible extinction of a facility to which generations of citizens of western Massachusetts had rendered dedicated and highly proficient service.

Coupled with the armory is a museum founded in 1871 and operated by the city of Springfield. Owned by the Department of the Army, this museum included valuable collections of cannons and guns dating back to the 14th century, representing the most complete small arms collection in the Nation that is open to the public. It is estimated that over 25,000 visitors tour the museum annually, including large numbers of school groups.

The legislation which I am submitting would authorize the Secretary of the Interior to take control of the property which is currently on loan to the city of Springfield, as well as to make the appropriate arrangements with the Secretary of the Army concerning the armory's arms collection and other museum objects. The Secretary of the Interior would also be authorized to negotiate with the Commonwealth of Massachusetts for the preservation of historic buildings and lands within the armory which are not owned by the Federal Government.

The favorable reports from the Interior Department and the Department of the Army are very encouraging and I hope that this bill will receive prompt favorable action in this session.

Mr. President, I ask unanimous consent that the report from the Department of the Interior and the full text of the bill be printed at this point in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., September 7, 1972.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on S. 2977, a bill "To authorize the establishment of the Springfield Armory National Historic Site, Massachusetts, and for other purposes."

We recommend the enactment of the bill, amended as suggested herein.

The bill authorizes the Secretary of the Interior to accept from the city of Springfield, Massachusetts, such part of the historic Springfield Armory property as is adequate in his judgment to constitute an administrable unit, together with a donation of improvements and personal property on such lands. The Secretary is to establish the Springfield Armory National Historic Site when he has accepted the donated property and has reached satisfactory agreements (1) with the Commonwealth of Massachusetts for preservation of Springfield Armory lands and buildings that are not in Federal ownership, and (2) with the Secretary of the Army for retention or transfer of the arms collection and other museum objects located at the armory. The area is to be administered by the Secretary in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 *et seq.*).

Springfield is Masachusetts' third largest city, with 163,905 inhabitants in 1970. It is located in the western part of the State not far north of Connecticut. Interstate Highway 90 runs in an east-west alignment just north of the city. For close to 200 years, the armory has been the heart of the Springfield area. From its inception, the operating center of Springfield Armory has been Armory Square, which lies above the center city and the Connecticut River. The Armory Square complex contains a tree-covered parade and various historic buildings once used for housing, administration, manufacturing, and storage at the armory. Since 1968, when the armory was deactivated, many of these buildings

have been used in conjunction with Springfield Technical Community College.

The proposed National Historic Site would include four major Arsenal buildings: the commanding officer's quarters, the master armorer's quarters, the main arsenal, and the paymaster's quarters. The main arsenal houses the Springfield Armory Museum, which contains the outstanding Benton Arms Collection as well as other exhibits. The arms collection includes not only the products of Springfield Armory but also firearms that illustrate the growth of the entire American arms industry.

Armory Square has retained its identity and overall architectural composition for the past 100 years. The square's size and distinction, provided in part by its elevation and the iron fence enclosing it, provide a degree of isolation from the adjacent urban environment. Within walking distance of the proposed national historic site is the quadrangle that is considered the cultural heart of Springfield.

The proposed Springfield Armory National Historic Site would commemorate the important role of the Springfield Armory in the Nation's military history. For nearly 200 years, the armory was a center for manufacturing and development of small arms, producing weapons which achieved a justified reputation for quality, accuracy, and dependability. For a substantial portion of this time, the armory made Springfield the small arms center of the world. The site's history began in 1777, when Armory Square in Springfield was selected as the location for a magazine and laboratory for the development, production, and storage of guns and powder. During the American Revolution, Armory Square was the site of important ordnance manufacturing and storage facilities; it served as a supply depot for the entire northern theater of war. Following the Revolutionary War, in 1794, Congress officially established the Springfield Armory. During the latter half of the 19th century, from the time of the destruction of the Harpers Ferry installation in 1861, until the Rock Island Arsenal began some production of rifles in 1904, the Springfield Armory was the sole supplier of military small arms manufactured by the U.S. Government. Most of the United States Armed Services small arms were developed in the laboratories at Springfield Armory until the time that the armory was deactivated as a military installation, in April 1968.

In addition to its historical role in the development and manufacturing of small arms, Springfield Armory was also the site where Shay's Rebellion was quelled. On January 25, 1787, the rebellion of small farmers under Daniel Shay against alleged unfair taxation ended at Springfield Arsenal, with their defeat as they attempted to seize the magazine.

The Department believes that Springfield Armory represents a heritage of Government arms development and manufacture that is worthy of preservation.

Springfield was dedicated as a Registered National Historic Landmark in April, 1963. After deactivation in 1968, part of Armory Square was conveyed to the city of Springfield, which in turn leased a portion to Springfield Armory Museum, Inc., a nonprofit foundation, for preservation and management. Other parts of the armory were conveyed to the Commonwealth of Massachusetts. It became apparent, however, that preservation of the appearance of historic buildings, particularly those marked for use by the Springfield Technical Community College, was not assured. Furthermore the foundation which managed the arms collection encountered funding difficulties; subsequent to unsuccessful national fundraising attempts, its management asked that the National Park Service preserve and manage the armory as a national historic site.

Springfield Armory National Historic Site would encompass approximately 55 acres. The Department proposes to acquire in fee, through donation, 18.35 acres of land owned by the city of Springfield and a strip of 2.44 acres owned by the State of Massachusetts and utilized in conjunction with the college. The remaining 34.14 acres would remain in State ownership, constituting a "Preservation Control Area", pursuant to an agreement to be concluded with the State, that would preserve the historic appearance of the parade and the exterior of structures, including the Technical College, surrounding it. In addition, the Department would conclude an agreement with the Secretary of the Army concerning the arms collection and other museum objects now at the armory. Since the arms collection is a key feature of the historic site, the Department believes that a satisfactory agreement should include a loan of the articles on a long-term basis, subject to renewal to the National Park Service. Preferably, the agreement should also allow items from the extensive Springfield collection to be exhibited on a temporary basis at other national park units, for purposes of interpretation of those units. Negotiations with the Department of the Army to obtain such an agreement have begun.

Because land would be acquired entirely through donation, no land acquisition costs are involved. The estimated cost of operation and maintenance is expected to be about $260,000 per year. A staff of 13 permanent and two seasonal man-years of personnel is contemplated.

Restoration of the buildings included in the proposed national historic site would be necessary and we propose undertaking development of interpretive exhibits in the main arsenal. Development costs are estimated to be slightly over $5 million, based on July, 1971, prices. Of this amount, $3 million is programmed for development of interpretive exhibits in the main arsenal; about a third of this figure would be expended for management and preservation, including work to conserve and definitively catalog the approximately 22,000 items in the arms collection. The remaining two-thirds would be to provide for interpretation and display of the items, including specialized security mounting for the firearms.

We would suggest that the following amendment be made to clarify that the Secretary may accept leases and scenic easements, as well as full interests in land and personal property, and that these can be acquired from the Commonwealth of Massachusetts as well as the city of Springfield. Specifically, we suggest that page 1, line 10 through page 2, line 6, be amended to read as follows:

"Secretary of the Interior (herinafter referred to as the 'Secretary') is authorized to acquire by donation such real or personal property or interests therein which constitute a part of, or are located upon, the historic Springfield Armory property, Springfield, Massachusetts, as in his judgment will constitute an administrable unit, for establishment as the Springfield Armory National Historic Site."

A man-year and cost data statement is enclosed. A draft environmental impact statement, prepared pursuant to section 102(2)(C) of the National Environmental Policy Act, and distributed to the Council on Environmental Quality and other interested organizations, is also enclosed.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL REED,
Assistant Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, WASHINGTON, D.C.

SPRINGFIELD ARMORY NATIONAL HISTORIC SITE (PROPOSED)

	19CY	19CY+1	19CY+2	19CY+3	19CY+4
Estimated expenditures:					
Personnel services	$119,000	$133,000	$133,000	$133,000	$133,000
All other	670,000	1,446,000	1,270,000	1,412,000	932,000
Total	789,000	1,579,000	1,403,000	1,545,000	1,065,000
Estimated obligations:					
Land and property acquisition					
Developments	691,000	1,475,000	1,059,000	1,341,000	670,000
Operations (management, protection and maintenance)	236,000	261,000	261,000	261,000	261,000
Total	927,000	1,736,000	1,320,000	1,602,000	931,000
Total, executive direction and substantive man-years of civilian employment	13.0	15.0	15.0	15.0	15.0

S. 979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve in public ownership for the benefit and inspiration of the people of the United States the property comprising the historically significant Springfield Armory, commissioned by President Washington in 1794 and, until deactivation in 1968, the oldest manufacturing arsenal in the United States, and the site of the defeat of insurgent farmers in Shays' Rebellion (1786–1787), the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation such real or personal property or interests therein which constitute a part of, or are located upon, the historic Springfield Armory property, Springfield, Massachusetts, as in his judgment will constitute an administrable unit, for establishment as the Springfield Armory National Historic Site.

SEC. 2. The Secretary shall establish the Springfield Armory National Historic Site by publication of a notice to that effect in the Federal Register when (a) he has accepted title to the real and personal property described in section 1 of this Act, (b) he has reached a satisfactory agreement with the Commonwealth of Massachusetts, or any agency or instrumentality thereof, for preservation of historic buildings and the physical setting of lands not in Federal ownership which comprised part of the historic Springfield Armory, and (c) he has reached a satis-

factory agreement with the Secretary of the Army concerning the retention or transfer of the arms collection and other museum objects at the Armory. Prior to such establishment and thereafter, the property acquired for the Springfield Armory National Historic Site shall be administered by the Secretary in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. JAVITS (for himself, Mr. TUNNEY, Mr. BROOKE, Mr. CASE, Mr. HART, Mr. HUMPHREY, Mr. KENNEDY, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. PELL, Mr. RIBICOFF, and Mr. WILLIAMS):

S. 980. A bill to permit payment of extended unemployment compensation benefits to additional workers, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, on behalf of myself, Senator TUNNEY and other Senators, I introduce a bill which would permanently amend the 1970 Federal-State extended unemployment compensation benefits law in order to permit over 20 States to regain eligibility to compensation benefits which that law provides. It would also make permanent the limited amendments enacted at the close of last year which have enabled eight States to maintain their eligibility to participate in the program through June 30, 1973. The other cosponsors of this bill are Senators BROOKE, CASE, HART, HUMPHREY, KENNEDY, METCALF, MONDALE, MOSS, PELL, RIBICOFF, and WILLIAMS.

If enacted promptly, this bill would enable up to 22,500 workers now exhausting regular unemployment compensation benefits each week to receive an extra 13 weeks of benefits. The total number of workers who could be helped between now and December 30, 1973, exceeds 600,000.

The bill deals with the State "off" and "on" trigger mechanism which determines eligibility for participation in this program. The program on a national basis ended almost a year ago. However, for sometime thereafter New York and many other States were eligible to participate in the program, because insured unemployment in the State was 120 percent of the rate prevailing in the State in the corresponding period of the previous 2 years, and the State insured unemployment rate was above the trigger rate of 4 percent. But subsequently, despite the fact that the insured unemployment rate in many States remained above the 4-percent level, many States became ineligible to participate in the program due to the 120-percent "off" trigger. In addition, those States in which insured unemployment dropped below 4 percent and then rose again above that level have been precluded from regaining eligibility for the program.

This bill would:

First. Permanently eliminate the 120-percent State "on" and "off" triggers. The "off" trigger was eliminated temporarily—until June 30, 1973—by amendments adopted last year. Both the "on" and "off" triggers must be eliminated if States with high unemployment which have triggered out of the program can participate in it again. Also, both the "on" and "off" triggers must be eliminated to protect States in the event that insured unemployment drops below 4 percent and then rises above that figure at a later date.

Second. Provide that the exhaustion rate, that is, the number of workers who have exhausted their regular unemployment compensation benefits—will be counted in determining the level of insured unemployment. This same provision is used in the 1971 extended benefits program which the Congress extended last June for an additional 6 months. It is artificial—and really unconscionable—to exclude persons who have exhausted their regular unemployment compensation benefits in determining eligibility for this program.

Third. Eliminate the requirement that a State which triggers out of the program must wait at least 13 weeks before it may requalify. The 13-week waiting period is unnecessary in view of the fact that the insured unemployment rate is computed on the basis of a 13-week running average. The use of a 13-week average is adequate to take care of any problem caused by statistical variation or very shortrun disemployment effects.

Under the bill, the only test which would have to be met by the States to qualify—or requalify—for an extended benefit period is an insured unemployment rate in excess of 4 percent. Insured unemployment is, of course, always lower than total unemployment; a 4-percent insured unemployment rate may translate into a total unemployment rate of 5.5 percent or higher. As noted, this bill would require counting persons who have exhausted their regular benefits in determining insured unemployment.

The bill I introduce today was actually passed by the Senate last year as an amendment to the debt-ceiling bill to be effective through June 30, 1973. But in the House-Senate conference on that bill, its impact was drastically reduced when the House-Senate conferees agreed on provisions which eliminated only the 120-percent "off" trigger. When the conference report was considered last year, I and the Senator from California (Mr. TUNNEY) expressed our concern that the amendment agreed upon by the conference would not really help many of the States which had been triggered out of the program. At that time, the chairman of the House Ways and Means Committee, and the chairman of the Senate Finance Committee assured us on the floor of the House and Senate, respectively, that if, this winter, insured unemployment was over the 4-percent level in those States which would have been helped by the Senate version of the amendment, but were not helped under the conference version of the amendment, they would sympathetically consider legislation along the lines of the amendment passed by the Senate designed to help such States.

Unfortunately, what the Senator from California and I foresaw last fall has come true. The following States are excluded from participation in the extended benefits program, but have insured unemployment levels over 4 percent:

California, Maine, Montana, Nevada, New York, and Oregon.

In the following additional States, insured unemployment is nearly 4 percent and is expected to rise above that level within the next several weeks:

Arkansas, Connecticut, Idaho, Michigan, New Mexico, North Dakota, Pennsylvania, Utah, and West Virginia.

If the exhaustion rate were counted in determining insured unemployment levels, the following States could also qualify to participate in the program:

Kentucky, Louisiana, Minnesota, Missouri, and Oklahoma.

Finally, the following eight jurisdictions will lose their eligibility to participate in the program on June 30, 1973, if the temporary changes enacted last year are permitted to expire:

Alaska, Hawaii, Massachusetts, New Jersey, Puerto Rico, Rhode Island, Vermont, and Washington.

I ask unanimous consent that a table prepared by the U.S. Labor Department showing the State-by-State breakdown be printed in the RECORD.

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

TABLE I.—ESTIMATED NUMBER OF BENEFICIARIES FOR AN EB PROGRAM WITH A TRIGGER OF 4 PERCENT AND 25 PERCENT OF YEARLY EXHAUSTEES

State	Current estimated exhaustees (mid-February)	Estimated number of beneficiaries Mar. 4–Dec. 31, 1973
Arkansas	270	3,100
California	6,090	201,100
Connecticut	910	33,100
Idaho	160	3,300
Kentucky	450	5,600
Louisiana	630	18,300
Maine	290	9,900
Michigan	2,660	90,600
Minnesota	1,050	13,900
Missouri	1,010	23,500
Montana	210	4,700
Nevada	190	6,100
New Mexico	150	2,900
New York	5,000	170,500
North Dakota	120	1,800
Oklahoma	520	10,400
Oregon	400	11,800
Pennsylvania	1,950	24,800
Utah	220	3,600
West Virginia	260	5,100
Total	22,540	644,100

Source: Office of Research and Actuarial Services, Feb. 20, 1973.

TABLE II.—Additional workers eligible for benefits in States currently eligible to be triggered on extended benefits

Alaska	1,900
Hawaii	4,300
Massachusetts	38,100
New Jersey	46,400
Puerto Rico	35,100
Rhode Island	7,800
Vermont	1,300
Washington	23,100
Total	158,000

Source: Office of Research and Actuarial Services, February 20, 1973.

ASSUMPTIONS

1. The economy would remain stable from December 31, 1972 to December 31, 1973.

2. Extended benefit claims would be added to regular claims in computing the IUR.

3. The individual State economies would

have the same seasonal pattern as they did in 1969.

4. A weekly seasonal index was used to adjust exhaustees from December to the middle of February.

5. If the bill is passed for the trigger changes, those States which are benefiting under current legislation would be additionally benefited from July 1, 1973 to December 31, 1973.

Mr. JAVITS. Mr. President, in New York alone, where insured unemployment now stands at 4.06 percent, currently close to 4,000 people per week are exhausting their regular 26 weeks of unemployment benefits. Nationally, the current total is approximately 23,000 workers exhausting their regular benefits each week without being eligible to qualify for 13 weeks of extended benefits—all because of the wholly arbitrary triggers in existing law and the exclusion of persons who have exhausted regular unemployment compensation benefits from the definition of insured unemployment.

Last year the administration opposed this amendment because of its allegedly high cost. I pointed out then, and reiterate now, that although the cost of this program appears as a budget item, it is actually financed entirely out of taxes levied on employers which are paid into trust funds administered by the Federal Government. It is thus highly misleading to characterize unemployment compensation payments as an item of cost to the Federal Government.

Mr. President, in all good conscience we cannot let encouraging news on business front, or our concern with cooling-off inflation, lead us to forget about millions of unemployed workers throughout the United States. The least we can do for the long-term unemployed who, in a sense, are casualties of our fight against inflation, is to reinstate the 13-week extended benefits program in those States where insured unemployment is above 4 percent, even though the level has dropped below that figure briefly in the recent past, and even though unemployment is not 20 percent above the level of the previous 2 years. For far too long our commitment to full employment has been more apparent than real; we ought not to wait any longer to deal justly with the immense human problems caused by the excessive unemployment we have been experiencing, and are still experiencing.

Mr. President, finally, because of the need for prompt action on this bill, Senator TUNNEY and I have written identical letters to Chairman MILLS of the House Ways and Means Committee and Chairman LONG of the Senate Finance Committee urging prompt consideration of this matter. I ask unanimous consent that the text of our letter to Senator LONG be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., February 22, 1973.

Hon. RUSSELL B. LONG,
Chairman, Senate Finance Committee, Washington, D.C.

DEAR CHAIRMAN LONG: I am sure you will recall our talk and the statements on the Senate floor last October concerning amendments to the 1970 Federal-State Extended Unemployment Benefits Program designed to remove the arbitrary trigger requirements which have disqualified many states from participating in the program. Our information is that at present in the following states, which have been disqualified from the program, insured unemployment now exceeds four percent:

California, Maine, Montana, New York, Nevada, and Oregon.

In addition, the following states are expected to reach the four percent level within the next several weeks:

Arkansas, Connecticut, Idaho, Michigan, New Mexico, New York, North Dakota, Pennsylvania, Utah, and West Virginia.

If those who have exhausted regular benefits are counted in determining insured unemployment, the following additional states would meet the four percent insured unemployment requirements:

Kentucky, Louisiana, Minnesota, Missouri, and Oklahoma.

As the law presently stands, none of these states can regain eligibility to participate in the program with the result that over 22,500 workers in those states are exhausting their regular benefits each week with no right to any extended benefits.

At the time this matter was discussed last year, you were kind enough to assure us that in the event the insured unemployment level was over four percent in those states which would have been benefited from the Senate passed amendment to the 1970 Federal-State Extended Benefits Program, but were excluded under the amendment agreed to in the conference on the debt-ceiling bill, you would consider sympathetically changes in the "trigger" criteria in present law to permit those states to regain eligibility to participate in the extended benefits program.

On February 22, together with 11 other senators we introduced a bill, similar to the amendment passed by the Senate last year, which we believe would make the permanent changes in existing law required to permit the states now excluded from the program to regain their eligibility. Our bill would also enable the eight states, namely Massachusetts, New Jersey, Rhode Island, Washington, Alaska, Hawaii, Vermont, and Puerto Rico, which have been able to maintain their eligibility because of the amendment enacted last year, to remain eligible beyond June 30, 1973, the expiration date of the amendment. We hope very much that, in view of the numbers of workers immediately involved, and the understanding we reached last year, your committee can give this matter its attention at this time.

With best wishes,
Sincerely,

JACOB K. JAVITS,
JOHN V. TUNNEY.

Mr. JAVITS. Mr. President, I ask unanimous consent that a statement by Senator TUNNEY, who could not be on the floor today, be printed in the RECORD, together with the text of the bill.

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

STATEMENT BY SENATOR TUNNEY

I heartily concur with the sentiments expressed by the Senator from New York concerning the extension of unemployment compensation benefits under the "emergency Federal-State Extended Unemployment Compensation Benefits Program Amendments of 1973."

According to the latest available statistics, the unadjusted California unemployment rate is 5.3 per cent and at least 500,000 Californians are out of work.

Over the next four months alone, these amendments will make it possible for an additional fifty to sixty thousand people in my State to qualify for unemployment compensation for an additional period of up to thirteen weeks.

While unemployment compensation clearly represents a second best approach to the problem of unemployment, I am pleased to join with the Senator from New York in the introduction of this legislation and the relief it will bring to the thousands in California and around the Nation who are out of work.

S. 980

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 "Emergency Federal-State Extended Unemployment Compensation Benefits Program Amendments of 1973."

SEC. 2. (a) Section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new sentence: "Effective with respect to compensation for weeks of unemployment beginning after the date of the enactment of this sentence (or, if later, the date established pursuant to State law), the State may by law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1) did not contain subparagraph (A) thereof and as if paragraph (1) of section 203(b) did not contain subparagraph (B) thereof.".

(b) Subsection (f) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended to read as follows:

"Rate of Insured Unemployment, Covered Employment

"(f)(1) For the purpose of subsection (d), the term 'rate of insured unemployment' means the percentage arrived at by dividing—

"(A) the average weekly number of individuals filing claims for weeks of unemployment with respect to the specified period, as determined on the basis of the reports made by all State agencies to the Secretary, by

"(B) the average monthly covered employment for the specified period.

"(2) For the purpose of subsection (e), the term 'rate of insured unemployment' means the percentage arrived at by dividing—

"(A) the average weekly number of individuals filing claims for weeks of unemployment with respect to the specified period, as determined on the basis of the reports made by the State agency to the Secretary, by

"(B) the average monthly covered employment for the specified period, plus, effective with respect to compensation for weeks of unemployment beginning after the date of enactment of this sentence (or, if later, the date established pursuant to State law) the thirteen-week rate (as determined under paragraph (3)).

"(3) The 'thirteen-week exhaustion rate' is the percentage arrived at by dividing—

"(A) 25 per centum of the sum of the exhaustions, during the most recent twelve calendar months ending before the week with respect to which such rate is computed, of regular compensation under the State law, by

"(B) the average monthly covered employment as determined under paragraph (2)(B).

"(4) Determinations under subsection (d) shall be made by the Secretary in accordance with regulations prescribed by him

"(5) Determinations under subsection (e) shall be made by the State agency in accordance with regulations prescribed by the Secretary."

By Mr. BELLMON:

S. 981. A bill to amend the Commodity Credit Corporation Charter Act to pro-

vide for the publication of certain information. Referred to the Committee on Agriculture and Forestry.

Mr. BELLMON. Mr. President, on January 18 I introduced a measure to require grain buyers, representing foreign countries which limit free access to information with regard to agricultural conditions, to make public their intention to purchase American commodities in advance of the time these sales are actually made. I have since found that there may be a better way to accomplish that objective, so today I introduce a bill that would require the Department of Agriculture to give public notice of the kind, class, quantity, and regional geographic destination of any agricultural commodity on which an export subsidy is requested.

If the policy which this legislation seeks to institute were in effect last summer, Mr. President, American farmers would have had some notice that the Russians were able to take advantage of our low grain prices by buying huge quantities of American grain before anyone knew what was happening. As I stated on January 18:

In spite of its mutual benefits, there were some aspects of the transaction which trouble me deeply. Primarly, I am concerned that the private American grain traders who do business with representatives of a closed society and a central government, such as exists in Russia, are at a distinct disadvantage. The same is true with the U.S. Government officials who administer the export subsidy program.

The purpose of this bill is to put our American traders on a more equal footing with traders from closed societies who come here to take advantage of our supplies and of the favorable market conditions which frequently exist.

Many will say there is no need for this legislation because export subsidies on grain are not in effect at the present time, and it is true that they are not. In my view, however, this is exactly the time to pass this legislation while the events of 1972 are still fresh in the minds of Senators.

It is certain that in the months and years to come, we will again be paying subsidies on grain exports, and we ought not allow the same kind of situation as developed last summer and fall to happen again.

With the Committee on Agriculture and Forestry scheduled to begin hearings on farm legislation on February 27, I am hopeful that those witnesses who appear at these hearings will address themselves to this bill.

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

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

S. 981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f)) is amended to read as follows:

"(f) Export or cause to be exported, or aid in the development of foreign markets for, agricultural commodities: Provided, That any application for subsidies under this or any other Act for the exportation of any agricultural commodity must specify the kind, class and quantity of the commodity and the regional geographic destination. Such information shall be published by the Secretary in the Federal Register and disseminated to appropriate news media within 72 hours after such application is filed."

By Mr. KENNEDY (for himself, Mr. INOUYE, Mr. JAVITS, Mr. PELL, and Mr. WILLIAMS):

S. 982. A bill to substantially reduce the personal dangers and fatalities caused by the criminal and violent behavior of those persons who lawlessly misuse firearms by restricting the availability of such firearms for law enforcement; military purposes, and for certain approved purposes including sporting and recreational uses. Referred to the Committee on the Judiciary.

PERSONAL SAFETY FIREARMS ACT OF 1973

Mr. KENNEDY. Mr. President, I am introducing a bill designed to halt the senseless eruption of crime and violence due to guns. My bill, the Personal Safety Firearms Act of 1973, will require:

First, the registration of every civilian owned gun in this country.

Second, it will require all gun owners to pass stringent qualifying procedures to legally possess a gun.

Third, and, my bill bans the domestic output of all hand-held firearms that are not designed for sporting uses.

Gun control is an issue that commands widespread public interest, and stirs deep seated emotions. But our society has not yet devised an effective system for curbing lawlessness due to the misuse of firearms. In past years, the Congress has been deeply involved with this vital national concern. At least 28 different gun bills were introduced in the House of Representatives during the 92d Congress. And last summer, the Senate passed legislation that would ban the output of cheap handguns, if the House of Representatives had also approved the measure passed by the Senate.

But, somehow we have not yet produced the national will to enact effective legislation that will curb the mounting toll of 20,000 gun deaths each year.

With the bill that I am introducing today, this country can begin to dampen the flames of violence caused by gunfire. Guns are used to kill so many Americans because our society has refused to restrain the availability of firearms on a sensible standardized basis.

Instead of a nationwide system of controls, we live in a national community that permits gun regulations to vary from city to city, county to county, and from one State to another.

My bill will establish a minimum standard of controls for every gun owner in the United States. I am certain that all Members of the Congress who believe we must stop the annual rise in gun deaths share with me the hope that the 93d Congress will bring the reality of sane and responsible firearms control to the American people. Against the shameful backdrop of what Smith Hempstone calls a "typical, sickening, urban drama," the violence that guns can create has seriously maimed one of our most respected colleagues. I am convinced that our Nation must respond to the tragedy of daily ambushes, like the one in which Senator STENNIS was trapped, by renewing our commitment to restrain the senseless flow of handguns.

NATIONAL HERITAGE OF FIREARMS

Since the day when Pilgrims landed at Plymouth Rock, guns have been an important part of American life. Not only were they sources of pride and power, but in those days, they held the key to survival. For the frontiersman used his guns to provide food and clothing for his family, and protection against the dangers of the wilderness. The craftsman who fashioned handsome pieces of weaponry earned high respect and esteem from his neighbors. The marksman who could fell a bear with a shot through an eye socket won the admiration of his villagers. And the lancer who could halt the charge of the redcoats took the medals of bravery.

Coming of age for the boy of the frontier was highlighted with his father's offer of the sleek—steel-blue long gun that fairly stood higher than the lad's own top knot.

America has always known guns. And her families have long admired the power and the might of a true marksman. But today, in America, our families no longer face the perils of a frontier wilderness. For the American family in 1973, fear, apprehension, mistrust, anguish, and pain are the dreaded products of our firearms history.

Today, it is the misuse and abuse of firearms that taunts the quietude of our family life. We pay an enormous price for our heritage of guns. Over 200,000 gun crimes are committed in 1 year. Sixty-five percent of the murders in 1972 involved guns. And at least 80,000 aggravated assaults occurred with guns; while 120,000 robberies took place at gun point.

Based on some estimates, guns are statistically like rats. They outnumber our population. Not surprisingly, our output of ammunition for civilian firearms almost staggers the imagination. American industry outdoes all other nations in the production of bullets. Nearly 5 billion rounds of ammunition flow through the marketplace each year. That is enough, laid end to end, to stretch a bandoleer of ammunition three times around the equator. All of those bullets could not only wipe out the world's entire human population, but they could decimate practically most of the world's species of wildlife.

Among the nations of the world, America stands in the bloodiest pool of deaths by gunfire. We are not only ranked No. 1, but No. 2 lags so far behind that a tally of gun deaths in all civilized nations probably would not equal the excessive fusillade we train on our fellow citizens.

In 1963, the homicide rate; that is, the rate of murders by gunfire in the United States per 100,000 population, was 2.7. By 1971, the homicide rate in this country had vaulted to 5.5 murder per 100,000 population.

From the following table showing gun deaths for 16 countries, it is clear that

guns in America place our Nation shamefully ahead:

RATE PER 100,000 POPULATION

Country (year is the latest for which figures are available)	Accidental	Homicide
United States, 1971	1.18	5.5
Australia, 1970	.42	.57
Belgium, 1969	.20	(1)
Canada, 1969	.63	(1)
Costa Rica, 1967	.94	1.07
Denmark, 1969	.08	.18
England and Wales, 1970	.06	.04
France, 1969	.24	.30
Germany Federal Republic, 1970	.13	.28
Ireland, 1970	.27	.03
Italy, 1968	.25	.47
Japan, 1968	.04	.02
Mexico, 1969	.09	(1)
Netherlands, 1970	.02	.08
New Zealand, 1969	.32	.32
El Salvador, 1968	.31	11.79
Scotland, 1970	.10	.08
Sweden, 1969	.14	(1)
Switzerland, 1970	.13	.19
Venezuela, 1970	1.27	2.82
Yugoslavia, 1969	.36	(1)

1 Not available.

The United States is a glaring exception among the civilized societies that have acted to control guns. In Italy, West Germany, France, Belgium, Britain, and the Soviet Union, the right to bear arms is a strictly regulated privilege. In Japan, private gun ownership is all but prohibited. No less than five European countries totally prohibit the private possession of handguns. From a 1968 State Department survey of 102 of its diplomatic posts, results show that 29 European countries require either a license to carry a firearm or registration of the ownership or sale of each privately owned firearm or both.

Yet, until 1968 in the United States, there was nothing to prevent the mail order sale of deadly high powered rifles or cheap pocket size pistols—called "Saturday night specials"—because they figure in so many of the murders that police blotters record on Saturday nights.

FIREARMS, VIOLENCE, AND CONTROLS

Violence and firearms are dreadfully intertwined. Causes of violence and the effects of firearms generate lively public debates from which one message emerges—in America, there are too many guns. The statistics scrawl a profile that is all too clear. Where gun ownership is highest, deaths caused by guns are also highest. About 60 percent of all households in the States of the South report ownership of guns. Southern States have the highest gun ownership in the Nation. Those States also have the highest number of firearm homicides. In 1971, over 70 percent of homicide victims in the South died from gun wounds. The national average was 65 percent. The South even leads in the rate of accidental gun deaths, with nearly 3 per 100,000 population. Where more guns are available more people die by them. If for no other reason, the appalling nationwide rate of accidental gun deaths would be sufficient to warrant strict national gun controls.

Americans are now dying at the rate of 3,000 each year from accidents caused by guns. Another 20,000 of our neighbors suffer gunshot injuries each year; and approximately half of all suicides are accomplished with guns. Alarmingly, 40 percent of all accidental firearm fatalities are children between the ages of 1 and 19. In 1966, 9 percent of those youngsters were less than 10 years old. Though we are grimly resigned to the killing rendered by adults intent on destruction, what lies in the future for our children if we continue to carelessly leave them exposed to the dangers of unguarded firearms? Even in the face of the enormous toll that we pay for our national heritage of firearms, thousands of Americans would vigorously resist attempts to place restraints on their possession of firearms.

The opponents of gun control insist that we cannot limit the supply of guns enough to reduce the incidence to violent crime. This view argues that criminals may still be able to obtain handguns through illicit channels. But the fact is that laws can shrink the supply of guns, especially cheap guns. The 1968 gun control law has substantially reduced imports of junk handguns. Only a sharp rise in domestic output of these cheap concealable weapons has kept these tools of violence available. As soon as we establish effective bans on the domestic output of these tiny weapons, I believe we can sharply reduce the awesome rate of death caused by pistol fire. For, if the criminal has to steal a gun before he can use a gun, he will use a gun much less frequently.

There are others who believe "their right to bear arms" is borne in the Constitution. As every schoolboy knows, the only language in the Constitution about firearms comes in the second amendment which is concerned with "a well regulated militia being necessary to the security of a free state." In his great book "Crime in America," Ramsey Clark makes the meaning of that language perfectly clear—that amendment "insures to the States the right to maintain an armed militia." The second amendment has nothing to do with the individual ownership and possession of guns. The courts have repeatedly rendered that this amendment only prohibits the Federal Government from interfering with the State militia. There is no question that Federal, State and local governments are constitutionally endowed with the power to strictly regulate the possession of guns.

> If government is incapable of keeping guns from the potential criminal while permitting them to the law abiding citizen, then government is inadequate to the times. Perhaps our only alternative is to remove guns from the American scene.

That is Ramsey Clark's doleful view of the firearms malaise in this country.

One other common refrain against firearm control is that "guns don't kill, people do." But a quick look at the statistics and commonsense tell us that it is when guns are in hand, that two-thirds of the people who kill other people do so; and it is when guns are in hand that over 100,000 robberies a year are committed, and it is when guns are in hand that one quarter of the Nation's 300,000 aggravated assaults are committed.

Murder is usually committed in a moment of rage. Guns are quick and easy to use. They are also deadly accurate, and they are all too often readily accessible. Some estimate that there are over 200 million guns in private ownership in this country. Each year, American factories produce 5 million firearms for civilian use. Because guns are available people use them.

Rarely does an attacker make a deliberate choice of a gun over a knife. But because the fatality rate of knife wounds is about one-fifth that of gun wounds, it may be concluded that using a knife instead of a gun might cause 80 percent fewer deaths.

Others make the argument that because criminals have guns, gun control will simply disarm law abiding citizens. Lawless citizens, according to that argument, will feel unobliged to be bound by gun restrictions.

Perhaps there is something to that. And for that reason, I am convinced that gun restrictions can be effective in limiting the wholesale misuse of firearms. Strict gun restrictions will aid in disarming any who fail to register their weapons or obtain a license for ownership. Indeed, the enforcement of licensing and registration laws serves to isolate precisely those citizens who flaunt the law. For enactment of such legislation makes it a crime merely to possess an unregistered firearm. Commission of a crime with such a weapon compounds the wrong of any illegal act.

It may be that the greatest number who protest gun controls do so on the basis that the administrative requirements for registration are cumbersome and inconvenient. When Senator McGee introduced a bill in 1971, affecting the recordkeeping requirements for .22 caliber ammunition, he stated that such requirements are:

> Unfair and punitive in that the persons really affected so adversely are law abiding citizens who pursue shooting as a hobby or as a form of recreation.

I believe that any measure we might adopt which will substantially reduce the misuse of firearms will at the same time, enhance whatever pleasures that may be derived from these so-called recreational pursuits.

If the only price of firearms recordkeeping requirements is the inconvenience to gun users then with my bill, the American public will have been delivered a special bargain.

> Prevention of crime and apprehension of criminals would be enhanced if each firearm were registered with a governmental jurisdiction. A record of ownership would aid the police in tracing and locating those who have committed or who threaten to commit violent crime. Law enforcement officers should know where each gun is and who owns it.

That statement embodies a recommendation of the President's Commission on Law Enforcement and Administration of Justice in the report submitted by the Commission's Chairman, Nicholas Katzenbach in February, 1967.

Our law enforcement agencies see gun control as the single most important measure to aid in the control of crime. J. Edgar Hoover in testimony before the House Appropriations Committee on February 16, 1967, supported the need for registration and licensing of civilian

firearms. Law enforcement officers want all citizens to safely enjoy life's comforts in the sanctity of their home communities. Not only does this desire expose the policemen's concern for his fellow man but it also expresses his increasing apprehension about the safety of his own life.

Police officers killed by criminal action leaped to a record high of 126 in 1971. That was a 26 percent increase over 1970 when 100 policemen were murdered. Tragically in the period 1962 through 1971, 722 officers were killed. And all but 32 of those deaths were caused by gunfire. It defies every reasonable tenet that our society permitted 530 policemen to be murdered with handguns in the past 10 years. Shotguns and rifles were used to kill another 160 officers in that period. Policemen know that even they will perform more effectively when our citizens no longer have easy access to guns. In England and Wales, a study of 400,000 arrests for serious crimes revealed that only 159 persons possessed guns. In America, police are confronted with tens of thousands who are armed at the time of their apprehension.

Even those who claim a need for guns to provide personal protection for their family or their business—run a greater risk than those who are gunless. Ramsey Clark says:

> A State in which a citizen needs a gun to defend himself from crime has failed to perform its first purpose . . . the wrong people survive, because the calculating killer or the uninhibited psychotic more often wields the faster gun. The average citizen with a gun acting in self defense is a greater danger to himself and innocent people in the vicinity than is the crime he would prevent.

Gun control laws in the United States are woefully inadequate. In our vast society guns should have no reasonable role. But they do. And we have not yet devised a sane national policy of firearms control. I believe this is the time to enact meaningful gun legislation. It is not hysteria that commands our attention for controls—but rather it is the need to reduce the apprehension and community fear caused by an annual rate of 200,000 gun crimes.

Violence in America pervades every person's life. Only with bold, direct action can we expect to manage the crisis of firearms' misuse. Existing Federal laws only touch the surface of the real problems caused by the vast arsenal of firearms available to those intent on lawlessness.

The National Firearms Act of 1934 has been effective in controlling machine guns, sawed off rifles and shotguns, mufflers and silencers.

The Federal Firearms Act of 1938 requires the licensing of all manufacturers and dealers who use the facilities of interstate or foreign commerce.

A third Federal law enacted in 1954, the Mutual Security Act, authorizes the President to regulate the export and import of firearms.

Then in 1968, Congress passed the Gun Control Act—which principally affects interstate and mail order sales of firearms and ammunition. That measure has since been weakened by the exclusion of long gun ammunition from its record-keeping provisions.

Moreover, there are current attempts to exclude even .22 caliber rimfire ammunition from coverage under that law.

I am unalterably opposed to both of those attacks on the 1968 Gun Control Act. Removal of .22 caliber ammunition from that law would virtually render the law useless.

When the Senate banned the output of cheap handguns last summer, there was a glimmer of hope that the country would gain significant restraints against gun abuse. But the gun lobby once again succeeded in aborting that attempt to achieve meaningful firearms legislation.

And so it is, to assure the protection of our people from the lawless misuse of firearms, existing measures deserve to be strengthened.

THE PERSONAL SAFETY FIREARMS ACT OF 1973

I propose, therefore, legislation that will make a significant advance in the direction of halting the unbridled flow of guns that today ensnares all of our lives.

I am introducing "the Personal Safety Firearms Act of 1973." The essential features of my bill contain three basic provisions:

I propose first, the registration of every gun in America.

Second, that firearms ownership be attained only through approval of effective licensing procedures. Each gun owner must have a permit before he is authorized to have a gun.

Finally, I propose a ban on the output of all handheld firearms that are not intended for legitimate uses.

A principal purpose of the first requirement—that all firearms must be registered—is to provide an improved system for law enforcement agencies to trace those who commit crimes with firearms. This provision covers all firearms, both those already in private hands and those to be acquired in the future.

Conservative estimates show that 90 million firearms are in civilian hands in the United States today—35 million rifles, 31 million shotguns, and 24 million handguns—in 60 million households. Other estimates have put the tally of firearms as high as 200 million. By any account, those are exorbitant numbers. Each year 5 million new firearms are produced by American industry. Yet, there is no system in this country that attempts to bring order to the explosive spread of these deadly devices.

Registration will tell us how many guns there are, where they are, and in whose hands they are held.

Under my bill, registration information will be referred to the National Crime Information Center maintained by the Federal Bureau of Investigation, thus enabling enforcement officers throughout the country to trace immediately the ownership of any firearm. A person who carries a firearm must have with him a certificate of registration, which he must exhibit upon the demand of any law enforcement officer.

Under the terms of the proposal, a violation of the registration provisions is punishable by imprisonment for up to 5 years, a fine of up to $5,000, or both. The Secretary has authority to declare periods of amnesty during which previously unregistered weapons may be registered without penalty. Any purposeful falsification or forgery of registration information is punishable by imprisonment for up to 5 years, or a fine of up to $10,000 or both.

The second feature of my bill requiring every gun owner to obtain a license before he may be entrusted with a gun—is fundamental in guarding against the hazards of indiscriminately allowing criminals to obtain firearms.

A gun is such a terribly vicious weapon, that members of a civilized society should mandate gun owners to prove that they are not disqualified from having access to these instruments of death.

Under the provisions of my bill, if a State does not adopt a firearms permit system that meets minimum standards specified in the bill, Federal licensing will become effective until the State adopts an adequate permit system. No person—whether a licensed dealer or a private individual may sell firearms or ammunition to an individual who does not have either an adequate State permit or a Federal gun license. In addition, no one may possess a firearm or ammunition unless he has either an adequate State permit or a Federal gun license. To qualify as having an adequate permit system, a State must restrict the issuance of permits applied for by convicted felons, fugitives from justice, mental defectives, alcoholics, juveniles, and drug addicts, and must adequately investigate applicants prior to the issuance of permits.

In States that do not enact adequate permit systems, Federal gun licenses, valid for up to 3 years, will be issued by federally licensed dealers upon receipt—from both the chief law enforcement officer of an applicant's locality and a licensed physician—of information bearing upon his eligibility for a Federal gun license.

The sale or possession of firearms or ammunition in violation of the licensing and permit provisions of the bill carries a maximum sentence of imprisonment for 5 years and a fine of $5,000.

The purpose of the third provision of my bill—banning the domestic output of cheap hand-held firearms—is to get at the heart of the problem of those guns used in crime. The handgun's role in crime is disproportionate to its number in comparison with long guns, in the commission of homicide, aggravated assault, and armed robbery.

Over 50 percent of the 18,000 homicides in 1971 were committed with handguns. Virtually every robbery involving a firearm takes place with a handgun. The percentage of violent crimes in which handguns are used is increasing. For the period 1962–71, 73 percent of the weapons used in police murders were handguns. From the working papers of the National Commission on Reform of Federal criminal laws, Prof. Franklin Zimring explains why it is vital that we have a nationwide system from the control of firearms, particularly for hand-held firearms:

> In Massachusetts, where restrictive handgun licensing has been in effect for many

years, a study showed that 87 percent of the firearms confiscated as a result of use in crime came from other States, and similar studies by the task force on firearms of the Eisenhower commission show a similar pattern to be true in New York City, with restrictive handgun licensing, and Detroit, Mich., with a permissive handgun licensing system and a geographic vulnerability to the inflow of weapons from Toledo, Ohio.

Based on an exhaustive examination of patterns of firearms crime, the Brown commission recommended:

A ban on the production and possession of the trafficking in handguns.

A majority of the members of that Commission know that State control of hand-held firearms is ineffective because of different policies and leakage between the States. Only a comprehensive and uniform system of controls of hand-held firearms will aid in suppressing the crimes of violence caused by these weapons.

My bill seeks to accomplish that goal, and I look forward to the support of the executive agencies in establishing procedures to implement these provisions.

NATIONAL FIREARMS POLICY

Firearms legislation is in demand because the Nation needs direction as well as legal authority for suppressing the lawlessness aggravated by the presence of so many guns. I intend to gain, for the American people, effective firearms legislation. At the same time, I believe that a sane firearms policy should be adopted for the safety of our citizens. Beyond Federal legislation, the Eisenhower commission in 1969, recommended the development of a two step national firearms policy through:

1. Public education campaigns. With cooperation from the National Rifle Association and other firearms organizations the public can be properly made aware of the role of firearms in American life. Perhaps, by stressing firearms safety and deemphasizing the glamour and power of firearms use—such campaigns will reduce the glitter of the firearms mystique in a fashion similar to our awakening about the hazards of cigarette smoking.

2. Research on the relationship of firearms and violence. Not only are firearms involved in deliberate acts of mayhem but their mere existence contributes to accidents and needless destruction—nearly half of the Nation's 20,000 annual suicides are accomplished with a gun. We need research that will aid in developing non-lethal weapons and in designing firearms control systems. For a Nation that treasures life and the joy of living we in America are paradoxically overwhelmed with the tools of destruction. If it is not immediately feasible to eliminate firearms from the American scene, there ought to be a high national priority to apply some reasonable restrictions on the use of the vast arsenals at our disposal.

An effective national firearms policy will contribute to the overdue need for a curb in firearms violence. Guns are made for one purpose only—to put a bullet through something. Reasonable men can agree that no man deserves to hold the power of ending another's life because of the indiscriminate use of such a lethal contrivance. Up to this point, this Nation has not agreed on how to control that power. Yet, we have allowed and indeed, encouraged, a burgeoning explosion of these weapons of destruction. I hope to join with all Americans who treasure the sancitity of life, in seeking to bring a halt to the violence and carnage that we inflict upon each other, and bring an end to the violence and the killing guns cause.

In a nation that has over 90 million firearms accessible to its people, the issue of gun controls and responsible use of guns is an extremely critical one. To speak of reasonable or legitimate firearms use in some instances can draw startlingly disparate reactions. At one extreme are those who urge extended arming of our civilian population to "keep America strong;" at the other extreme are those who would place the confiscation of all firearms as our No. 1 national priority. The latter, however, has often been described as folly because it is not a feasible way to approach the problem. Yet, some take the view that strict bans on the production and distribution of ammunition would solve the gun problem in quick order. No bullets—no shooting. Perhaps, that is where we should be headed.

I do not know that this is a feasible or practical alternative but, I do believe that a majority of the American people want to see an end to gun crime and such a bold approach may be what is needed to meet the crisis of firearms abuse in this country. America looks to the Congress for the lead in matters of national survival. Complex issues such as this one deserve considerable deliberation and extensive study. Fortunately this is one area that has already received plenty of both. The proper move for us is to act to bring sense and reason to solve the problems.

I have personally been involved with every attempt made by the Senate in the past 10 years, to adopt new gun laws. But the Senate has been called upon in that period to strengthen our gun laws only when the Nation was shocked by acts of violence directed against public figures. Curiously, after each of those espisodes, critics of strong controls insisted that we should not allow public emotion and hysteria to influence the enactment of firearms laws. Their complaints implied that more effective controls might be enacted in the absence of any violent occurrence.

Yet, guns kill 22,000 Americans each year. At that rate no period in our current life is free from gun violence because 60 people are gunned down each day. I implore the 93d Congress to ignore the mindless pleas of the gun lobby. Instead, we must act to stem the rising increase in blood letting caused by 200 million guns in the hands of American civilians.

I believe that by reforming the role of firearms in our society, enactment and enforcement of adequate gun controls can be achieved. I intend to work vigorously toward that goal.

Mr. President, I ask unanimous consent that an editorial from the Boston Globe entitled "The Battle for Gun Control," together with the text of the bill be printed at this point in my remarks.

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

[From the Boston Globe, Feb. 17, 1973]

THE BATTLE FOR GUN CONTROL

The sensibilities of the gun lobby can best be illustrated by what was described as "typical" testimony before the state's legislative Committee on Public Safety Thursday. "Guns," insisted the man from Adams, Mass., "are not any more dangerous than golf or football."

He is one man we would not like to play golf or football with, that is for sure. And the persistence of gun enthusiasts in ignoring the fact that guns are used for killing, wounding and robbing human beings boggles the mind.

The Los Angeles Times recently published statistics for 1971 showing that guns are widely used in this country and not just for sport. Here is their listing:

Murders committed with guns, 11,300.
Deaths from gun accidents, 2,400.
Policemen killed by gunfire on duty, 120.
Suicides by gunfire, 10,000.
Accidentally wounded, 20,000.
Aggravated assaults involving guns, 92,000.
Persons robbed at gunpoint, 160,000.

In Boston alone guns were used in 480 cases of aggravated assault and in 49 murders last year. And only recently the daughter of a judge was held up at gunpoint in Cambridge by boys she judged to be 13 and 14 years old. To date the Boston School Department has no record of an incident involving a gun on school premises, but cities like New York, Kansas City and Atlanta have reported some 15 such incidents each during the current school year.

Clearly gun control could best be effective on a nationwide basis, but last year licensing legislation was defeated 84 to 7 in the Senate, and another bill to outlaw small handguns died in the House Judiciary Committee. Meanwhile the accidents, the holdups and the shootings continue.

Massachusetts has had strict licensing requirements since 1968. As a result it is known that more than one-third of the 300,000 registered weapons here are handguns, requiring a police permit issued every two years. Sen. Jack Backman (D-Brookline) is among those who believe this is not enough and he has resubmitted a bill that would prohibit the sale or possession of handguns in this state, except in the case of the armed forces, law enforcement officials and persons specially authorized by the commissioner of public safety.

In line with this. The Globe has decided as of Feb. 6 it will not accept any handgun advertising in its pages. This includes an all-type advertisement as well as any illustration or reference to handguns.

Without Federal support, the Backman bill cannot be perfect. But at least it would reduce the availability of guns in stores and in private homes within Massachusetts. And it would tighten the sanctions against those who possess them illegally. As for those who argue that guns are for sports, they should remember that the "track pistol" reportedly found on a student during the troubles at Hyde Park High two years ago, looked just as lethal as a .22 to the teacher who found it.

The threats and the killings must be reduced, if they cannot be stopped. And those who insist on the right to bear arms should acknowledge that, in a modern urban society the courts are a better defense than a gun battle in which they may easily be the victim.

S. 982

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 "Personal Safety Firearms Act of 1973."

TITLE I—REGISTRATION

SEC. 101. Title 18, United States Code, is amended by inserting after chapter 44 the following new chapter:

"Chapter 44A.—FIREARM LICENSING

"§ 931. Definitions

"As used in this chapter—

"(1) The term 'firearm' means a weapon (including a hand-held firearm and a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, but shall not include a firearm as that term is defined in chapter 53 of the Internal Revenue Code of 1954 or an antique firearm as defined in section 921 of this title.

"(2) The term 'hand held firearm' means any weapon designed or redesigned to be fired while held in one hand; having a barrel less than ten inches in length and designed or redesigned or made or remade to use the energy of an explosive to expel a projectile or projectiles through smooth or rifled bore.

"(3) The term 'Secretary' means the Secretary of the Treasury.

"(4) The term 'licensed dealer' means any importer, manufacturer, or dealer licensed under the provisions of chapter 4 of this title.

"(5) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

"(6) The term 'sell' means give, bequeath or otherwise transfer ownership.

"(7) The term 'possess' means asserting ownership or having custody and control not subject to termination by another or after a fixed period of time.

"§ 932. Registration

"(a) It is unlawful for a person knowingly to possess a firearm not registered in accordance with the provisions of this section. This subsection shall not apply with respect to—

"(1) a firearm, previously not registered, if such a firearm is held by a certified dealer for purposes of sale: *Provided*, That records of such firearms are kept as may be required by the Secretary;

"(2) a firearm possessed by a person on the effective date of this Act and continuously by such person thereafter for a period not to exceed one hundred and eighty days;

"(3) a firearm, previously not registered, possessed by (A) the United States or any department or agency thereof, or (B) any State or political subdivision thereof.

"(b) (1) A certified dealer who sells a firearm to a person in whose possession the firearm must be registered shall require from the purchaser a completed application for registering the firearm and shall file the application with the Secretary at the time of sale.

"(2) When a person other than a certified dealer sells a firearm, the purchaser shall file an application for its registration with the Secretary prior to receipt of the firearm.

"(3) A person who possesses a firearm on the effective date of this Act shall, unless he sooner sells the firearm, file an application for registration of the firearm with the Secretary within one hundred and eighty days.

"(c) An application for registration of a firearm shall be in a form to be prescribed by the Secretary, which shall include at least the following:

"(1) the name, address, date and place of birth, photograph and social security or taxpayer identification number of the applicant;

"(2) the name of the manufacturer, the caliber or gage, the model and the type, and the serial number of the firearm; and

(3) the date, the place, and the name and address of the person from whom the firearm was obtained, the number of such person's certificate of registration of such firearm, if any, and, if such person is a licensed dealer, his license number.

"(d) An application for registration of a firearm shall be in duplicate. The original application shall be signed by the applicant and filed with the Secretary, either in person or by certified mail, return receipt requested, in such place as the Secretary by regulation may provide. The duplicate shall be retained by the applicant as temporary evidence of registration. The Secretary after receipt of a duly filed completed application for registration, shall send to the applicant a numbered registration certificate identifiying such person as the registered owner of such firearm.

"(e) The certified record of a firearm shall expire upon any change of the name of the registered owner or residence unless the Secretary is notified within thirty days of such change.

"(f) It is unlawful for a person to carry a firearm required to be registered by this chapter without having a registration certificate or if such certificate has not been received, temporary evidence of registration or to refuse to exhibit such certificate or temporary evidence upon demand of a law enforcement officer.

"§ 933. Sales of firearms and ammunition

"(a) A registrant of a firearm who sells the firearm shall, within five days of the sale, return to the Secretary his registration certificate noting on it the name and residence address of the transferee, and the date of delivery.

"(b) Whoever acquires a firearm required to be registered by this chapter shall require the seller to exhibit a registration certificate and shall note the number of the certificate on his application for registration.

"(c) A licensed dealer shall not take or receive a firearm by way of pledge or pawn without also taking and retaining during the term of such pledge or pawn the registration certificate.

"If such pledge or pawn is not redeemed the dealer shall return the registration certificate to the Secretary and record the firearm in his own name.

"(d) The executor or administrator of an estate containing a registered firearm shall promptly notify the Secretary of the death of the registered owner and shall, at the time of any transfer of the firearm, return the certificate of registration to the Secretary as provided in subsection (a) of this section. The executor or administrator of an estate containing an unrecorded firearm shall promptly record the firearm, without penalty for any prior failure to record it.

"(e) Whoever possesses a firearm shall within ten days notify the Secretary of a loss, theft or destruction of the firearm, and, after such notice, of any recovery.

"(f) A licensed dealer shall not sell ammunition to a person for use in a firearm required to be registered without requiring the purchaser to exhibit a certificate of registration or temporary evidence of registration of a firearm which uses such ammunition, and noting the certificate number or date of the temporary evidence of registration on the records required to be maintained by the dealer pursuant to section 923(G) of this article.

"§ 934. Penalties

"(a) Whoever violates a provision of section 932 or section 933 shall be punished by imprisonment not to exceed five years, or by a fine not to exceed $5,000, or both.

"(b) Whoever knowingly falsifies any information required to be filed with the Secretary pursuant to this chapter, or forges or alters any certificate of registration or temporary evidence of registration, shall be punished by imprisonment not to exceed five years or a fine not to exceed $10,000 or both.

"(c) Except as provided in subsection (b), no information or evidence obtained from an application or certificate of registration required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued by the Secretary, shall be used as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application for registration containing the information or evidence.

"§ 935. Disposition of firearms to Secretary

"(a) The Secretary is authorized to pay reasonable value for firearms voluntarily relinquished to him.

"(b) A person who lawfully possessed a firearm prior to the operative effect of any provision of this title, and who becomes ineligible to possess such firearm by virtue of such provision, shall receive reasonable compensation for the firearm upon its surrender to the Secretary.

"§ 936. Rules and regulations; period of amnesty

"The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter, including reasonable requirements for the marking of firearms that do not have serial numbers, and may declare periods of amnesty for the registration of firearms.

"§ 937. Disclosure of information

"Information contained on any certificate of registration or application therefore shall not be disclosed except to the National Crime Information Center established by the Federal Bureau of Investigation, and to law enforcement officers requiring such information in pursuit of their official duties.

"§ 938. Assistance to the Secretary

"When requested by the Secretary, Federal departments and agencies shall assist the Secretary in the administration of this title."

TITLE II—LICENSING

SEC. 201. Chapter 44 of title 18, United States Code is amended by inserting after section 923, the following new section:

"§ 923A. State permit systems; Federal firearms licensing

"(a) The Secretary shall determine which States or political subdivisions of States have enacted or adopted adequate permit systems for the possession of firearms and shall publish in the Federal Register the names of such States and political subdivisions.

"(b) An adequate permit system shall include provisions for:

"(1) identification of the permit holder appearing on the permit including name, address, age, signature and photograph;

"(2) restrictions on issuance of a permit to a person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice;

"(3) restrictions on issuance of a permit to a person who, by reason of age, mental condition, alcoholism, drug addiction or previous violations of firearms laws cannot be relied upon to possess or use firearms safely and responsibly;

"(4) means of investigation of applicants for permits to determine their eligibility under subparagraphs (2) and (3), including filing with the issuing agency a complete set of fingerprints and a recent photograph of the applicant; and

"(5) prohibition of possessions of firearms or ammunition by any person who has not been issued such a permit.

"(c) It shall be unlawful for any person to sell or otherwise transfer any firearm or ammunition to any person (other than a licensed importer, licensed manufacturer or licensed dealer) unless:

"(1) the sale or transfer is not prohibited by any other provision of this chapter; and

"(2) the purchaser or transferee exhibits a valid permit issued to him by a State or political subdivision having an adequate permit system, or the purchaser or transferee exhibits a valid Federal gun license issued in accordance with subsections (d) and (e).

"(d) A licensed dealer shall issue a Federal gun license to a person upon presentation of:

"(1) a valid official document issued by the person's State or political subdivision, showing his name, current address, age, signature and photograph;

"(2) a statement, in a form to be prescribed by the Secretary and dated within six months and signed by the chief law enforcement officer (or his delegate) of the locality of residence of the person, that to the best of that officer's knowledge that person is not under indictment, has not been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, is not a fugitive from justice, and is not otherwise prohibited by any provision of Federal, States, or local law from possessing firearms and ammunition;

"(3) a statement in a form to be prescribed by the Secretary, dated within six months and signed by a licensed physician, that in his professional opinion such person is mentally and physically capable of possessing and using a firearm safely and responsibly;

"(4) a statement signed by the person in a form to be prescribed by the Secretary, that he may lawfully possess firearms and ammunitions under the laws of the United States and of the State and political subdivision of his residence;

"(5) a complete set of such person's fingerprints certified to by a Federal, State or local law enforcement officer, and a photograph reasonably identifying the person.

"(e) Federal gun licenses shall be issued in such form as the Secretary may prescribe, and shall be valid for a period not to exceed three years. A dealer shall maintain a record of all licenses issued by him as part of the records required to be maintained by section 923(b) of this chapter, and shall forward to the Secretary the documents described in subparagraphs (d)(2)–(d)(5).

"(f) Any person denied a Federal gun license under subsection (d) may apply directly to the Secretary, for the issuance of a Federal gun license.

"(g) Unless otherwise prohibited by this chapter, a licensed dealer may ship a firearm or ammunition to a person only if the dealer confirms that the purchaser has been issued a valid permit pursuant to an adequate state permit system, a Federal gun license, or a Federal dealer's license, and notes the number of such permit or license in the records required to be kept by section 923 of this chapter.

"(h) No person may possess a firearm or ammunition without a valid state or local permit, if he is resident of a State or locality having an adequate permit system, or a Federal gun license.

"(i) Determinations of adequate permit systems and denials by the Secretary of Federal gun licenses shall not be subject to the provisions of chapter 5, title 5, United States Code, but actions of the Secretary shall be reviewable de novo pursuant to chapter 7, title 5, United States Code, in an action instituted by any person, State or political subdivision adversely affected."

SEC. 202. The analysis of chapter 44 of title 18, United States Code is amended by inserting immediately after the following:

"923. Licensing."

"923A. State permit systems; Federal firearms licenses."

TITLE III—HAND HELD FIREARMS

Section 922 of title 18, United States Code is amended by adding at the end thereof the following subsection:

"(n)(1) It shall be unlawful for any person to import, manufacture, sell, buy, transfer, receive, or transport any hand held firearm which the Secretary determines to be unsuitable for such lawful purposes as law enforcement, military and protective uses, hunting and sport shooting, based upon standards established by him.

"(2) The Secretary may, consistent with public safety and necessity, exempt from the operation of subsection (1) of this section such importation, manufacture, sale, purchase, transfer, receipt, or transportation of firearms by importers, manufacturers, or dealers, licensed under this chapter.

"Such exemptions may take into consideration not only the needs of police officers and security guards, sportsmen, target shooters, and firearms collectors but also, small businesses in high crime areas and others who can demonstrate a special need for self-protection.

"(3) The term 'hand held firearm' means any weapon designed or redesigned and intended to be fired while held in one hand; having a barrel less than ten inches in length and designed, redesigned or made or remade to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore."

TITLE IV—GENERAL PROVISIONS

SEC. 401. SEPARABILITY.—If the provisions of any part of this Act or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

SEC. 402. EFFECT ON STATE LAW.—No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provisions operate to the exclusion of the law of a State or possession or political subdivision thereof, on the same subject matter, or to relieve any person of any obligation imposed by any law of any State, possession, or political subdivision thereof.

SEC. 403. EFFECTIVE DATE.—The provisions of this Act shall become effective ninety days after the date of its enactment.

Mr. JAVITS. Mr. President, as in the past, I am pleased to join with the distinguished Senator from Massachusetts (Mr. KENNEDY) in introducing the Personal Safety Firearms Act.

As we reintroduce this critically important legislation, we are reminded once more of the criminal violence which continues to plague the neighborhoods and suburban areas of America.

We are reminded of the suffering and distress that flows from assault and the fear of assault.

Through the media and through the widening circle of relatives and friends who have suffered the terror of crime, muggings, holdups and worse, of the pointed gun or the irrevocable violence of the pulled trigger, who has not experienced—at least vicariously—this shattering reality?

The causes of crime and violence in our society are rooted in complex and stubborn forces which will not yield easily, but comprehensive reform of our criminal justice system is one key element in rooting out these causes.

Mr. President, there are no simple solutions to the crime problem. But there are solutions—even though they may not be complete. There are actions we can take to provide better protection for our shopkeepers, our cabdrivers, our employees, our police officers and our people on the streets and in their homes.

Protecting the lives, the property and the rights of its citizens is the first purpose of government. The level and quality of public safety afforded by our governments is not now adequate to our needs. It must be made so.

One action we must now undertake is to control the deadly interstate traffic in firearms which in 1971 were responsible for the murder of over 10,000 Americans.

The police officer walking the streets of urban America is the prime target for the armed offender. From 1961 through 1970, 633 policemen were killed in the United States—most of them with handguns. In 1971, 126 policemen were murdered in the line of duty. In 1972, the total decreased slightly to 112, but 108 were killed with firearms. The unprovoked and terrifying attacks by "ambush" on the police of New York City have shocked the Nation.

The bill we introduce today—the Personal Safety Firearms Act—would if enacted severely restrict the availability of handguns, the weapon used in 52 percent of all murders. It would substantially reduce the personal dangers and fatalities caused by the criminal behavior of whose who lawlessly misuse firearms by requiring:

First, the registration of every civilian owned gun in the United States;

Second, the licensing of all persons who own guns, and

Third, a ban on the domestic output of hand-held firearms that are not suitable for sporting or protective purposes.

Registration will provide an improved system for law enforcement agencies to trace and apprehend those who commit crimes with firearms. It will tell us where the guns are and in whose hands they are held. All privately owned firearms will be identified by their physical characteristics and by the name of the person applying for such registration. The National Crime Information Center of the FBI will maintain these registration documents to enable law enforcement officers throughout the country to trace ownership of any firearm.

Under the bill, a violation of this provision is punishable by imprisonment for up to 5 years, a fine of up to $5,000, or both. The Secretary has authority to declare periods during which previously unregistered weapons may be registered without penalty. Any intentional falsification of registration information is punishable by imprisonment for up to 5 years, or a fine of $10,000 or both.

The licensing provision would require all gun owners to possess an adequate State permit or a Federal gun license. If a State fails to adopt a firearms permit system that meets minimum standards specified in the bill, Federal licensing applies until the State adopts an adequate permit ssytem. No person—whether a licensed dealer or a private individual may sell firearms or ammunition to an individual who does not have either an adequate State permit or a Federal gun license.

In addition, no one may possess a firearm or ammunition unless he has either an adequate State permit or a Federal

gun license. To qualify as having an adequate permit system, a State must restrict the issuance of permits applied for by convicted felons, fugitives from justice, mental defectives, alcoholics, juveniles, and drug addicts, and must adequately investigate applicants prior to the issuance of permits.

In States that do not enact adequate permit systems, Federal gun licenses, valid for up to 3 years, will be issued by federally licensed dealers upon receipt—from both the chief law enforcement officer of an applicant's locality and a licensed physician—of information bearing upon his eligibility for a Federal gun license.

The sale or possession of firearms or ammunition in violation of the licensing and permit provisions of the bill carries a maximum sentence of imprisonment for 5 years and a fine of $5,000

The third purpose of the bill is to ban the domestic output of cheap hand-held firearms. The handgun's role in crime is disproportionate to its number in comparison with long guns, in the commission of homicide, aggravated assault, and armed robbery. Over 50 percent of the 15,000 homicides in 1969 were committed with handguns. Virtually every robbery involving a firearm takes place with a handgun. The percentage of violent crimes in which handguns are used is increasing. During 1969, handguns were used in 81 percent of the murders of police officers killed by criminal assaults. For the period 1960–69, 78 percent of the weapons used in police murders were handguns.

State control of hand-held firearms has been ineffective because of different policies and leakage between the States. Only a comprehensive and uniform system of controls of hand-held firearms will aid in suppressing the crimes of violence caused by these weapons.

Mr. President, our fellow citizens are alarmed by the rise of violent crime in the United States, and with good reason. Personal injury and death occur more often in our country than in any other industrial nation in the world. Firearms are the primary instrument of injury and death in American crime.

The current annual toll of 20,000 gun deaths—10,000 murders, 7,000 suicides, and 3,000 accidents—is a national scandal that demands congressional action. A nationwide system of firearms licensing and registration can effectively assist Federal and State governments in their efforts to reduce that toll.

Law enforcement agencies support strong gun control legislation as the single most important way to control violent crimes. In 1967, the late J. Edgar Hoover, Director of the FBI, in testimony before the House Appropriations Committee, supported the need for legislation, requiring the registration and licensing of civilian firearms. Police Commissioner Patrick J. Murphy of New York City and others support these proposals while being increasingly apprehensive about the safety of our uniformed policemen.

As fear of crime increases, handgun sales increases; as the number of loaded guns increases, the use of firearms in crime increases; as gun use increases, the death rate from violent crime increases; when this happens, citizen fear of crime increases still more.

The self-defense aspect of this "vicious circle" deserves further attention. Even though the great majority of handguns are kept for household self-defense, it is absolutely clear that the handgun in the home is more likely to kill innocent people than to save their lives. In Detroit more people died in 1 year from handgun accidents alone than were killed by home-invading robbers or burglars in 4½ years.

The opponents of gun control maintain that we cannot limit the supply of guns enough to reduce the incidence of violent crime. It is said that criminals will still be able to obtain handguns through illicit channels. We all are aware that the problem of criminal misuse of firearms would not be solved by passing this bill or any other gun control legislation. But the enactment of this bill will very definitely reduce the availability of firearms, and consequently reduce the amount of criminal firearms violence.

We have sought to cope with conflicting interests. We have sought to find a way to deal with the illegitimate uses of guns, without at the same time placing undue restrictions on legitimate uses.

Mr. President, action is long overdue. We must act to protect the lives of citizens and police officers who everyday confront a tide of fear and very real danger—brought about by so many who use these illegal weapons.

Our proposal would help to provide that protection without interfering with the rights of law-abiding gun owners. I believe that they will accept the minor inconveniences of handgun licensing and registration in order to improve the control over the spread of criminal violence in America.

I believe that they will agree with the commonsense conclusion that guns must be treated in the same manner as automobiles—that is, that they be registered and their owners hold licenses. If we require licensing and registering of automobiles—whose purpose is not to kill but to transport—how much more reasonable it is to have the same measure of control over guns, whose sole function is to kill or to maim.

It is time to respond to the call of reason for more effective gun control.

We ought to make this contribution. It has been said before, and I say it again, that, at the very least, we should do this out of deference to the tremendous concern, so eminently justified by fact, and on a note of deference to our own misfortune here and the dreadful tragedy affecting Senator STENNIS who is happily getting better, although he is still at the door of death and in a situation which might conceivably at least have been inhibited or prevented by appropriate gun control legislation.

By Mr. BAYH (for himself, Mr. BIBLE, Mr. COOK, Mr. CRANSTON, Mr. EAGLETON, Mr. HART, Mr. HUMPHREY, Mr. KENNEDY, Mr. McGEE, Mr. McGOVERN, Mr. McINTYRE, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. PASTORE, Mr. RIBICOFF, Mr. STEVENSON, Mr. TOWER, Mr. FONG, Mr. BROCK, Mr. BENTSEN, Mr. CHURCH, and Mr. TUNNEY):

S. 983. A bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II; and

S. 984. A bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. BIBLE, Mr. EAGLETON, Mr. HART, Mr. HUMPHREY, Mr. KENNEDY, Mr. McGEE, Mr. McGOVERN, Mr. McINTYRE, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. PASTORE, Mr. STEVENSON, Mr. TOWER, Mr. FONG, Mr. BROCK, Mr. BENTSEN, Mr. CHURCH, Mr. TUNNEY, and Mr. RIBICOFF):

S. 985. A bill to amend the Controlled Substances Act to establish effective controls against diversion of particular controlled substances and to assist law enforcement agencies in the investigation of the diversion of controlled substances into other than legitimate medical, scientific, and industrial channels, by requiring manufacturers to incorporate inert, innocuous tracer elements in all schedule II and III depressant and stimulant substances, and for other purposes. Referred to the Committee on the Judiciary.

THREE MEASURES TO CONTROL BARBITURATE DIVERSION AND ABUSE

Mr. BAYH. Mr. President, today I am reintroducing three measures designed to facilitate law enforcement agencies in their efforts to investigate and to curb the diversion of dangerous drugs, from legtitimate channels of distribution to illicit markets.

During my 9 years as chairman of the Subcommittee to Investigate Juvenile Delinquency, I have conducted an intensive investigation into the diversion and abuse of legitimately produced narcotic and nonnarcotic dangerous drugs.

Not drugs illicitly grown in Turkey and refined in France. Not drugs grown and refined in Asia's Golden Triangle. But dangerous drugs produced legitimately within our own borders.

Additional efforts are necessary to deal with the problems of international drug traffic. But even if the war on heroin should result in total victory, the epidemic of drug abuse which plagues American society would not be vanquished; for the source of supply for growing legions of addicts is a domestic one.

We are experiencing a pandemic of psychotropic drug abuse among young and old alike. Conservative estimates indicate that at least 14 million Americans have abused methamphetamines, amphetamines, barbiturates, and other prescription drugs.

Much of this drug abuse begins with the overproduction and diversion of legitimately produced drugs to illicit markets. Quite often the feared and despised "pusher" is a family's own medicine cabinet. Casual attitudes toward these potentially destructive drugs, coupled with a readily available supply are intimately linked with the current abuse of these drugs.

In the summer of 1971 and again in the winter of 1972, the Juvenile Delinquency Subcommittee held hearings on amphetamine traffic, abuse, and regulation. Subcommittee volumes, "Amphetamine Legislation 1971," and "Diet Pill—Amphetamines—Traffic, Abuse, and Regulation." Concern regarding stricter controls on the production and distribution of amphetamines was not new in the Senate. In October 1970, this body passed an amendment to the Controlled Substances Act which placed amphetamines under schedule II which required production quotas be established to meet only current medical, scientific, research, and industrial needs. However, following intensive lobbying by representatives of the drug industry and bolstered by White House opposition to controls on the production of amphetamines, the Senate passed amendment was deleted in the conference.

In 1972, after a 3-year struggle, the proponents of stricter controls on the production and distribution of amphetamines could claim a victory of sorts, at least for the many youngsters and others who because of the production cuts will perhaps not be exposed to an overabundance of "speed" in the family medicine chest, at school, or on the street.

The 1972 quota, more than adequate to meet legitimate medical, scientific, research, and industrial needs, limited production to 235 million units. This amounted to an 83-percent reduction from 1971 production levels. Industry had requested 1972 production quotas doubling 1971 production.

Some claim that further reduction is necessary, but in contrast to 4,619 million units of amphetamine and methamphetamine produced in 1969, it is clear that production has been drastically reduced.

What this means is that in 1969 production was probably in excess of legitimate needs by an incredible 4 billion units. Thus in the past few years, while some of us were urging the establishment of production quotas, more than 10 billion amphetamines were produced in excess of legitimate needs.

What happened to those billions of pills? Mr. President, I can tell you what happened to some of them. I have seen those whose minds and lives were destroyed by chronic dependence on these pills. I have seen the bodies of some who diluted these pills in liquids to be shot into their veins with tragic results—disease, mutilations, disabilities for a lifetime and even deaths.

These and many others were the victims of a policy that chose to put the burden—the risk of abuse—on the public rather than on the manufacturers of these dangerous drugs.

The number of individuals introduced to these dangerous substances and often to the long road of addiction, because of this gross overproduction is immeasurable, but it is clear that the impact on our society, particularly its youth, has been devastating, if not catastrophic.

The subcommittee has found that, as with the amphetamines, barbiturates are all too easily diverted from legitimate channels of distribution and abused in every strata of society. The subcommittee conducted a total of 7 days of hearings in December 1971, and May and June 1972. In order to obtain firsthand knowledge of the problems of barbiturate abuse and illicit diversion.

I visited a number of barbiturate treatment programs as well as several major barbiturate production plants. In order to obtain additional information on the extent of barbiturate abuse and diversion throughout the country, the subcommittee submitted detailed questionnaires to the attorneys general of every State and territory, to 148 police departments, to 197 district attorneys, and to 160 forensic toxicologists. A discussion of the nature and extent of barbiturate abuse and diversion as well as a detailed analysis of the responses to the national questionnaire can be found in the December 1972 subcommittee report, "Barbiturate Abuse in the United States."

The investigation and the hearings conducted by the subcommittee reveal barbiturate abuse to be both a substantail public health problem and an ever-increasing concern of law enforcement officials. We have found that current Federal controls on the production and distribution of shorter-acting barbiturates are not adequate to curb the diversion and abuse of these drugs which are highly dangerous when taken without proper medical supervision.

The tragic effects of barbiturate abuse are generally not known by the American public. The subcommittee found that many people distinguish "hard" drugs, such as heroin and cocaine, from nonnarcotic "soft" drugs which are produced for legitimate medical purposes. This unfortunate distinction has served to perpetuate the belief that "soft" drugs, such as barbiturates, involve little risk to the abuser. As the many subcommittee witnesses, particularly the former barbiturate abusers, made abundantly clear, nothing could be further from the truth.

The actual number of barbiturate abusers in this country is not known, although various estimates have been made. The National Commission on Marihuana and Drug Abuse reported that between 500,000 and 1 million Americans are barbiturate addicts. Surveys of secondary and college students from 1966 to 1971 found that 8 to 15 percent—2 to 4 million young people—have used barbiturates for nonmedical purposes.

Barbiturates have a long history of medical usefulness, but when used improperly are capable of producing psychological dependence, tolerance, and physical dependence. Misuse of barbiturates has led many individuals, both nondependent and dependent, to an overdose or death. Both heroin and barbiturates are strongly addictive. Barbiturate withdrawal is a serious medical emergency and requires hospitalization. It is more dangerous than heroin withdrawal and can be deadly.

Barbiturates are a favorite of polydrug users and are used by abusers of many other dangerous drugs. The particularly dangerous combination of alcohol and barbiturates is, unfortunately, a popular mode of abuse. Abusers of amphetamines—diet pills—often rely on barbiturates to deaden the effect of the stimulants. Too many of these abusers, young and old alike, find themselves in the vicious addictive cycle of the uppers and downers. Barbiturates are used by heroin addicts to modify the euphoria of heroin and as a substitute when heroin is not readily available.

Violent behavior may accompany barbiturate abuse. Unlike opiates, which frequently serve to contain aggressive urges, barbiturates paradoxically often permit the ventilation of aggressive feelings. The heavy abuser is confused, agitated, aggressive, and prone to hostile activities. While the actual number of crimes committed by individuals who abuse barbiturates is unknown, several recent surveys indicate that the number is substantial. One study found that secobarbital, a barbiturate covered by my bill, was overwhelmingly selected by delinquent youths as the drug most likely to enhance aggression.

Recently, NBC news aired a chilling television documentary entitled "Thou Shalt Not Kill." For nearly 35 minutes the viewer witnessed two inmates, incarcerated on death row in the Utah State Prison, excitedly describe the macabre details of their half dozen brutal murders. What may have escaped the typical viewer were the many references to the beer and pills taken by these men during their murderous binge. During a 3-day period they reportedly ingested pentobarbital capsules by the handful approximately every 3 hours. They were described as edgy, grimy, laughing, walking zombies, all consistent with chronic barbiturate intoxication.

Whether the criminal conduct associated with barbiturates is fostered by the drugs themselves or by the need to obtain these drugs, it is clear that increasing barbiturate abuse is intimately related to the growing numbers of violent and nonviolent crimes committed each year.

How do these legitimately manufactured drugs find their way to the illicit market and the abusers?

During the course of the subcommittee investigation of barbiturate abuse, a number of sources for illicit barbiturates were reported. Witnesses at subcommittee hearings, including former barbiturate addicts and law enforcement officials, testified that illicit barbiturates are obtained from friends, street dealers, and unethical physicians and pharmacists; by forged prescriptions; and by pilfering abundantly supplied family medicine cabinets. Thefts from drug manufacturers, wholesalers, pharmacies, and doctors' offices are also a significant source of supply. Additionally, a substantial percentage of barbiturate abusers obtain their drugs legitimately for a recognized medical need and then gradually resort to self-medication for nonmedical reasons or to illicit traffic.

Two factors relating to the availability of barbiturates are widely recognized. First, barbiturates are readily available in most communities in this country. As one 16-year-old boy remarked at subcommittee hearings in December 1971:

It is less of a hassle to obtain downers (barbiturates) than it is to purchase cigarettes.

Second, although specific estimates differ, there is a consensus among drug abuse experts and law enforcement authorities that a significant proportion of legitimately produced barbiturates find their way into the illicit market.

All available evidence indicates that to date, most illegal barbiturate traffic has involved the diversion and illicit distribution of legitimately produced barbiturates, both in bulk and dosage unit forms. As John Ingersoll, Director of the U.S. Bureau of Narcotics and Dangerous Drugs, informed the subcommittee in May 1972:

Unlike the case of all other major drugs of abuse, it appears that *barbiturates are supplied exclusively from what begins as legitimate production* [italic added.]

In fact, the Bureau has not found a single working clandestine barbiturate laboratory in the United States. This contrasts sharply with illicit amphetamine and hallucinogen traffic, which in recent years has been supplied at least in part from clandestine laboratories.

The first bill I am introducing today is the "Barbiturate Control Act." This measure would transfer four commonly abused shorter-acting barbiturates from schedule III to schedule II of the Controlled Substances Act of 1970. Under schedule II, these barbiturates would be subject to production quotas, stricter distribution controls, and more stringent import and export regulations. This measure received strong support during the 92d Congress when it was introduced as S. 3539. It was cosponsored by 27 Members of the Senate. Since that time the subcommittee has substantiated even more fully the need for rescheduling. The extent of barbiturate abuse, the high incidence of barbiturate diversion, and the clear potential for greater abuse have been documented in the subcommittee report and the many hundreds of pages of testimony recently published as "Barbiturate Abuse 1971–72."

The transfer of the shorter-acting barbiturates to schedule II will have a direct impact in reducing diversion by establishing production quotas, stricter, more secure distribution controls, and more stringent import and export regulations. The urgent need for applying schedule II controls to the shorter-acting barbiturates has been clearly established by the subcommittee investigation.

It is well documented that the overproduction of barbiturates leads to diversion from legitimate channels to the illicit barbiturate market. On behalf of the American Medical Association, Dr. Henry Brill, testifying before the subcommittee in December 1971, reiterated a 1965 statement of the AMA Committee on Alcoholism and Addiction which concluded that—

Current production of all sedative drugs doubtless exceeds legitimate medical need by a considerable margin.

Moving these barbiturates to schedule II would require the Attorney General to establish production quotas based on legitimate medical, scientific, research, and industrial needs.

Many witnesses have described how easy it is to obtain barbiturates through forged prescriptions, legitimate prescriptions from careless doctors, and numerous refills of old prescriptions. The transfer of the popular, shorter acting barbiturates to schedule II would tighten prescription practices and thereby reduce the chances for careless overprescription without affecting the legitimate use of these drugs when prescribed under careful medical supervision. Rescheduling would also require approved order forms for all transfers of these drugs, separate and segregated recordkeeping, and more detailed reports on production and inventory. These measures would permit more effective monitoring of barbiturate distribution and detection of diversion.

In addition, schedule II would subject the shorter acting barbiturates to more rigid security requirements throughout the legitimate chain of distribution which would reduce the chance for employee pilferage and thefts by burglary. More rigorous import and export controls would also be imposed. Specifically, schedule II requires documentation by the exporter that the drugs will be used for legitimate, necessary medical purposes, and that the drugs will not be reexported from the destination country. Under schedule II, imports are limited to situations where there is a domestic shortage or where domestic competition is inadequate. Current schedule III control permits importation of barbiturates for "legitimate purposes." Thus, rescheduling would appreciably reduce that legal flow of barbiturates across our borders and provide substantially fewer opportunities for illicit diversion.

The second bill I am introducing today is the Dangerous Drug Identification Act. This measure would require all manufacturers of solid oral form barbiturates to place identifying marks or symbols on their products. This measure received strong support during the 92d Congress when it was introduced as S. 3538. Currently many of these legitimately produced tablets and capsules are unmarked. The presence of such identification would facilitate law enforcement efforts to determine the original source of the drugs they seize. Additionally, by requiring identification, an exact accounting could be made of the percent of seized capsules and tablets which are of legitimate pharmaceutical origin.

The third bill I am introducing today is the Dangerous Drug Tracer and Law Enforcement Information Act. This measure will further assist law enforcement agencies in their investigations of the diversion of controlled substances. This measure also provides for the Attorney General to conduct a comprehensive study and analysis of the diversion of controlled substances. This measure was introduced in the 92d Congress as S. 3819.

My bill would require manufacturers to incorporate an inert tracer ingredient in all schedule II and schedule III stimulants and depressants, including the widely abused amphetamines and barbiturates. The presence of these tracers will assist law enforcement agencies in the identification of diverted controlled substances, whether seized in bulk form or in the form of illicitly manufactured or illicitly capsulized pills.

Such a tracer system has been recommended by numerous witnesses who have appeared before the subcommittee. Mr. Joseph P. Busch, district attorney of Los Angeles County, recommended that tracer materials be placed in all domestically produced barbiturate substances. Mr. Busch illustrated the usefulness of tracers in a recent heroin investigation, in which his office placed a tracer in chemicals being shipped to a Mexican laboratory believed to be producing heroin. When the tracer appeared in heroin sold in California, Mr. Busch was able to verify the origin of the heroin.

Tracers in stimulant and depressant substances would provide similar assistance in source identification. Considerable evidence supports the hypothesis that legitimately produced domestic drugs, in bulk and dosage unit form, are shipped to Mexico and eventually imported to illicit markets in this country. The Bureau of Narcotics and Dangerous Drugs and the Customs Bureau have seized 7,600,000 unmarked red secobarbital units since July 1970. In one case, an individual was arrested in possession of 2 million unmarked red secobarbital units and large quantities of amphetamines. The presence of a tracer would assist law enforcement officers in identifying the source of these drugs, even if the substances have been repackaged or recapsulized for illegal trade. Tracers would in no way impair the quality or the therapeutic value of these drugs.

Although "California reds"—also known as "Mexican reds"—have been found in Denver, New Orleans, and New York City, it is important to emphasize that this is a special situation superimposed on a broader barbiturate abuse pattern affecting the entire Nation. The barbiturates seized in nearly all communities are legitimately produced domestic barbiturates in dosage unit form.

My bill requires the Attorney General after consultation with the Secretary of Health, Education, and Welfare and others knowledgeable in the manufacture, distribution, and monitoring of controlled substances, to determine appropriate methods for incorporating tracer ingredients in depressants and stimulants. The Attorney General is required to conduct research and educational programs to implement the tracer program; to develop rapid field and laboratory identification techniques; to train local, State, and Federal law enforcement personnel regarding the identification of tracer elements and investigation of diversion; and to establish standards to evaluate diversion and tracer control of other controlled substances.

There is an urgent need for a comprehensive information system for use in detecting and preventing drug diversion and in measuring the impact of enforcement and regulatory efforts. The Comptroller General in the April 17,

1972, report of the General Accounting Office entitled "Efforts To Prevent Dangerous Drugs From Illicitly Reaching the Public," made the following conclusions relative to reporting and identification of seized drugs by law enforcement agencies:

DRUGS SEIZED BY STATE AND LOCAL ENFORCEMENT GROUPS NOT EXAMINED

BNDD, the Bureau of Customs, and State and local enforcement agencies seize large quantities of drugs. BNDD strives to identify the manufacturer of drugs seized by its agents and the Bureau of Customs, since the manufacturers' identity can be valuable in BNDD's investigation to determine the source and significance of the diversion. We found however that, although it had made some efforts to identify manufacturers of drugs seized by State and local enforcement agencies, BNDD had no formal procedures for obtaining such information and that informal requests for samples of seized drugs had produced few results.

Manufacturers of legally produced amphetamines and barbiturates can be identified by marking, such as trade names and trademarks, or by pillistics. Pillistics, a procedure similar to ballistics, identifies pills with the machines which produced them. BNDD has obtained samples (authentics) of pills from manufacturers which have been identified to specific machines. When the origin of seized pills is unknown, the pills can be compared with the authentics in an attempt to identify the manufacturers that produced them.

BNDD officials expressed the view that more complete information on the origin of drugs seized by State and local groups would be a valuable aid in their investigation. The value of this information is illustrated in a case involving amphetamine pills seized in California. Through its examination BNDD identified pills smuggled in from Mexico as being manufactured by a drug firm in the Midwest. Subsequent investigations at this firm revealed that large quantities of amphetamines were en route to a fictitious address in Mexico. This shipment was seized.

In our visit to 13 State and local enforcement groups in California, New Jersey, and New York, we learned that a number of large seizures had been made in the past year but that little attempt had been made to determine the origin of the drugs. Most officials were not aware of BNDD's efforts to identify manufacturers but were willing to cooperate with BNDD in establishing such a system.

In one large metropolitan police department, we found that over 1,358,000 pills were seized during 1970. Three of the seizures consisted of about 270,000, 95,000, and 68,000 pills and accounted for over 30 percent of the total seized. No attempt has been made by the police department to determine the origin of these drugs nor had BNDD obtained samples for this purpose.

In other enforcement agencies, we found also that no attempt had been made to determine the origin of many drug seizures ranging from 5,000 to over 100,000 pills. In addition, we found that none of the enforcement agencies had uniform procedures for recording statistics on drug seizures and in several cases, no data was maintained.

We believe that BNDD should establish a procedure to obtain information on drugs seized by State and local enforcement groups. BNDD also should obtain samples of large drug seizures for its examination when the origin of the drugs is unknown. In addition, a uniform reporting format should be suggested to State and local enforcement groups so that data could be gathered systematically and uniformly and could be reported to BNDD.

The GAO report concludes that:

Much more needs to be done by the Bureau of Narcotics and Dangerous Drugs, the States, local agencies, and the industry to reduce the diversion of legitimately manufactured drugs to illicit channels where they become easily available into young people and adults.

My bill provides for the systematic collection of data relevant to drug diversion and requires a thorough assessment of law enforcement efforts in this area. It requires the Attorney General to obtain comprehensive data from State and local agencies; to assess law enforcement efforts to control diversion; and to insure that State and local information systems are compatible with the Attorney General's diversion program.

Manufacturers, wholesalers, and retailers registered under the Controlled Substances Act of 1970 have expressed concern that reports they have made to BNDD regarding possible diversion have not been systematically investigated and that when investigations are conducted they are infrequently informed of the outcome. My bill requires the Attorney General to establish uniform procedures to monitor and investigate all reports of dangerous drug purchases and orders of an unusual or suspicious nature and to systematically inform the reporting parties regarding the results of BNDD investigations.

To date there has been no systematic gathering of available data on the nature and extent of division. My bill requires the Attorney General to obtain from State and local law enforcement agencies all available information, including reports of thefts, seizures, and arrests involving controlled substances.

The military services purchase substantial amounts of dangerous drugs each year. The Defense Personnel Support Center in Philadelphia, Pa., purchased about 131 million pills and capsules of dangerous drugs during fiscal years 1970 and 1971. The possibility of diversion within the military supply system is considerable. Many witnesses testifying before the subcommittee have indicated that military bases, depots, and hospitals are common points of diversion for amphetamines, barbiturates, and other dangerous drugs. The GAO report found that procedures for the military services to provide information to BNDD on thefts and other shortages of dangerous drugs are not adequate.

My bill requires the Attorney General to obtain information on thefts and shortages within the military supply system and to establish procedures for regular meetings with appropriate military officials on mutual problems concerning the diversion of controlled substances.

To assure that information regarding the diversion of controlled substances receives appropriate attention, my bill provides that the Attorney General shall submit a comprehensive annual report to the Congress on the diversion of controlled substances. The report will include an assessment of the nature and extent of diversion; an appraisal of the effectiveness of law enforcement efforts to curb diversion; and an evaluation of the tracer system provided in my bill in the investigation and prevention of diversion.

The Controlled Substances Act of 1970 requires that persons manufacturing, distributing, and dispensing controlled substances register with the Attorney General. In determining whether to register an applicant, the Attorney General is required to determine whether a registrant has failed to maintain effective controls against the diversion of any controlled substance, and whether he has failed to provide a standard of control consistent with public health and safety. Yet, under the 1970 act, the Attorney General is not authorized to revoke or suspend the registration of persons who abandon controlled substances.

My bill authorizes the Attorney General to revoke or suspend the registration of manufacturers, wholesalers, retailers, and others who abandon controlled substances, such as amphetamines and barbiturates, or who fail to provide controls consistent with public health and safety. Criminal penalties are provided for registrants who abandon controlled substances. Thus, the Attorney General can insure not only that prospective registrants meet standards necessary to curb the diversion of controlled substances into illicit channels but also that those currently registered to manufacture, distribute, or dispense controlled substances continue to meet these same standards.

Tighter controls over barbiturates would have been imposed administratively by an administration truly committed to a war against diversion and abuse of legitimately produced domestic drugs.

It has been nearly a year since representatives of the Food and Drug Administration assured the subcommittee that their recommendation on the rescheduling of barbiturates would be forthcoming.

In November 1972, the U.S. Bureau of Narcotics and Dangerous Drugs released a report recommending the rescheduling of barbiturates, including those covered by my bill. This action was acknowledged by the Bureau to be based in part on testimony before the subcommittee which focused nationwide attention on the escalating problem of barbiturate abuse. The corroboration of the subcommittee's findings by the Bureau is significant, particularly in light of the Bureau's previous position, in May 1972, that adequate information was not available to support barbiturate rescheduling. Yet, there is still no action on the rescheduling of barbiturates.

The abuse and diversion of legitimately produced dangerous drugs into channels other than legitimate medical, scientific, and industrial channels should be a primary concern for all citizens. The subcommittee, the Congress, and the public at large are all too familiar with the horrors of drug dependency and addiction and their attendant destructiveness and tragedy. Unless we take action and start conducting an all-out war, not just in Turkey, or France, or in Asia's Golden Triangle, but with regard to the dangerous drugs produced legitimately right here within our own borders, we will

never get on top of the problem of drug diversion and abuse.

My bills, which I am introducing today, are not panaceas for the drug crisis we face in this country. These measures, however, would provide the assistance necessary to aid the law enforcement agencies of this country in their efforts to deal more effectively with the diversion of legitimately produced dangerous drugs.

We have learned from the experience of major urban areas, especially those on the west coast, that barbiturate abuse and addiction are a natural outgrowth of the abuse of psychedelic drugs and amphetamines and that many heroin addicts and methadone users are abusing or are addicted to barbiturates. Patterns of abuse experienced in California are emerging in cities and towns throughout our country. This "ripple effect" should clearly alert us to the need to control and monitor more adequately the production and distribution of dangerous drugs. I urge my colleagues to support these three measures.

Mr. President, I ask unanimous consent that section-by-section analyses of the bills, together with the bills, be printed at this point in the RECORD.

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

SECTION-BY-SECTION ANALYSIS OF THE BARBITURATE CONTROL ACT OF 1973 (S. 983)

Section 1: This section contains a short title to reflect the amending of the Controlled Substances Act of 1970.

Section 2: This section amends section 202(c) of the Act by providing that four shorter-acting barbiturates are moved from schedule III of the Act to schedule II.

S. 983

A bill to amend the Controlled Substances Act to move certain barbituarates from schedule III of such Act to schedule II

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 "Barbiturate Control Act of 1973."

SEC. 2. Schedule II of section 202(c) of the Controlled Substances Act (Public Law 91–513; 84 Stat. 1250) is amended by adding at the end thereof the following new paragraph:

"(d) Unless specifically expected or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

"(1) Amobarbital;

"(2) Pentobarbital;

"(3) Secobarbital;

"(4) Butabarbital.".

SECTION-BY-SECTION ANALYSIS OF THE DANGEROUS DRUG IDENTIFICATION ACT OF 1973 (S. 984)

Section 1: This section contains a short title to reflect the amending of the Controlled Substances Act of 1970.

Section 2: This section amends section 305 of the Act making it unlawful to manufacture or distribute solid oral form substances in schedule II, unless each solid oral form dosage unit carries a manufacturer's identification as required by regulation of the Attorney General.

Section 3: This section provides that 305 (e) of this Act shall become effective one year after the date of enactment.

S. 984

A bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced

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 "Dangerous Drug Identification Act of 1973."

SEC. 2. Section 305 of the Controlled Substances Act (Public Law 91–513; 84 Stat. 1250) is amended by adding at the end thereof the following new paragraph:

"(e) It shall be unlawful to manufacture or distribute solid oral form controlled substances in schedule II, unless each solid oral form dosage unit carries a manufacturer's identification as required by regulation of the Attorney General.".

SEC. 3. Section 305(e) shall become effective on the first day of the twelth calendar month that begins after the day immediately preceding the date of enactment.

SECTION-BY-SECTION ANALYSIS OF THE DANGEROUS DRUG TRACER AND LAW ENFORCEMENT INFORMATION ACT OF 1973 (S. 985)

Section 1: This section contains a short title to reflect the amending of the Controlled Substances Act of 1970.

Section 2: This section amends section 305 of the Act making it unlawful to manufacture or distribute Schedule II or Schedule III repressant and stimulant substances unless they contain tracer ingredients. It also authorizes the Attorney General to require tracers in other substances as may be necessary.

Section 3: This section amends section 502 of the Act by requiring the Attorney General, after consultation with the Secretary of Health, Education and Welfare and others knowledgeable in the manufacture, distribution and monitoring of controlled substances, to determine appropriate methods for incorporating tracers in depressants and stimulant controlled substances. This amendment of section 502 requires the Attorney General to conduct programs to implement the tracer program; to develop rapid field and laboratory tracer identification techniques; to train local, State and Federal law enforcement personnel regarding the identification of tracer elements and investigation of diversion; and to establish standards to evaluate diversion and tracer control of other controlled substances.

Section 4(a): The subsection amends Part E of the Act by adding two new sections. The new section 504 requires the Attorney General to establish regulations to obtain comprehensive information from State and local law enforcement agencies in order to assess the nature and extent of diversion and the impact of efforts to curb diversion; to establish a uniform system for investigating and reporting the disposition of investigations regarding dangerous drug purchases and orders of an unusual or suspicious nature reported by registrants under the Act; to obtain from State and local law enforcement agencies all currently available information of the diversion of controlled substances, including reports of thefts, seizures and arrests involving such substances; and to obtain information on thefts and shortages of controlled substances within the military supply system and establish regular meetings with the military services regarding diversion of such substances.

The new section 505 requires the Attorney General to submit an annual report to the Congress on the nature and extent of controlled substances diversion; the effectiveness of law enforcement efforts to curb diversion of controlled substances; and the effectiveness of the tracer system.

Section 4(b): This subsection redesignates sections 504 through 516 of the Act.

Section 5(a): This subsection defines "abandon" as a voluntary relinquishment of possession or control of a controlled substance without vesting possession or control in another authorized person.

Section 5(b): This subsection redesignates clauses 12 through 26 of section 102 of the Act.

Section 5(c): This subsection amends section 304(a) of the Act by providing that abandonment or failure to maintain effective controls against diversion or failure to provide a standard of control consistent with the public health or safety are grounds for suspension or revocation of the registration required to manufacture, distribute or dispense controlled substances under the Act.

Section 5(d): This subsection amends section 401(b) of the Act by providing criminal penalties for registrants who abandon controlled substances.

Section 6(a): This subsection provides that all sections except section 305(e) shall become effective upon enactment.

Section 6(b): This subsection provides that section 305(e) of this Act, requiring the incorportaion of tracer ingredients in certain controlled substances, shall become effective one year after the date of enactment.

Section 7: This section authorizes such sums as may be necessary to carry out the purpose of this Act for fiscal year 1974 and for each of the following five fiscal years.

S. 985

A bill to amend the Controlled Substances Act to establish effective controls against diversion of particular controlled substances and to assist law enforcement agencies in the investigation of the diversion of controlled substances into other than legitimate medical, scientific, and industrial channels, by requiring manufacturers to incorporate inert, innocuous tracer elements in all schedule II and III depressant and stimulant substances, 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 "Dangerous Drug Tracer and Law Enforcement Information Act of 1973."

SEC. 2. Section 305 of the Controlled Substances Act (Public Law 91–513; 84 Stat. 1250) is amended by adding at the end thereof the following new paragraph:

"(e)(1) It shall be unlawful to manufacture or distribute schedule II or schedule III depressant and stimulant controlled substances, including immediate precursors, unless such substances contain an inert, innocuous tracer ingredient identifying the manufacturer or manufacturers, as required by regulation of the Attorney General. (2) The Attorney General is authorized to require the incorporation of tracer ingredients in any controlled substance as necessary to maintain effective control against diversion into other than legitimate medical, scientific, and industrial channels."

SEC. 3. Section 502 of the Controlled Substances Act is amended by redesignating paragraph (b), (c), and (d) as paragraphs (c), (d), and (e), respectively, and by adding after (a) the following new paragraph:

"(b) The Attorney General, after consultation with the Secretary of Health, Education, and Welfare and with national organizations representative of persons with knowledge and experience in the manufacture, distribution, and monitoring of controlled substances, shall determine appropriate methods for incorporating tracer ingredients in schedule II and III depressant and stimulate substances in a manner that will facilitate the investigation of the illegal diversion of these substances. To carry out

the purposes of section 305(e) and of this section the Attorney General shall conduct research and educational programs. Such programs shall include—

"(1) Studies or special research projects designed to develop and implement a network of tracer elements to be incorporated in schedules II and III depressant and stimulant substances so as to facilitate law enforcement efforts to identify the channels of illegal diversion of these substances.

"(2) Studies or special research projects to develop rapid field and laboratory methods for identification of the tracer elements and manufacturers of schedule II and III depressant and stimulant substances.

"(3) Training programs for local, State, and Federal law enforcement personnel on the identification of tracer elements and the investigation of diversion of schedule II and III depressant and stimulant substances.

"(4) Studies or special research projects designed to establish standards to evaluate diversion of controlled substances other than depressants and stimulants in schedule II or schedule III and the necessity for incorporating tracer ingredients in such substances pursuant to section 305(e)(2)."

SEC. 4. (a) Part E of the Controlled Substances Act is amended by adding immediately after section 503 thereof the following new sections:

"INFORMATION ON DIVERSION OF DEPRESSANTS AND STIMULANTS

"SEC. 504. In order to meet the need for comprehensive information required to measure the extent of controlled substance diversion and the impact of efforts to curb such diversion the Attorney General shall—

"(1) Establish regulations to obtain from State and local law enforcement agencies information necessary to evaluate the diversion of controlled substances; to assess law enforcement efforts to control such diversion; and to insure that new State and local information systems are consistent with the Attorney General's diversion control efforts.

"(2) Establish a uniform information system for each region that will provide control over all reports of dangerous drug purchases and orders of an unusual or suspicious nature received from registrants and over the disposition of such reports.

"(3) Direct regional offices to obtain from State and local law enforcement agencies available information on the diversion of controlled substances, including reports of thefts, seizures, and arrests involving such substances.

"(4) Obtain information on thefts and shortages of controlled substances within the military supply system and establish a procedure for meeting with appropriate military officials on a regular basis to exchange information on mutual problems concerning the diversion of controlled substances.

"REPORT TO CONGRESS

"SEC. 505. Within one year after the effective date of section 305(e), and annually thereafter, the Attorney General shall submit to the Congress a comprehensive report on the diversion of controlled substances including, but not limited to, the following:

"(1) The nature and extent of controlled substances diversion;

"(2) The effectiveness of law enforcement efforts to curb diversion;

"(3) The operation of the tracer system provided for in this Act, and its effectiveness in the investigation and prevention of diversion of controlled substances into illegal channels."

(b) Sections 504 through 516 of part E of such Act are hereby redesignated as sections 506 through 518, respectively.

SEC. 5. (a) Section 102 of the Controlled Substances Act is amended by adding immediately after clause (11) thereof the following new clause:

"(12) The term 'abandon' means to relinquish voluntarily possession or control of a controlled substance without vesting possession or control in another person authorized under this Act to have such possession or control."

(b) Clauses (12) through (26) of section 102 of such Act are hereby redesignated as clauses (13) through (27), respectively.

(c) Section 304(a) of the Controlled Substances Act is amended (1) by striking out "or" after the semicolon in clause (2); (2) by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "or"; and (3) by adding after clause (3) the following new clauses:

"(4) has abandoned or otherwise failed to maintain effective controls against the diversion of any controlled substance into other than legitimate medical, scientific, research, or industrial channels; or

"(5) has failed to provide a standard of control consistent with the public health or safety."

(d) That part of section 401(b) of the Controlled Substances Act which precedes paragraph (1)(A) thereof is amended by inserting immediately before the word "shall", a comma and the following: "or any person subject to the requirements of part C who violates subsection (d) of this section,".

(e) Section 401 is amended by adding at the end thereof the following:

"(d) It shall be unlawful for any person who is subject to the requirements of part C of this title to abandon a controlled substance.".

SEC. 6. (a) Except as otherwise provided in this section, all sections in this Act including this section shall become effective upon enactment.

(b) Section 305(e) shall become effective on the first day of the twelfth calendar month that bgins after the day immediately preceding the date of enactment.

SEC. 7. There are authorized to be appropriated for the fiscal year ending June 30, 1974, and for each of the next five years, such sums as may be necessary for carrying out this Act.

Mr. BAYH. Mr. President, I ask unanimous consent that a statement, prepared by the Senator from Texas (Mr. TOWER) be printed in the RECORD at this point.

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

STATEMENT BY SENATOR TOWER

Mr. President, I am pleased to co-sponsor three bills which are designed to curtail the diversion and abuse of barbiturates—a dangerous group of drugs.

The Senate Subcommittee on Juvenile Delinquency conducted extensive hearings during the 92nd Congress on the growing abuse of barbiturates. In a nutshell, the findings of the Subcommittee were that the abuse of barbiturates has been growing at an alarming rate and that we might already be experiencing an epidemic which is raging out of control. We must act—not tomorrow—today!

Barbiturates are difficult to manufacture clandestinely. Most of the barbiturates which have been seized by the police were produced by legitimate drug manufacturers. Barbiturates find their way into the black market in several ways—drug shipments from manufacturers to pharmacies are hijacked, pharmacies are burglarized, drugs are shipped to Mexico and other countries and then smuggled back into the United States, prescriptions are forged, and so on.

Barbiturates, because of their difficulty to manufacture by non-professionals, offer great promise as a drug which can be effectively controlled and regulated. The three bills recommended by the subcommittee offer promising methods to reduce the amount of diversion into illegal channels. First, barbiturates are placed in Schedule II of the Controlled Substances Act, which would impose more stringent regulations for accountability by manufacturers and distributors. Second, the individual barbiturate pills would be required to have a mark and an inert substance identifying the manufacturer. These methods of identifying the legitimate source of the barbiturate would greatly assist law enforcement officials in tracing the source of the drugs so as to locate leaks from the legal channels, tighten security precautions, and prevent future diversions.

I urge Congress to act expeditiously on these measures for the sake of our Nation, and especially our children.

Mr. BAYH. Mr. President, on behalf of the Senator from Texas (Mr. TOWER), I ask unanimous consent that excerpts from the subcommittee report entitled "Barbiturate Abuse in the United States" be printed at this point in the RECORD.

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

With the exception of California, the Subcommittee has received more reports of barbiturate abuse from Texas law enforcement officials than any other state. Eight cities from all parts of the state responded to the Subcommittee questionnaire. The most populous regions in the eastern part of the state provided the most information. In 1971, Houston police reported 328 arrests for possession of barbiturates—a 60 percent increase over the previous year. According to Captain Jack Renois of the Narcotics Division of the Houston Police Department, there were more barbiturate arrests in Houston than for any other drug except marihuana in either 1970 or in 1971. In that same year, Houston police seized 16,467 barbiturate dosage units and 22 bottles of liquid barbiturates.

According to Lawrence Gist, Chief of the Jefferson County District Attorney's Trial Division, "barbiturates are roughly twice as prevalent as amphetamines." He estimated that 10 percent of abusers use barbiturates intravenously. Mr. Gist noted that barbiturates are obtained from home medicine cabinets and from drugstore burglaries in which "barbiturates are almost exclusively taken."

The Dallas-Fort Worth metropolitan area, which is comparable in population to Houston and Jefferson County, is experiencing a similar barbiturate problem. Between 1967 and 1971, 922 arrests for possession or sale of barbiturates were reported by Dallas police and 436 arrests were reported by Fort Worth police. According to police officials in both cities, barbiturate seizures were also substantial, averaging many thousands of dosage units per year.

In 1969, Dallas police made an exceptionally large seizure of 527,000 barbituate dosage units. The Fort Worth Police Department reported seizing 25,000 barbituates in 1970, primarily from one dealer. According to D. L. Burgess, Director of the Vice Control Division of the Dallas Police Department, most barbituates taken from arrested abusers come from "forged prescriptions and from burglaries and thefts." According to Deputy Chief McWhorter of the Fort Worth Police Department: "The majority of illegal barbituates confiscated are manufactured by pharmaceutical companies in the United States. Diversion of drugs from legal shipments accounts for a large quantity of drugs illegally sold in the United States. In a large number of local cases developed against illegal drug suppliers, it was found that the source of the drugs originated in the United States, then through legal shipment to Mexico and then the drugs were smuggled back into the United States for illegal sale."

Four other Texas cities also report incidences of barbituate abuse during the past few years. El Paso, located at the western tip of the State on the Mexican border, reported 168 arrests for possession and sale of barbituates from 1969 to 1971. According to Inspector George M. Wagnon, Jr., of El Paso Police Department, 98 percent of confiscated barbituates are used by a "large majority of heroin addicts" to avoid withdrawal when heroin is in short supply. The San Antonio Police Department reported 236 arrests from 1967 to 1971 and seizures ranging as high as 16,000 dosage units. Arrests in 1971 were more than 3 times as high as in 1967. According to Lt. Preston Slocum, Jr., of the San Antonio Narcotics Bureau, while some barbituates are illicitly diverted through drugstore burglaries, the majority are smuggled from Mexico.

By Mr. BAYH (for himself, Mr. HUMPHREY, and Mr. TALMADGE):

S. 986. A bill to incorporate the Gold Star Wives of America. Referred to the Committee on the Judiciary.

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to incorporate the Gold Star Wives of America. This national organization was established in 1945 by the widows of members of the Armed Forces who died while in active service of their country. It is a growing, active organization which today has members in 49 States and active chapters in more than half the States. Furthermore, it has a total membership of more than 2,000.

Mr. President, I know of no other group more deserving of national incorporation than the Gold Star Wives of America. Its membership is composed of women who have experienced the great anguish of losing their husbands because of active duty with the military forces of the United States. They have a common bond of grief that few of us can fully comprehend, and which none of us can forget. Their objectives are both praiseworthy and significant; what more valuable contribution to society can be made than to bolster the fortitude and uplift the spirits, as well as to aid materially, the widows and children of those who paid the supreme sacrifice in the interest of their fellow citizens?

The Gold Star Wives of America has a role to play that is nationwide in scope and worthy of national recognition. The organization has similar noteworthy accomplishments to those made by our veterans' and adjunct organizations which have been granted national charters. In addition, for several years Gold Star Wives of America has been participating actively in the Annual Women's Forum on National Security, which is composed of 16 organizations which have received Federal charters.

I have been informed by the officers of this organization that its goals could be more effectively and easily attained if it were incorporated at the national level. The scope of its membership and business now transcends any one State or group of States. Its declared purposes and activities extend to the widows and children of servicemen killed who live in every section of the country, and the number of chapters doubled in a short time, as hundreds of new widows turned to Gold Star Wives of America for assistance with their financial and emotional problems. Its officers and board members reside in such scattered States as Massachusetts, Washington, California, Colorado, Kansas, Minnesota, Virginia, Missouri, Louisiana, Kentucky, New Jersey, Illinois, Arkansas, Florida, and Indiana. In every sense of the term and in all aspects of its operations this is truly a national organization dedicated to significant national purposes.

The Gold Star Wives of America has repeatedly been hindered and prevented from giving assistance to the young widows who desperately need the help that could have been available to them through this organization, solely because of their lack of a Federal charter. Efforts to make the Gold Star Wives of America known through survivor assistance officers at military installations have been refused on the basis that the organization is not recognized as a reputable organization, while in other instances, contacts at miiltary bases have resulted in inquiries to the Department of Defense as to the reliability of Gold Star Wives of America. Officials of the Veterans' Administration, I am advised, have suggested that a Federal charter should be priority legislation for Gold Star Wives of America, as a means of establishing the status and integrity of this relatively young organization. The organization could thus acquire the respect and stature which come only to those organizations who are so recognized by the Congress.

Mr. President, I have carefully examined the criteria set forth in 1969 in the Standards for the Granting of Federal Charters by subcommittees of the Senate and House Committees on the Judiciary. In every aspect it appears to me that the Gold Star Wives of America, Inc., more than measures up to those required standards. It is clearly a national permanent organization operating in the public interest; the character of this organization is such that chartering by the Congress as a Federal corporation is the only appropriate form of incorporation; it is solely a patriotic, nonprofit, nonpartisan organization devoted to civic and membership betterment; and it aspires to provide nationwide services which cannot be adequately organized without a nationally granted charter.

The objects and purposes of the Gold Star Wives of America are most commendable. In addition to honoring the memory of loved ones who paid the supreme sacrifice while serving in the Armed Forces of the United States, it is committed to assisting their widows and children, both materially and spiritually. One of its stated goals, for example, is to provide the benefits of a happy, healthful, and wholesome life to minor children of persons who died in the service of our country. Another aim is to promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage. Direct aid to the widows and children of former servicemen is likewise an obligation which this organization has assumed. I am pleased to note also that the Gold Star Wives of America have dedicated themselves to the noble cause of safeguarding and transmitting to posterity the principles of justice, freedom, and democracy for which members of our armed services fought and died. They have likewise pledged themselves to assist in upholding the Constitution and laws of the United States of America, and to inculcate a sense of individual obligation to the community, State, and Nation. In all these respects this organization deserves the treatment which Congress has previously accorded other similar national groups.

Mr. President, I strongly urge that prompt consideration be given to the adoption of this bill for incorporation of the Gold Star Wives of America in order that it could have the national stature and corporate structure so essential to implement achievement of its very desirable purposes.

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

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

S. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-named persons, to wit:

Mrs. Edith V. Knowles, Post Office Box 1703, Albany, Georgia 31702;

Mrs. Jean T. Eastman, 1112 Rosemary Lane, Ozark, Alabama 36360;

Mrs. Susanne Reed, 723 Hackberry Place, Fallbrook, California 92023;

Mrs. Bernice E. Dodge, 4431 W. Colorado Avenue, Denver, Colorado 80219;

Mrs. Joyce Tremayne, 1905 Dee Avenue, Columbus, Georgia 31903;

Mrs. Patricia Barbee, Post Office Box 622, Browns Mills, New Jersey 08015;

Mrs. June Bolich, 29 Dixie Drive, Ozark, Alabama 36360;

Mrs. Franc F. Gray, 5019 13th Avenue South, Minneapolis, Minnesota 55417;

Mrs. Eileen Anderson, 6524 Pennsylvania, St. Louis, Missouri 63111;

Mrs. Pauline T. Bartsch 9 East Narberth Terrace, Collingswood, New Jersey 08108;

Mrs. Stella Burket, 1025 Jamaica Court, Aurora, Colorado 80010;

Mrs. Geraldine B. Chittick, 254 S. Young Street, Frankfort, Indiana 46041;

Mrs. Mary Galotta, 117 Pine Street, Lowell, Massachusetts 01851;

Mrs. Christine Kinnard, 3746 Van Dyke Avenue, San Diego, California 91015;

Mrs. Mickey Lovell, 862 Pontiac Street, Denver, Colorado 80220;

Mrs. Darlene McDonald, 842 N. Karlov Avenue, Chicago, Illinois 60651;

Mrs. Maryellen McDonough, 1903 W. Summerdale Avenue, Chicago, Illinois 60640;

Mrs. Mary A. Ondrey, Post Office Box 101, Eatontown, New Jersey 08108;

Mrs. Marie Palmer, Post Office Box 5636, Orlando, Florida 32805;

Mrs. Lorraine Patterson, 320 Penwood Road, Silver Spring, Maryland 20901;

Mrs. Jane B. Payne, 2929 Emory Street, Columbus, Georgia 31903;

Mrs. Lavone Tueting, 5325 Beard Avenue South, Minneapolis, Minnesota 55410;

and their successors, are hereby created and declared to be a body corporate by the name of Gold Star Wives of America (hereinafter called the corporation) and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act is authorized to complete the organization of the corporation by the election of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

(1) to assist in upholding the Constitution and laws of the United States of America, and to inculcate a sense of individual obligation to the community, State, and Nation;

(2) to honor the memory of those who made the supreme sacrifice in the service of our country;

(3) to safeguard and transmit to posterity the principles of justice, freedom, and democracy for which members of our armed services fought and died;

(4) to provide the benefits of a happy, healthful, and wholesome life to minor children of persons who died in the service of our country.

(5) to promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage; and

(6) to aid, whenever necessary, widows and children of persons who died in the service of our country.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may require;

(4) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gift, purchase, grant, devise, bequest, or otherwise any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject to applicable provisions of law in any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real or personal property by a corporation operating in such State;

(8) to transfer, encumber, and convey real or personal property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(10) to adopt, alter, use, and display such emblems, seals, and badges as it may determine; and

(11) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation, and for such purpose, the corporation shall also have, in addition to the foregoing in this section and subsection, the rights, powers, duties, and liabilities of the existing corporation referred to in section 18 as far as they are not modified or superseded by this Act.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Albany, Georgia, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States and possessions of the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service up on the corportation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associated members, shall have the right to vote in accordance with the constitution and bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act the membership of the initial board of directors of the corporation shall consist of the following persons—

Mrs. Franc F. Gray, 5019 13th Avenue So., Minneapolis, Minnesota, 55417;

Mrs. Eileen Anderson, 6524 Pennsylvania, St. Louis, Missouri, 63111;

Mrs. Pauline T. Bartsch, 9 E. Narberth Terrace, Collingswood, New Jersey, 08108;

Mrs. Stella Burket, Jamaica Court, Aurora, Colorado, 80010;

Mrs. Geraldine B. Chittick, 254 S. Young St., Frankfort, Indiana, 46041;

Mrs. Jean Eastman, 1112 Rosemary Lane, Ozark, Alabama, 36360;

Mrs. Mary Galotta, 117 Pine Street, Lowell, Massachusetts, 01851;

Mrs. Christine Kinnard, 3746 Van Dyke Avenue, San Diego, California, 92105;

Mrs. Mickey Lovell, 862 Pontiac Street, Denver, Colorado, 80220;

Mrs. Darlene McDonald, 842 N. Karlov Avenue, Chicago, Illinois, 60651;

Mrs. Maryellen McDonough, 1903 W. Summerdale Avenue, Chicago, Illinois, 60640;

Mrs. Mary Ondrey, P.O. Box 101, Eatontown, New Jersey, 08108;

Mrs. Marie Palmer, P.O. Box 5636, Orlando, Florida, 32805;

Mrs. Lorraine Patterson, 320 Penwood Road, Silver Spring, Maryland, 20901;

Mrs. Jane B. Payne, 2929 Emory Street, Columbus, Georgia, 31903;

Mrs. Lavone Tueting, 5325 Beard Avenue So., Minneapolis, Minnesota, 55410;

(b) Thereafter, the board of directors of the corporation shall consist of such number (not less than fifteen), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finance.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a chairman of the board, a president, a vice president, a secretary, and a treasurer. The duties of the officers shall be prescribed in the constitution and bylaws of the corporation. Other officer positions may be created as prescribed in the constitution and bylaws of the corporation.

(b) Officers shall be elected annually at the annual meeting of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person otherwise than upon dissolution or final liquidation of the corporation as provided in section 16 of this Act. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of such loans, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

COMPREHENSIVE PRIVILEGES

SEC. 12. Such provisions, privileges, and prerogatives as have been granted heretofore to other national veterans' organizations by virtue of their being incorporated by Congress are hereby granted and accrue to the Gold Star Wives of America.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 13. The corporation shall have no power to issue any shares of stock nor to declare nor pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 14. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any of the authority of the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 15. (a) The accounts of the corporation shall be audited annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, together with the independent auditor's opinion of those state-

ments. The reports shall not be printed as a public document.

LIQUIDATION

SEC. 16. Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 17. The corporation shall have the sole and exclusive right to use the name Gold Star Wives of America. The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the corporation referred to in section 18 in carrying out its program. Nothing in this Act shall interfere or conflict with established or vested rights.

TRANSFER OF ASSETS

SEC. 18. The corporation may acquire the assets of the Gold Star Wives of America, Incorporated, chartered as a nonprofit organization in the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 19. The right to alter, amend, or repeal this Act is hereby expressly reserved.

By Mr. BAYH (for himself, Mr. RANDOLPH, and Mr. HART):

S. 987. A bill to protect the constitutional rights of those subject to the military justice system, to revise the Uniform Code of Military Justice, and for other purposes. Referred to the Committee on Armed Services.

REVISION OF UNIFORM CODE OF MILITARY JUSTICE

Mr. BAYH. Mr. President, today I am reintroducing a bill which I believe is one of the most comprehensive—and at the same time realistic and workable—plans ever proposed for the meaningful reform of our military justice system.

The main thrust of the bill is an attempt to eliminate completely all danger of command influence, the possibility—or even the appearance—that the commanding officer of an accused man could affect the outcome of his court-martial. This reform, together with other substantial improvements embodied in the bill, requires a complex and far-reaching restructuring of the Uniform Code of Military Justice and the entire military justice system. But I believe that such reforms are essential to the continued vitality of the system. As long as the remotest possibility of undue command influence remains, we will never be able to avoid the implication—or at least the appearance—of fundamental unfairness. And no such system of justice can earn or maintain the respect of those it serves.

Mr. President, during my remarks, I shall refer repeatedly to command influence and to the commanding officer. It is my judgment that most comanding officers in the military forces of this country try their best to be fair. They try to see that those whom they command are treated justly, whether on the battlefield, in the barracks, or in the military court-martial room. But military laws need to be structured in such a way that those few commanding officers, who might yield to the temptation and not be fair, are denied this opportunity to affect the case of one of the soldiers, sailors, or airmen who serve in their commands.

Mr. President, I believe that this proposal—although designed to end the danger of command influence and to effect other badly needed reforms—recognizes the legitimate concern our Armed Forces do and must have with maintaining discipline and preserving order. The reformed system of courts-martial would continue to be operated within the framework of military command, although the bill envisions a separate courts-martial command, removed from the influence of individual commanding officers and concerned only with the fair administration of the system of military justice. And individual commanding officers would retain the power to punish minor infractions under the provisions of article 15 of the UCMJ.

Mr. President, I believe that we will see major legislative reforms in the military justice system in the 93d Congress. I have talked with the distinguished Senator from North Carolina (Mr. ERVIN), who has long been in the forefront of the efforts to reform our military justice system, about this subject. Senator ERVIN informs me that his Subcommittee on Constitutional Rights, of which I am a member, is anxious to take another look at the problems of our military justice system, and that he is interested in further reform.

Senator ERVIN is the author of a far-reaching measure designed to correct the shortcomings in our administrative discharge system. Other legislation has been proposed.

I look forward to participating in the subcommittee's hearings, and I have the greatest confidence that the subcommittee will come up with substantial, and at the same time realistic, reform proposals. My confidence stems both from my long experience with the great dedication the Senator from North Carolina has for preserving our cherished constitutional rights, and from my experience with the subcommittee's previous efforts in this area.

In 1966, the Subcommittee on Constitutional Rights, together with the Committee on Armed Services, conducted several weeks of hearings on military justice. These hearings led to the most recent amendments to the Uniform Code of Military Justice, known as the Military Justice Act of 1968. That legislation is a tribute to the outstanding and extraordinary teamwork between two great Senate committees, and I am confident that this exceptional relationship will continue.

Another, quite recent development, also gives me hope that there will be reform in the near future. Historically, the most far-reaching reforms of our military justice system have come at the end of times of war. We have now reached the end of our involvement in the most protracted war in American history. Now that the fighting is over we can apply the lessons we have learned in that tragic conflict by—at the least—improving the quality of justice for those who serve our Nation in the military.

I hope that the Armed Services Committee will again join in this reform effort. I hope that new hearings will explore the problems equally as successfully, as was the case in the past, so that we can have meaningful reform by the end of this Congress.

RECENT DEVELOPMENTS IN MILITARY JUSTICE

Since the introduction of S. 1127 in February of 1971 the proposals contained in that bill have been the subject of considerable comment and constructive criticism from individuals within the military justice system. While this year's bill is identical to S. 1127, I remain open to further suggestions which can be considered when we reach the hearing stage.

I was especially interested in a speech by the Chief Judge of the U.S. Army Court of Military Review, Maj. Gen. Kenneth J. Hodson, delivered before the Judge Advocate General's School on April 12, 1972. General Hodson offered some extremely well thought out proposals for a new system of military justice which he said would be "far freer from command influence" than the system proposed in S. 1127 and the present bill. I do not wish to debate here the comparative merits of General Hodson's approach and my own; that is properly the work of the Armed Services Committee which will, I trust, give both General Hodson's proposals and my own the most careful scrutiny. I want only to point out that implicit in General Hodson's remarks is the belief, in which I fully concur, that the central issue for military justice today is the eradication of any possibility of improper command influence.

Other officials in the military justice system have issued recommendations some of which parallel provisions of my bill. The so-called Code Committee, composed of the Chief Judge and the judges of the Court of Military Appeals, the Judge Advocates General of the Army, Navy, and Air Force, and the General Counsel of the Department of Transportation, in its most recent annual report to the Armed Services Committee, recommends that Congress specify the extent to which the Court of Military Appeals, the Courts of Military Review, and military judges may entertain petitions for extraordinary relief and that Congress eliminate the power of the covening authority to review the findings of a court-martial, leaving him only the power to mitigate sentences. Section 826(b) of my bill satisfies the first of these Code Committee recommendations. The second recommendation is a step in the right direction. My bill goes further and eliminates entirely the "convening authority" role of the commander, including his power to review findings of courts-martial.

The Judge Advocate General of the Army, in his most recent annual report, has called for legislation to transfer complete sentencing power to the mili-

tary judge in all cases except those involving the death penalty. This goal too would be realized by passage of this bill.

In April of 1972 Secretary of Defense Laird established the Task Force on the Administration of Military Justice in the Armed Forces, and charged it with the tasks of identifying the nature and extent of racial discrimination in the administration of military justice and recommending ways of rooting out such deficiencies. C. E. Hutchin, Jr., First Army Commander, and Nathaniel R. Jones, general counsel of the National Association for the Advancement of Colored People, were named to chair an extraordinarily distinguished and competent task force of civilian and military people. In November 1972 that panel announced its findings and recommendations.

While these recommendations were extremely wide ranging and included discussions of job assignments and testing, regulations of personal appearance, and administrative discharges—the last a subject on which Senator ERVIN has labored for several years now—there was also a focusing on those issues of fairness in the court-matrial process itself which are the special concern of this bill.

Like my proposal the task force recommended that summary courts-martial be abolished, that the powers of military judges be expanded and the independence of military judges and defense counsel assured, that court members be selected on a random basis, and that the reviewing of courts-martial be the province of the appellate military courts and the Judge Advocate General rather than the convening authority.

That the task force is in broad agreement with my bill in these four key areas increases my confidence that the problems of military justice can be expeditiously dealt with and resolved during this session of Congress.

Also encouraging to me is the fact that the individual armed services have recently shown a willingness to recognize the problem of command influence and to experiment with new administrative structures designed to combat that problem. The Air Force and the Army have both established, on a pilot project basis, court-martial commands, completely independent of the local command chain. This is precisely the approach to command influence that has been written into my proposed reform.

The Army, in addition, has amended its regulations to require that an accused be advised of his right to consult a lawyer before deciding whether to accept nonjudicial punishment. I applaud the Army's initiative in this regard too and believe that its change of regulations is an important step in increasing the fairness of military justice, even though it is only one of many that are needed.

SUMMARY OF THE BILL

Mr. President, before I go into detail about the specific provisions, I would like to give a quick summary of the major provisions of this measure, for the benefit of my colleagues in the Senate.

The main objective of the bill is to eliminate completely the problem of command influence, as I have stated. The bill would establish an independent Courts-Martial Command composed of four divisions: defense, prosecution, judicial, and administration. This command would be responsible only to the Judge Advocate General, thereby removing defense and prosecuting attorneys from the control of the accused's commanding officer. Under the present system of military justice, the prosecuting officer and the defense officer in any given court-martial are directly responsible to the commanding officer of the command which brings the charges against the enlisted man or officer brought before the court-martial proceeding.

Each accused would be entitled to have an independent defense counsel appointed upon request immediately following arrest. He would also have the right to a formal hearing, similar to the hearing required by rule 5 of the Federal Rules of Criminal Procedure, in front of an independent military judge within 24 hours of arrest. Thus, the commander would no longer have the final voice in deciding whether to prosecute.

Several crucial decisions now made by the commanding officer or the prosecutor would be delegated to the independent military judges. At present, the commanding officer has the sole power to authorize searches and issue arrest warrants. Under the new bill, these decisions, which deal with critically important constitutional rights, would be made by an independent judge. In like manner, the military judge—not the commander—would have the power to release an accused serviceman pending trial or pending appeal. Under present law, the prosecutor has the exclusive power to issue subpenas, and this authority would also be vested in the military judge under the bill.

The commanding officer—the convening authority—now performs the initial review in many cases. This procedure has become, for the most part, either a time-consuming formality or an invitation to impose maximum sentences so that the commander can reduce them.

The power to review would be transferred either to the Judge Advocate General or to the military courts, depending on the nature of the case. The power to suspend or reduce sentences would be transferred from the commanding officer to the military judge.

At the present time, the commander has exclusive power to choose members of the court—the jurors. This widely criticized power would be eliminated and a completely random system of selection would be substituted in its place. The bill would also abolish the requirement that two-thirds of the members of the court-martial be officers.

In addition to measures aimed exclusively at eliminating command influence, the bill would provide for a number of other reforms.

The revised bill I am introducing today would eliminate the summary courts-martial. These proceedings—which are conducted by one man who presents the evidence for the prosecution, listens to and evaluates the evidence of the defendant, rules on questions of law and fact, and also determines the sentence—are inconsistent with the whole thrust of this reform bill. And that would be true even if the summary court-martial officer were not appointed—as he is today—by the defendant's commanding officer. It is simply unfair to let a serviceman suffer a burden which is the equivalent of a criminal conviction without granting him all the procedural safeguards that are fair and practicable.

Military judges would be present at all trials, and would have the power to "issue all writs necessary or appropriate in aid of" their jurisdiction. They would also be given the same power Federal judges now have to punish for contempts in their presence. The Court of Military Appeals would be enlarged from three to nine judges and authorized to sit in panels of three judges, in order to increase the court's continuity and its capacity to handle the increased workload. And the Supreme Court would be empowered to issue writs of certiorari to review cases decided by the Court of Military Appeals.

The bill would also extend additional substantive and procedural rights to each defendant. For the first time there would be no possibility of double jeopardy problems. Trying a defendant by court-martial after trial in a State court for the same act, and vice versa, would be forbidden. And military defense attorneys would be specifically authorized to seek collateral relief for their clients in civilian courts whenever appropriate, relief often unavailable today unless the accused serviceman obtains civilian counsel. The accused would get complete credit toward any ultimate sentence for any pretrial confinement. Finally, all confined servicemen—including those awaiting trial or appeal—would be permitted to participate in work, exercise, and rehabilitation programs wherever adequate facilities were available.

Now included is a discovery section, modeled after the Federal rules, to define each party's rights to obtain information held or controlled by the other party. This subject is not covered by the present code, and I have been informed by several experts that greater specificity in this area would be of great value to all parties concerned.

A committee composed of the judge advocate generals of each of the services and three civilians appointed by the President would be charged with studying and making recommendations about the following questions: the desirability of transferring jurisdiction over absence offenses to the Federal courts; additional methods of eliminating delays in the appellate process; means of dealing with prisoners who complete the service of their sentence to confinement prior to the completion of appellate review; and revisions in the current table of maximum punishments.

THE NEED FOR REFORM

Mr. President, the quality of the military justice system is perhaps more important today than ever before. The men now in uniform serve in an army which has changed substantially over the years. Most of these men will not see combat. Many of them live off post and serve in a military capacity only during normal working hours. In many ways there is an

increased similarity between military service and skilled civilian occupational pursuits. We cannot afford to subject these men to a second-rate system of military justice.

Moreover, there are now nearly two and a half million men on active duty. Most of these men are young and impressionable, and some will be confronted with American justice for the first time while serving in the Armed Forces. The 1971 report of the Judge Advocate General of the U.S. Army noted that in the Army alone there were 45,736 courts-martial, 93 percent which resulted in convictions. If we are to preserve the integrity of our civilian system, we must see to it that these men return to civilian life with a view of criminal justice that recognizes the fundamental principles of fairness and human dignity. We must see to it that no man is convicted and confined, his life perhaps ruined, without having been accorded full procedural and substantive safeguards.

In light of the increasing importance of the military justice system, we must review its quality, and the fundamental question of its fairness.

The most serious shortcoming in our military justice system is the danger of undue command influence over courts-martial, which may impose numerous penalties, including dishonorable discharge, lengthy imprisonment, or even death. In courts-martial, the commander determines whether to prosecute, controls the court-martial procedure, and plays an integral role in the appellate process. He authorizes searches and arrests, convenes the court-martial, and decides whether the accused serviceman shall remain in pretrial confinement. He chooses the prosecuting attorney and, in some instances, the defense counsel. Finally, he chooses the men to serve as members of a court, the military equivalent of jurors, reviews the findings and sentence, and decides whether a sentence to confinement shall be deferred pending appeal.

In addition to the danger presented by command influence, the military justice system denies a defendant other rights fundamental to a free society. He may be denied credit for time spent in confinement before trial. His military counsel may be precluded from seeking collateral relief. He must apply to the prosecuting counsel, rather than the independent military judge, for subpenas.

These shortcomings must be remedied, and they must be remedied now. We ask our young men by the millions to give their time and their energies to strengthen our national defense. And we have asked them by the tens of thousands to give their lives on our behalf. I believe we can delay no longer in giving these men a first-class system of military justice.

The need to reform is urgent. But reform cannot be allowed to come in a piecemeal fashion. Individual patchwork alterations might well suffice to plug some of the smaller gaps in the system. What is urgently needed, however, is a comprehensive revision of the uniform code, a reform which will make military justice conform as nearly as possible to the civil system we find in our State and Federal courts. But at the same time any such proposal must recognize the armed services' legitimate concern to maintain discipline and preserve order.

The legislation which I am introducing today is such a reform. It is a comprehensive revision of all parts of the Uniform Code of Military Justice dealing with courts-martial, from the moment of arrest to the final disposition of appeals and the completion of confinement. I believe that this proposal would insure every American serviceman the kind of speedy, fair and impartial judicial system to which he is entitled.

COMMAND INFLUENCE

Mr. President, I would like briefly to explain the bill's major provisions and to give an example of how the revised code would apply to a typical court martial proceeding from beginning to end.

The bill would eliminate all forms of command influence over the court-martial process and proceedings. It would vest in a separate and independent Court-Martial Command the crucial powers to convene courts-martial; to detail military judges and defense and prosecuting attorneys; and to choose the members of the court—the jury.

Such an independent command is absolutely essential to a fair system.

The Uniform Code of Military Justice was a landmark reform and an important step forward in ensuring fundamental fairness of military justice and that code does contain a number of provisions designed to increase the rights of an accused serviceman by reducing the commander's influence over the court-martial procedure. Thus, the code prevents a commander from convening a court-martial if he has a "personal interest" in the case or if he is "the accuser," and prevents him from censuring, reprimanding, or admonishing any court member, law officer, or counsel with respect to the findings of a court or for the sentence imposed or in any manner attempting by unlawful means to influence the action of a court-martial or any member thereof. But we have not yet provided the full measure of protection required. As long as the commander makes all decisions there is a continuing possibility of improper command influence, and the right to a fair and impartial trial remains in jeopardy.

The commander controls the whole court-martial process. He continues to have and to exercise the authority and responsibility to appoint a subordinate to conduct a preliminary investigation.

The officer appointed by the commander to conduct an investigation under article 32 is subject to all of the inherent pressures of a command whose legitimate concern is discipline. This procedure appears to be incompatible with the fundamental principle of civilian jurisprudence which provides that no person should be subjected to a criminal trial unless the prosecutor can demonstrate to an impartial magistrate or grand jury that there is probable cause to believe, first, that a crime has been committed and, second, that this crime was committed by the accused.

The recommendations of the officer conducting the article 32 investigation, as well as those of the commander's legal officer, are not binding upon the commander and are purely advisory. As a result, military law suffers from the absence of any binding legal decision as to the allocation of prosecutorial resources. The regard for efficient allocation of prosecutorial resources and the even-handed administration of justice which characterize the typical U.S. attorney or State district attorney's office, is therefore, reduced in the military system.

In those instances where the accused is entitled to military legal counsel, the choice of those available to defend the accused remains generally in the hands of the commander. In addition, the commander chooses the counsel who prosecutes the case. The possession of the power to choose the defense counsel and the prosecutor gives the appearance of permitting the commander, by manipulating the choice of personnel, to control the outcome of the case.

Unlike the civilian system, where the accused is entitled to trial by a jury of his peers selected at random, the commander is empowered, virtually without limitation, to choose the members of a court-martial—those who serve in effect, as jurors. While an accused enlisted man is entitled to request that one-third of the court be composed of enlisted men, the selection of those enlisted men who are to serve in the event of such a request is in the hands of the commander. The practice of selecting only senior noncommissioned officers, who are considered more severe than commissioned officers, has been upheld by the Court of Military Appeals. And, while he is required to select those best qualified, there is nothing to preclude a commanding officer from selecting officers known by him to be particularly strict or notably hostile to certain types of alleged offenses. This entire system of selection gives the impression of a "handpicked" jury and is clearly incompatible with the history and theory of trial by jury.

The Uniform Code of Military Justice provides that military appeals are to be heard initially by the convening authority who ordered the trial in the first instance. Although in theory this procedure provides an additional level of appellate review, in practice it has become a time-consuming formality—in one case, the convening authority took no action for 10 months and thereby delayed judicial appeal for that period. And in most cases its results are foregone conclusions. Moreover, it encourages some courts-martial—even when instructed to disregard the commanding officer's review authority—to adjudge automatic maximum sentences so that the commander may reduce the sentence if he so desires. This is clearly an inappropriate and undesirable procedure.

The power to place a soldier in confinement pending trial is also in the hands of the commander. This system, which permits the commander to act virtually without supervision or review has the potential for arbitrary and vexatious action and gives the appearance of unfairness.

COURTS-MARTIAL COMMAND

This independent Courts-Martial Command would take over the functions now performed by the commander. The Courts-Martial Command would be under the administrative supervision of the Judge Advocate General and would be divided into regional commands. It would have four divisions. Prosecution, Defense, Judicial, and Administration.

The Prosecution Division would function much as the U.S. attorney's office functions in the Federal courts. It would receive complaints from any interested person, investigate them, and prefer charges only if it felt that there was sufficient evidence to convict the accused of the charges brought against him. But the determination of the Prosecution Division that the accused should be brought to trial would not be final. Just as in the civilian system, the accused would have to be brought before an independent judge—in this case a military judge. The judge would have to determine whether there was probable cause to hold the accused for trial.

After the preliminary hearing and the determination by the judge that the charges should not be dropped, the Prosecution Division would refer the case to a special or general court-martial, as it thought appropriate. The Prosecution Division would also be responsible for detailing trial counsel—now to be called the prosecutor—to courts-martial trials.

The Judicial and Defense divisions would be made responsible for detailing military judges and defense attorneys to courts-martial trials. The bill specifically provides that members of the Judicial and Defense Divisions would be responsible only to the chiefs of their respective divisions, and to the Judge Advocate General. This provision assures that the prosecution division will not be able to influence the actions of the defense or judicial divisions. The performance of the members of the latter two divisions is to be rated by members of that division alone.

I might point out, Mr. President, that under present practice the commander on any military post is the one who looks at the record. He also is the one who determines job ratings and decides whether his men are promoted.

The Administration Division would be made responsible for picking at random the members of the court, for such general administrative duties as are now performed by the trial counsel, and for detailing or employing court reporters and interpreters.

The establishment of this independent command, and the consequent abolition of the office of "convening authority," as that term is now used in the code, will eliminate any possibility or appearance that the commander, by manipulating the choice of personnel, could control the outcome of a particular case. In addition, the proposal will do much to preclude the institution of charges for what may appear to be arbitrary reasons, provide for the efficient allocation of prosecutorial resources, and ensure the professional drafting and processing of formal charges.

The establishment of this separate command will not jeopardize the maintenance of discipline. I think this is important. We need discipline in our armed forces. Any person, including the commander, would be entitled to refer charges to the Prosecution Division for possible trial. In addition, the commander will retain the nonjudicial punishment powers granted to him by article 15. Thus, the commander will be empowered to punish minor breaches of discipline by means of the power he now possesses, and he will be able to refer more serious offenses to the Prosecution Division.

ABOLITION OF THE SUMMARY COURTS-MARTIAL

This bill would finally eliminate the summary courts-martial from the Uniform Code of Military Justice. We decided to abolish these proceedings because they are consistent with the whole thrust of this plan for reform. One officer is delegated to perform all the functions at summary courts-martial. He presents the prosecution's case, hears and evaluates the evidence offered by the defendant, decided whether or not the accused is guilty, and he determines the sentence, if any. While eliminating the commander's power to appoint the Summary Court-Martial Officer would be an improvement, but would not be sufficient. We should not allow any serviceman to suffer such a burden—a burden which is equivalent to a criminal conviction—without granting him all the procedural safeguards that are fair and practicable. By their very nature, summary courts do not and cannot afford those basic protections.

Elimination of this category of courts-martial is fully in accord with current practice and thought in the military. Before 1968 a serviceman could be given a summary court-martial over his objection if he had previously been offered and had refused an article 15 proceeding. As a result of the 1968 reform, no person may be brought to trial before a summary court-martial if he objects thereto. And since 1968 the use of summary courts has been generally discouraged; many commands have almost completely eliminated them.

As long as article 15 procedures remain available, the local commander has adequate procedures for dealing with minor infractions which really do not justify the use of a court-martial. In short, abolishing the summary courts will not impair discipline. But it will improve the quality of justice in the military.

NEW POWERS FOR MILITARY JUDGES

When a man is accused of a crime, all of the power and resources at the command of the State are brought to bear against him in an attempt to deprive him of his liberty against his will. To prevent the Government from using the resources at its disposal unjustly, significant control over the accusatory process and the trial proceedings must be granted to independent and impartial judges.

Although the Military Justice Act of 1968 created an independent military judiciary, military judges lack many of the powers which are necessary if they are to play a significant role in the military justice process. For example, although it is now clear that the judges of the Court of Military Appeals have such power, judges of the Court of Military Review and military trial judges may lack the "all writs" power exercised by civilian judges, such as the power to issue writs of mandamus, prohibition, and coram nobis.

Unlike their civilian counterparts, military judges lack the ability to utilize the contempt power as a means of controlling those individuals outside the courtroom whose conduct constitutes a direct threat to courtroom discipline and to the right of the accused to a fair trial.

Accordingly, this bill would grant to military judges at the trial level the power to issue all writs necessary or appropriate in aid of their jurisdiction, as now provided in the All Writs Act. Military judges would also be given the power to punish for contempt, power which is now possessed by the Federal judiciary. Punishment would be limited to confinement for not more than 30 days or a fine not to exceed $100 or both.

This bill would also give powers over sentencing to the professional judges. At present, the uniform code empowers the members of a court martial to adjudge sentences. The members of a court are not experienced judges. Due to the restrictions imposed by article 37 of the code upon the type of instruction which members may receive, they often cannot and do not become familiar with the intricacies of the sentencing process. As a result, to quote the 1969 report of the Judge Advocate General of the Army:

> The sentences adjudged by court members run the gamut from being so severe as to hamper rehabilitation to being too light to permit effective rehabilitation or to have any deterrent effect.

In many civilian cases, if the court were to impose the minimum sentence provided by law for a defendant found guilty of the commission of an offense, the demands of justice and equity would not be served. Accordingly, in such cases, the sentencing authority, the judge, suspends the sentence. In the military system, cases which would justify suspension of the sentence also occur. However, the sentencing authority, the members of the court or the military judge, lack the power to suspend a sentence.

Under this bill the sentencing power, including the power to issue suspended sentences—but not including sentences of death—would be transferred to the military judge. Subject to such limitations as may be imposed by the Constitution, the judge would only be allowed to impose a death sentence if the crime was one for which the code specifically allows that penalty, and if the court-martial's jurors unanimously recommend that penalty. The final decision would be up to the judge, however. The recommendation would not be binding upon him. The change would place the power to sentence in the hands of the men who are in a position to develop the expertise required, in the words of the Army Judge Advocate General, to "strike a reasonable balance between the frequently competing factors of deterrence and rehabilita-

tion." Moreover, it would bring military justice procedures into accord with the Federal civilian practice and the practice in the large majority of State courts.

GRANTING FUNDAMENTAL RIGHTS TO THE ACCUSED

The proposed legislation would extend to servicemen certain basic rights now accorded their civilian counterparts.

The Uniform Code of Military Justice would be amended to provide for the appointment of a member of the Defense Division of the independent trial command upon request immediately following arrest. Procedurally, this would be accomplished at a formal hearing following arrest similar to the presentment required by rule 5 of the Federal Rules of Criminal Procedure.

The subpena power—the power to compel the attendance of witnesses and the production of documents—is made available to civilian defendants through an impartial third party, the trial judge, in order to prevent the State from presenting only the evidence most favorable to its attempt to prove the guilt of those it accuses of the commission of a crime. To accord accused servicemen the same protection, the bill which I introduce today will transfer the subpena power from the trial counsel—the prosecutor—where it now resides, to military trial judges and the requirement that expected testimony be revealed in advance would be abolished.

Under this bill, both prosecution and defense counsel would have to show that the subpena was necessary to an adequate presentation of their case. This provision would eliminate even the appearance that the prosecutor could abuse the subpena power by limiting the ability of the accused to present his defense effectively.

This bill also contains a section on discovery, outlining in detail the information each party can obtain from the other. Such provisions are essential to any system which attempts to provide fair trials.

The Uniform Code of Military Justice provides that no serviceman may be tried for the same act both by court-martial and in a Federal court, regardless of which trial occurs first. However, the code does not prevent a serviceman from being tried for the same act in both military and State courts, thus leaving open the distinct possibility of equally severe double jeopardy.

The bill would extend to servicemen the complete protection accorded civilians against double jeopardy by prohibiting trial by court-martial after trial in a State court for the same act, and vice versa.

Under the present law, the power to authorize the search of military persons or property on a military installation is exercised solely by the commanding officer. This officer may be the same individual who determines whether to prosecute, controls the court-martial procedure, and reviews the findings and sentence. It is true that the commander must have "probable cause" to authorize a search and that the standards established by the Court of Military Appeals have in some cases exceeded those applying to civilian courts. However, the probable cause need not be proven to an independent authority until the court-martial itself, and there are no affidavits or other evidence available as to the probable cause at the time the search is authorized.

In the civilian justice system, however, the power to authorize searches and to issue arrest warrants is vested in an independent magistrate. In order to make the military system conform to the civilian process, the bill would vest the power to issue search and arrest warrants in the military judges, and take it away from the commanding officer.

Under the present law the only procedure for determining whether the accused should be held for trial is the investigation provided by article 32. This investigation is normally conducted by an officer who is subject to the influence of the commander pressing the charges. Furthermore, this officer is usually not trained in the law and is therefore often incapable of adequately appraising the legal sufficiency of the evidence presented to him. For this practice, the bill would substitute an initial investigation by the Prosecution Division of the charges. If that division determined that there was enough evidence, it would bring the accused before a military judge. The judge would then determine whether there was probable cause to hold the accused for trial and set bail or its military equivalent. Furthermore, he would be given the power summarily to dismiss legally or factually insufficient charges. The accused would have to be brought before the judge within 24 hours after arrest.

The practical availability of collateral relief would also be affected by this bill. Unlike civilian attorneys, military defense lawyers may seek relief in Federal courts only if given permission to do so by their immediate legal superior, the staff judge advocate. Thus, an accused who has civilian defense counsel, who is not subject to this control, may seek necessary relief in the civilian courts while an accused who is represented by a military lawyer may be inhibited in the attempt to obtain the same relief.

This bill would empower military defense attorneys, at Government expense, to seek collateral relief for their clients in civilian courts when appropriate and would thereby make the availability of this form of relief independent of the ability of the accused serviceman to employ civilian counsel.

SELECTION OF MEMBERS OF THE JURY

The right to trial by individuals selected at random, some of whom may possess attitudes and prior experience similar to those of the accused is a fundamental tenet of American jurisprudence. In accord with this principle, the bill I am introducing would establish a system of random selection for members of general and special courts-martial.

It is especially important that enlisted men be more adequately represented on courts-martial. For it is enlisted men who are being tried in these proceedings. In a recent year, the Army tried more than 68,000 men. Of those prosecuted, only 63 were officers, less than one-tenth of 1 percent. Given this great discrepancy in the number of officers and enlisted men who go to trial, it is essential that more enlisted men serve on courts so that the accused can be judged by a jury of his peers.

I have no doubt that enlisted men could serve with honor on these courts-martial. This bill would require all members of the court to have served on active duty for a year or more. A high percentage of enlisted men possess a high school education and a substantial minority are college educated—over 15 percent of those men who enlisted last year were college graduates. Thus, there should be little fear that the inclusion of enlisted men as members of courts-martial will result in the inclusion of men unqualified to serve as jurors. Moreover, the fact that the members will be selected at random will insure that the members of the courts-martial will reflect the different experiences and attitudes possessed by the various members of the community. Today's soldiers are part of a different kind of army, much of it engaged in a far different kind of conflict than we knew a generation ago. If they are to be tried for military crimes—and without in any way suggesting that the guilty be excused—they have the right to be judged by those fully familiar with the kind of army we have, the kind of war it is fighting.

In addition, in order to make the military system of selecting court-martial members conform more closely to the civilian jury selection system, the number of peremptory challenges would be increased to three per side—and per accused in a joint trial—in a special court-martial empowered to adjudge a bad conduct discharge, and six per side in a general court-martial—10 per side in a capital case. The number of peremptory challenges in a special court-martial not empowered to adjudge a bad conduct discharge will remain at one per side.

CONFINEMENT

The power to confine a citizen against his will is surely one of the most significant powers possessed by the Government. This power ought to be exercised only under the most stringent conditions and only pursuant to the most rational and enlightened procedures. Accordingly, my proposed legislation contains a number of provisions designed to modernize military confinement and sentencing procedures and policies.

The powers to decide whether an accused serviceman should be subject to pretrial confinement and to deter sentence to confinement pending appeal would be transferred from commanding officers to the independent military judges. A presumption in favor of release which would seem to present no threat to military discipline and which would enable the accused to perform military duties and to utilize the time to prepare his defense, would also be established.

Of course, that presumption could be overridden by the judges.

The judge's rulings would be appealable as interlocutory matters to the U.S. Court of Military Review.

If the military judge decided to confine the accused prior to trial or pending ap-

peal, the accused, like nonmilitary criminal defendants, would be entitled to full credit toward any sentence eventually imposed.

I wonder how many of us realize that if a civilian is confined to jail prior to trial and then is found guilty, the time he has served, sometimes 6 months, sometimes 9 months, is applied to the penalty meted out by the court; but that is not true of the GI or naval officer who is thrown into the stockade or the brig. For some reason or another we have omitted the seemingly obvious point that the time spent in pretrial detention should be deducted from the punishment meted out after trial. I hope we can correct that injustice by adopting this provision of the proposed reform.

The legislation also provides that all those confined—including those awaiting trial or appeal—are to be permitted to participate in work, exercise, and rehabilitation programs wherever adequate facilities are available.

A committee composed of judges of the U.S. Court of Military Appeals, the Judge Advocates General of the Armed Forces, and the General Counsel of the Department of Transportation—representing the Coast Guard—together with three civilians appointed by the President, would be directed to study and suggest revisions in the current table of maximum punishments. This study would be conducted with a view toward identifying and correcting apparent inequities and establishing if possible, subcategories based upon differences in elements of culpability. The study would also include an examination of the advisability of retaining the President's power to alter or suspend the table of maximum punishments as to particular geographical areas or to suspend the table for particular crimes. The committee would be directed to report to Congress within 1 year of the date of the enactment of the bill.

APPELLATE PROCEDURE

A somewhat antiquated appellate process creates unnecessary delays and imposes a heavy burden upon the judges of the Court of Military Appeals and other officials involved in the processing of appeals. My legislation is intended to improve this situation in several ways.

It would, as noted above, eliminate review by the convening authority. As a result cases which are now heard by the military courts only after a long delay for convening authority would now be appealed directly to the military courts.

Furthermore, the Uniform Code of Military Justice would be amended to allow the Judge Advocate General of each service to review the findings and the sentence of a court-martial not reviewed by the Court of Military Review.

In addition, the bill would empower the Supreme Court of the United States to issue writs of certiorari to the Court of Military Appeals. The Court of Military Appeals is the highest court in the military justice system and its decisions often involve important questions of individual constitutional rights. The ultimate resolution of these important questions of constitutional law ought to be the responsibility of the court which is, in all other cases, considered to be the final arbiter of meaning of the Constitution. Review of military decisions by the Supreme Court should create no fear of granting the power of review to civilians outside of the military system because the Court of Military Review may be composed in part civilians and since the Court of Military Appeals is, by law, composed of civilians.

Finally, in order to allow the Court of Military Appeals to hear additional cases and to provide for continuity, the Revised Uniformed Code of Military Justice would increase the number of judges who sit on this court to nine and empower the court to sit in panels of three judges each. This will triple the time available for the court to deal with its heavy workload with no great increase in cost.

STUDY OF OTHER PROBLEMS

There are three other aspects of the military justice system which perhaps should be modified. Rather than delay those reforms which can and should be enacted immediately, section 4 would direct a special committee composed of judges of the Court of Military Appeals, the Judge Advocates General of the Armed Forces, the General Counsel of the Department of Transportation for the Coast Guard, and three civilians appointed by the President, to study these problems and to recommend solutions within 1 year of the date of passage of the act.

Specifically, the committee would be directed to study: First, the desirability over some absence offenders to the Federal courts; second, methods, other than those I have outlined, of eliminating delays in the appellate process; and, third, methods of handling prisoners who complete the service of sentence to confinement prior to the completion of appellate review.

HOW THE NEW CODE WILL WORK

Mr. President, in order to illustrate how the new code will work, I would like to take a hypothetical example of a soldier arrested for a crime and to follow him through the court-martial procedure as I have proposed it.

Suppose that Private Jones were arrested—article 7(a)—by the military policeman late at night for committing a crime on post. The arresting MP immediately notified a representative of the Prosecution Division of the local Regional Court-Martial Command, and the investigation was immediately coordinated between investigative and legal personnel—article 30(a). Private Jones declined to make a statement about the offense—article 31—but had likewise declined to exercise his right to the presence of a lawyer.

Within 24 hours of Jones' arrest, the military police brought him before a local independent military judge—article 32(a)—who advised him of his rights, including his right to have a preliminary examination—article 32(c)—set bail pursuant to regulations, and appointed free counsel from the defense division. The judicial and defense divisions of the Regional Command are independent of all local control, and indeed of any control in the Court-Martial Command except within their own division—article 6a(f). In addition, the judge required that Jones be formally charged by the prosecution division at that time and examined the charge to see that it stated an offense. If Jones had not been charged within 24 hours after arrest, he would have been ordered released until he was charged—article 32(b).

Jones requested that counsel be appointed for him, and after consultation with counsel he decided to request a preliminary hearing—article 32(d). The judge set this hearing for 2 weeks hence, and instructed Jones' counsel that if he needed it, he could request a continuance in order to prepare his case—article 40. The judge also ordered that Jones be restricted to his company area. Since this restriction was not particularly onerous, Jones decided not to appeal it to the Court of Military Review as an interlocutory matter.

Two weeks later, a preliminary hearing was held before the same judge who presided at the presentment. The Government was represented by a lawyer from the prosecution division, and the defense was represented by a lawyer from the defense division—(the same lawyer who had been advising Jones all along—article 6a(c)(d). A summarized record of the proceedings was made by a court reporter assigned by the Administration Division of the Regional Command—article 6a(3). At this hearing, Jones had a right to confront his accusers, to cross-examine witnesses against him, and "to discover the evidence against him"—article 32(d). He was shown copies of his prior statements, and statements made by prospective witnesses against him—article 39A. He also had the right to present evidence in his own behalf.

When the hearing was over, the judge found that there was probable cause to believe that Jones committed the crime charged and so, within 3 days, the judge transmitted the case, including the summarized record, to the prosecution division of the Regional Command for trial—article 33(a). The prosecution division decided that there was sufficient evidence upon which to prosecute, and that a general court-martial was the appropriate level trial, and so it "referred" the case to trial by a general court martial, and notified all parties concerned—article 33(b). Likewise it notified the administration division to "convene" a court-martial, that is, to order members of the Armed Forces within its geographical jurisdiction to appear at the appointed time for a court martial—article 1(15). This selection was made on a random basis, and was done without regard to rank—article 25(b).

In the meantime, Jones had been arbitrarily picked up from his company area, and he was being held incommunicado in the post stockade. His military counsel filed a petition for a writ of habeas corpus with the local military judge, but it was denied without reason—article 26(a)(2). An appeal to the Court of Military Review and to the Court of Military Appeals likewise failed—article 66(i). Since the trial date was approaching and Jones' lawyer needed to talk to him, the military counsel then filed a petition for a writ of habeas corpus and for injunctive relief in the local Federal district court

article 38(c). There, after a hearing, Jones was ordered released.

A search warrant had been obtained earlier in this case by a request from the prosecution division to a military judge—article 46(b)—supported with a written affidavit from a military policeman making out probable cause to search, and particularly describing the thing to be seized and the place to be searched—article 46(b)(2).

Before trial, Jones had an opportunity to present to the military judge motions, to suppress the evidence obtained by this search and other motions to suppress, and the judge ruled on them—article 39(a)(1). Also, Jones requested that the military judge subpena his mother from the next county to appear as a character witness for him. The judge found the request reasonably necessary to insure an adequate defense, and so she signed the subpena—article 46(a). If she failed to appear, the judge could have punished her for contempt—article 48(b)(3).

When the trial began, Jones had a right to challenge six jurors peremptorily, as did the Government—article 41(a). The judge ruled finally on all challenges for cause. Since enough court members had been summoned to appear by the administration division, seven jurors plus one alternate were selected.

Upon conviction, the judge heard evidence in extenuation and mitigation, and passed sentence on Jones—article 26(a)(1). At this time, Jones asked the judge to defer his sentence to confinement pending appellate review, but the judge denied the request—article 57(a). The judge, however, accompanied his denial with a written statement pointing out that in his opinion, Jones would likely flee to avoid confinement, because he has previously been convicted of an absence offense—article 57(a). Jones' counsel appealed this determination as an interlocutory matter to the Court of Military Review—article 57(d)—and since the judge's determination was reasonable, the appeal was denied.

During all the time Jones was in confinement, he was able to take part in rehabilitative programs conducted by the stockade—article 58(b)—and all time spent in confinement following his arrest was deducted from the sentence eventually imposed—article 57(b).

The record of trial was expeditiously prepared by the administration division of the regional command under the supervision of the prosecutor—article 38(a)—and when completed, was forwarded without further review at this level directly to the Court of Military Review—article 66(b).

The Court of Military Review functioned as an intermediate-level military court, statutorily independent of command control with respect to its judicial functions—article 66(a)—and having the power to issue all writs—article 66(i)—to review matters of fact and law, and to review the appropriateness of the sentence. When the case was appealed automatically to this court, appellate counsel assigned to the Office of the Judge Advocate General were appointed to represent Jones, upon his request—article 70.

When the Court of Military Review affirmed Jones' conviction, Jones had a right to appeal further to the Court of Military Appeals, since his original sentence included a punitive discharge, or confinement for a year or more—article 67. Pending that appeal, Jones, sentence was not executed—article 71(c). A panel of three judges from the nine-member Court of Military Appeals—article 67—also affirmed Jones' conviction.

If Jones and his counsel had considered that a significant constitutional issue was still unsatisfactorily resolved in his case, they could have petitioned for a writ of certiorari to the Supreme Court (28 U.S.C. 1259), and Jones could have been represented before that Court by by appointed military counsel—article 70(e).

CONCLUSIONS

Mr. President, some critics of the military justice system so distrust the military's capability in this area that they would abolish or virtually abolish the power of the services to punish civilian-type felonies in time of peace. I have made the proposals which I have outlined above in the belief that the time for such drastic surgery has not yet arrived. Few civilian crimes are tried in the military courts. The special civilian committee for the study of the U.S. Army confinement system has estimated that of the prisoners placed in confinement by the military, at least 85 percent and perhaps as many as 90 percent are men who have either absented themselves without leave or deserted. These, of course, are crimes uniquely within the purview of the military courts. Another 3 to 5 percent are imprisoned for other military type offenses, such as disrespect of a superior officer, failure to obey a lawful order, and breaking restriction. While these figures do not include the number of men tried and acquitted or tried and not sentenced to confinement, it does appear that the total number of men who are processed by the military justice system for civilian offenses is very small. I believe that these men would be adequately protected if the reforms I have suggested were to be enacted into law.

Moreover, the Supreme Court and the Court of Military Appeals have decided that court-martial jurisdiction does not extend to civilian dependents or employees abroad in time of peace, whether they are accused of capital or noncapital offenses. In addition, the Supreme Court has decided that court-martial jurisdiction extends only to these individuals who are members of the armed services both at the time of the commission of the offense and at the time of trial. Finally, the Supreme Court, in the recent case of O'Callahan against Parker, has decided that members of the Armed Forces can be court-martialed for service-connected crimes only. Under these circumstances, and with the hope of enactment of significant reforms, I do not believe that further curtailment of court-martial jurisdiction over civilian-type offenses is appropriate at this time.

However, I do believe that reform is necessary and desirable. The enactment of the Military Justice Act of 1968 clearly resulted in an improvement of our system of military justice. Experience has already revealed, however, that the enactment of this important legislation did not sufficiently reduce the effects of command influence—of justice by fiat—and did not succeed in guaranteeing to our men in uniform the same rights and safeguards provided their civilian counterparts. Greater reform is urgently required.

Military commanders should not be concerned that the more equitable system of justice created by my proposed legislation will serve to undercut the discipline which we all recognize as necessary to an effective armed force. Indeed, experience has taught us that inequitable laws spawn disrespect for the law, and disrespect in turn eventually leads to disobedience. Moreover, for relatively minor matters—matters of discipline rather than criminal law—the commander will retain the well-established powers of nonjudicial punishment granted to him by article 15 of the Uniform Code of Military Justice.

My proposals will not, I believe, greatly increase manpower requirements beyond the increases which have already occurred in order to implement the Military Justice Act of 1968. Rather, I believe that they will enable the Armed Forces to utilize present legally trained personnel more efficiently and effectively. Moreover, any desirable increase in personnel could be met by the enactment of legislation designed to improve the retention rate of experienced legal officers. Such legislation is long overdue.

Mr. President, I believe that the legislation which I have introduced will help create a better system of military justice, a system which will not only bear scrutiny but which will invite admiration.

Mr. President, I hope that the Senate can give immediate attention to this matter. As I mentioned earlier, we have today an army of nearly two and a half million young men and women. Most of these young people are going to come in contact with military justice in one form or another while they are serving their country. If we are to create, at an early age the respect for the law which these young people ought to take back into civilian life, I think it is imperative that we see that justice is justice, whether it is civilian or military. I recommend the consideration by our colleagues of this important piece of legislation as a way in which we can establish true justice in the military.

By Mr. THURMOND (for himself, Mr. SCOTT of Virginia, Mr. CURTIS, and Mr. FONG):

S.J. Res. 68. A joint resolution proposing an amendment to the Constitution of the United States with respect to the method of appointing electors of the President and the Vice President of the United States. Referred to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, today I am proposing an amendment to the Constitution that will restore the method of electing our President and

Vice President to the true conception our Founding Fathers envisioned of the electoral college. This resolution, which is similar to measures I cosponsored in both the 85th and 90th Congresses, provides for a presidential candidate who carries a State to receive two electoral votes and who carries a congressional district to receive one electoral vote. In addition, it will require each elector to be bound under oath to cast his vote according to his preelection declaration.

My proposal will establish the "district plan as the method of choosing electors. The "district" plan was supported by such leading statesmen as Jefferson, Hamilton, Madison, John Quincy Adams, Jackson, Van Buren, and Webster, and was the system generally used in the early days of the Republic.

Mr. President, the intent of this joint resolution is to bring about changes in the electoral system, through the method provided for constitutional amendments, so as to more exactly reflect the will of the citizens of this Nation in presidential elections.

Under the present system where the electors are chosen by statewide voting instead of the district system, it is not unusual for a candidate to receive from 40 to 49 percent of the popular vote in the State, without receiving a single electoral vote.

Mr. President, I am convinced that adoption of the proposed amendment would do more to equalize the voting power to citizens in this country than any step taken since the Constitution was adopted.

For example, citizens in California presently vote for 45 electors, while in the smallest States they vote for only three. The proposed amendment to the Constitution would cause each citizen, regardless of where he lived, to vote for three electors—one in his own district and two in statewide voting.

Each of us, as citizens of our States and of the United States, is represented in Congress by two U.S. Senators and by one Representative. This provides each citizen with three voices in the enactment of legislation by the Congress. Under this resolution, each citizen would have three votes in the election of the President and Vice President, through whose abilities the enacted legislation will be implemented. This resolution would give the President and the Congress similar and parallel roots into the electorate. This is the proper foundation for both the executive and legislative branches of our National Government.

Mr. President, another important feature of this resolution would require electors to be bound by their preelection declaration. Since the effect of this resolution would be to allow the people in each congressional district to vote as a single unit, it would be unfortunate to allow one individual to usurp the expressed will of the majority of his electorate.

To insure that an elector's vote is cast for the candidate he was chosen to elect, this resolution also provides that any elector voting contrary to his declaration will have his vote counted in accordance with his preelection declaration.

In conclusion this amendment is designed to make the electoral college responsive to both the people and the States.

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

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

S.J. RES. 68

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

"ARTICLE —

"SECTION 1. Each State shall choose a number of electors of President and Vice President equal to the whole number of Senators and Representatives to which that State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be chosen an elector.

"One elector shall be elected from each district within a State from which a Member of the House of Representatives is elected, and two electors shall be elected at large from each State.

"Each candidate for the office of elector of President and Vice President shall file, with the Secretary of State of the State in which he seeks such office, a declaration under oath of the identity of the persons for whom he will vote for President and Vice President, which declaration shall be binding upon him and any successor to his office. Any vote cast to the contrary shall be counted as a vote cast in accordance with such declaration.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 21

At the request of Mr. BEALL, the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 21, the Continuity of Education Act, a bill to prevent the forced transportation of elementary and secondary students during the course of the school year.

S. 59

At the request of Mr. HARTKE, the Senator from Massachusetts (Mr. KENNEDY) 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. 200

At the request of Mr. MCINTYRE, the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. TUNNEY), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 200, a bill to require that new forms and reports, and revisions of existing forms, resulting from legislation be contained in reports of committees reporting the legislation.

S. 275

At the request of Mr. HARTKE, the Senator from North Carolina (Mr. HELMS) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 275, a bill to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation.

S. 284

At the request of Mr. HARTKE, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 284, a bill to amend chapter 17 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities.

S. 519

At the request of Mr. BUCKLEY (for Mr. SCHWEIKER) the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 519, Veterans Drug and Alcohol Abuse Rehabilitation Act.

S. 723

Mr. BEALL. Mr. President, on February 1, 1973, I introduced, along with Senators DOMINICK, HATHAWAY, JAVITS, PASTORE, STEVENS, and YOUNG, S. 723, which would establish a National Institute of Health Care Delivery.

Mr. President, I ask unanimous consent that the Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor of this measure.

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

S. 768

At the request of Mr. HARTKE, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 768, the Spirit of 1976 High Speed Rail Act.

Mr. CASE. Mr. President, I am glad to join in sponsoring S. 768 to upgrade railroad rights-of-way between Boston, New York, Newark, and Washington, four of the major cities comprising the congested northeast corridor of the United States.

For example, it is hoped that improving rights-of-way will make it possible to clip an hour off the present 3-hour traveltime between New York and Washington, D.C.

If this can be done, passenger rail travel will become even more competitive with air shuttle service within the corridor.

The goal under our bill is to provide such service by 1976. This certainly would be one appropriate way to celebrate our forthcoming bicentennial.

Our bill provides for more than $600 million to be used for financing equipment and right-of-way improvements. The National Railroad Passenger Corporation, otherwise known as Amtrak, and the Army Corps of Engineers will share responsibility for the project.

Though I am a cosponsor of S. 768, I believe there are several respects in which the bill could be improved.

For example, it does not spell out the

roles to be played by the railroad or railroads that will be involved, by the Corps of Engineers or by Amtrak. There also is a question as to how much right-of-way should be brought under Federal control through the project.

In other areas, the bill may require clarification to assure:

That the substantial construction work contemplated will be performed by the classes and crafts of railroad employees who are qualified and whose job it has been to do this work;

That qualified furloughed railroad employees will get first crack at available work on the project;

And that employee rights will be fully protected in line with laws creating such Federal programs as mass transit, high speed ground transportation and Amtrak.

I am confident that the Commerce Committee in considering the bill will see that the necessary changes will be made.

S. 819

At the request of Mr. BAYH, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 819, a bill to authorize a national policy and program with respect to wild predatory mammals; to prohibit the poisoning of animals and birds on the public lands of the United States; to regulate the manufacture, sale, and possession of certain chemical toxicants, and for other purposes.

S. 882

At the request of Mr. HARTKE, the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from North Dakota (Mr. YOUNG), the Senator from Delaware (Mr. BIDEN), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 882, a bill to amend section 355 of title 38, United States Code, relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans.

SENATE JOINT RESOLUTION 1

At the request of Mr. BAYH, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of Senate Joint Resolution 1, proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

SENATE JOINT RESOLUTION 11

At the request of Mr. HOLLINGS, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of Senate Joint Resolution 11, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

SENATE CONCURRENT RESOLUTION 12—SUBMISSION OF A CONCURRENT RESOLUTION CALLING UPON THE PRESIDENT TO CARRY OUT THE PROVISIONS OF THE ECONOMIC OPPORTUNITY ACT OF 1964

(Referred to the Committee on Labor and Public Welfare.)

Mr. JAVITS. Mr. President, I submit for myself and Senator GAYLORD NELSON, the chairman of the Subcommittee on Employment, Manpower, and Poverty, a concurrent sense-of-the-Congress resolution that the President continue OEO and its programs in the absence of changes made pursuant to law enacted by the Congress.

We are joined by Mr. ABOUREZK, Mr. BIDEN, Mr. BROOKE, Mr. BURDICK, Mr. CASE, Mr. CRANSTON, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HART, Mr. HATFIELD, Mr. HATHAWAY, Mr. HUGHES, Mr. HUMPHREY, Mr. KENNEDY, Mr. McGEE, Mr. McGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STAFFORD, Mr. STEVENS, Mr. TUNNEY, and Mr. WILLIAMS, the chairman of the Committee on Labor and Public Welfare.

A similar resolution is to be introduced next week in the House of Representatives by Congressmen STEIGER of Wisconsin, the ranking minority member of the Subcommittee on Equal Opportunity, and AUGUSTUS F. HAWKINS, chairman of the subcommittee, which is a part of the House Committee on Education and Labor.

Mr. President, the resolution calls upon the President to carry out the provisions of the Economic Opportunity Act of 1964, which provides general authority for the continuation of the Office of Economic Opportunity and its activities, including community action agencies and programs through fiscal year 1974.

The resolution, in material part, provides as follows:

Whereas the policy of the United States established by law enacted by the Congress should be changed only by law enacted by Congress; now, therefore, be it resolved by the Senate (the House of Representatives concurring), that it is the sense of the Congress that the President should—

(1) continue in operation the Office of Economic Opportunity administering and supervising the important programs and activities entrusted to the Office under the provisions of the Economic Opportunity Act of 1964 utilizing fully funds appropriated by the Congress for such purposes; and

(2) submit a revised budget request for the fiscal year ending June 30, 1974, requesting appropriations for the Office of Economic Opportunity and its administration of programs and activities entrusted to it under and in accordance with the provisions of the Economic Opportunity Act of 1964.

Mr. President, this resolution says in effect that the President should be held to the law with respect to the antipoverty program, in the absence of further action by the Congress.

THE LAW

The Economic Opportunity Amendments of 1972, Public Law 92–424, signed by President Nixon on September 19, 1972, provided for a 2-year extension, through fiscal year 1974, of the authorization of appropriations for the Office of Economic Opportunity and programs conducted by the office under the Economic Opportunity Act of 1964, first proposed and signed by the late President Lyndon B. Johnson.

The act of 1964 provides specifically for the establishment of the Office of Economic Opportunity in the Executive Office of the President to be headed by a Director appointed by the President by and with the advice and consent of the Senate and for the establishment of community action agencies and programs.

Moreover, the 1972 amendments continued through fiscal 1975 each of the duration of program authorities contained in the Economic Opportunity Act.

The duration of program authority for title II—contained in section 245, as amended, reads:

The Director *shall* carry out the programs provided for in this title during the fiscal year ending June 30, 1967 and the eight succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law." (emphasis added).

Similar language is now contained in each of the other titles of the act which authorize programs administered by the Office of Economic Opportunity, including that under which that office itself is established.

For programs under title II and certain other titles, the Economic Opportunity Amendments of 1972 authorized $840 million for fiscal year 1973 and $870 million for fiscal year 1974. Of these amounts the amendments expressly reserved for each fiscal year $328.9 million for community action—local-initiative—activities and $71.5 million for the legal services program conducted by OEO.

Section 3(c)(3) of the 1972 amendments then provides:

The Director shall allocate *and make available* the remainder of the amounts appropriated for carrying out the . . . Act (emphasis added).

On October 31, 1972, the President signed into law, Public Law 92–607, the supplemental appropriations bill, appropriating pursuant to the 1972 amendments a total of $709.2 million for fiscal year 1973, the current fiscal year, for the programs administered by the Office of Economic Opportunity under title II and the other appropriate titles of the act.

THE ADMINISTRATION'S PROPOSALS AND ACTIONS

The administration's budget submission for fiscal year 1974 contains no requests for funding of the Office of Economic Opportunity or for its conduct of programs which it currently administers under the act. The budget submission states that beginning July 1, 1973, the "existence of OEO as a separate Federal agency is no longer necessary" and indicates generally that programs now conducted by OEO are to be delegated or transferred to or "assumed" or funded by other agencies.

Almost simultaneously with the budget submission, Board Chairman and Executive Directors of Community Action agencies and other grantees received a directive from the Office of Economic Opportunity announcing "phase-out" grants. One such notice, dated January 29, 1973, states:

Grantees whose current funding expires after June 30, 1973, will not receive additional phase-out grants, and should *start promptly* to adjust their affairs so as to close down all activities supported with Section 221 funds (local initiative) prior to the expenditure of currently available funds (emphasis added).

This directive has been coupled with or followed by many programs being placed

on a month to month funding basis, the discharge on February 12 of the acting director of the legal services program, Mr. Tetzlaff, and personnel shakeups throughout the Office of Economic Opportunity.

In short, rather than carrying out the programs during this fiscal year as directed under the statue, the Acting Director, Mr. Howard Phillips, is proceeding to liquidate them during this fiscal year in order to implement a plan for next fiscal year yet to be approved by the Congress and contrary to law previously enacted.

ALTERNATIVES UNDER THE LAW

Mr. President, on February 6, 1973, in a speech before this body, while indicating my general opposition to the administration's plan, I stated:

I will be open-minded to any changes that may be made, we must seek better ways to progress and needs to phase in the new while we do not retreat from the responsibilities assumed by the Congress and the Executive 4½ months ago in enacting the two-year extension, and what the poor themselves have given life under the Economic Opportunity Act of 1964 and the recent amendments.

The Administration's proposal at this point is only that—a proposal; it is not enacted into law and is subject to action by the Congress.

It is my fervent hope—and one which I shall give all my efforts as ranking minority member of the committee—that we will in time avoid a confrontation on this issue.

However, as I have indicated, even as I spoke those words and now apparently continuing at deliberate speed, the acting director of the Office of Economic Opportunity has been proceeding step by step—more like a trustee in bankruptcy than one charged with carrying out the law—to dismantle the agency and its programs.

Mr. President, I submit that the policy of the United States established by law enacted by the Congress should be changed only by law enacted by the Congress.

If the President has changed his mind concerning the continuation of the OEO and its programs since he signed the Economic Opportunity Act Amendments of 1972 and the appropriations bill for fiscal year 1973, then let him proceed under law and those of us in the Congress will give it every consideration.

Of course, he may choose to pursue again his programs for special revenue sharing and perhaps the Congress will be receptive in this session.

Moreover, the Economic Opportunity Act of 1964 as amended and the Executive Reorganization Act, specifically permit the President of the United States to transfer or eliminate the Office of Economic Opportunity by following the procedures of the Executive Reorganization Act, under which a reorganization plan must be submitted to the Congress; however, the President has yet to come forth with a specific plan to be submitted to the Congress or even indicate that he intends to proceed in that manner.

Furthermore, the Economic Opportunity Act as amended, specifically permits the Director of the OEO, with the exception of certain programs, to delegate all or a part of his "functions" to another agency; although these authorities have been relied upon in the past, for example in the case of the delegation of manpower training programs to the Department of Labor and the Headstart program to the Department of Health, Education, and Welfare, no delegation documents have been executed.

Mr. President, what has been established as the policy of the United States by law enacted by the Congress, and extended twice with the approval of this administration since 1964, must not be undone by Executive action alone.

Mr. President, in view of the great support given to this resolution I hope very much that the administration will reconsider the policy by which it is now proceeding, and halt the dismantling of OEO and rather seek congressional approval under a reorganization plan of those plans it has for the agency.

I ask unanimous consent that there be printed at this point in the RECORD a full text of the resolution, together with an excerpt from page 122 of the administration's budget submission setting forth the administration's proposals, and the directive to community action agencies dated January 29, 1973, to which I referred earlier, which includes a summary of the OEO programs and plans with respect thereto.

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

S. CON. RES. 12

Whereas the Economic Opportunity Act of 1964 declared that the policy of the United States is "to eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity for education and training, the opportunity to work and the opportunity to live in decency and dignity".

Whereas, in furtherance of that policy, the Economic Opportunity Act of 1964, established in the Executive Office of the President an Office of Economic Opportunity and provided specifically for the establishment of community action agencies, organizations and programs to be administered by said Office under the provisions of the Act in order to stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families and individuals to secure the opportunities needed for them to become fully self-sufficient.

Whereas the Office of Economic Opportunity has served as a valuable advocate for the poor in the Federal Government, community action agencies and organizations established under that Act have been effective in mobilizing resources on behalf of the poor, and community action and other programs and activities have been vital in achieving the purposes of the Economic Opportunity Act of 1964.

Whereas, on September 19, 1972, the President signed into law the Economic Opportunity Act Amendments of 1972 providing for an extension, through fiscal year 1974, of the Office of Economic Opportunity, community action agencies and programs and other prorgams and activities established under that Act.

Whereas the President's budget submission for fiscal year 1974 contains no requests under the Economic Opportunity Act of 1964 for federal funds for the continuation of the Office of Economic Opportunity or for its administration of the important programs and activities entrusted to it under the provisions of that Act, and indicates that the functions of the Office of Economic Opportunity are to be delegated or transferred to or assumed by other agencies of the Federal Government.

Whereas 25.6 million of the Nation's citizens—more than 12 percent of the population—continue to live in poverty and many additional millions of Americans are at the edge of poverty, with resulting individual and societal hardship and costs.

Whereas the policy of the United States established by law enacted by the Congress should be changed only by law enacted by the Congress; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring) that it is the sense of the Congress that the President should—

(1) continue in operation the Office of Economic Opportunity administering and supervising the important programs and activities entrusted to that Office under the provisions of the Economic Opportunity Act of 1964 utilizing fully funds appropriated by the Congress for such purposes; and

(2) submit a revised budget request for the fiscal year ending June 30, 1974, requesting appropriations for the Office of Economic Opportunity and its administration of programs and activities entrusted to it under and in accordance with the provisions of the Economic Opportunity Act of 1964.

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., January 29, 1973.

Subject: Termination of Section 221 Funding.

To: Board Chairmen and Executive Directors, Community Action Agencies and Other Grantees Funded Under Section 221 of the Economic Opportunity Act.

This memorandum is issued in order to give formal notice of funding changes under Section 221 of the Economic Opportunity Act. Supplemental guidance will be provided shortly regarding programs funded by Regional Offices and OEO Headquarters under other Sections of the Act.

A summary of the provisions made for OEO programs in the President's budget for Fiscal Year 1974 is attached for your information.

Section 221 funds are available to OEO, as described below, for awarding Community Action Section 221 grants during the remainder of Fiscal Year 1973 (ending June 30, 1973). Grantees which are scheduled for refunding between now and June 30, 1973, and otherwise qualified for funding, may receive phase-out grants of up to six months.

The Fiscal Year 1974 budget does not provide funds for any Section 221 grants during the Fiscal Year beginning July 1, 1973. Grantees whose current funding expires after June 30, 1973, will not receive additional phase-out grants, and should start promptly to adjust their affairs so as to close down all activities supported with Section 221 funds prior to expenditure of currently available funds.

Under either funding situation, difficult problems will be faced by grantees. We desire to be as cooperative as possible with grantees in planning and carrying out phase-down activities.

Your attention should be directed to the interests of program personnel and program beneficiaries, to provide such advance notice as is reasonably possible. Timing and foresight are the keys. Planning should begin at once to provide a smooth phase-out.

The remaining period of any current grant and any phase-out grant must be conducted with full compliance with OEO Instructions and in a manner consistent with sound fiscal and property management. OEO will not tolerate any departure from responsible man-

agement nor will it permit grantee conduct which might jeopardize an efficient close-down of activities.

Close-down procedures include the requirement of a final audit. Arrangements should be made now to provide for this in accordance with OEO audit requirements. (See OEO Instruction 6801–1 and Changes 1 and 2). Funds should be reserved sufficient to pay the costs of such final audit.

Income taxes and social security withholdings must be paid. Officers and directors have special responsibilities to assure full payment of taxes and payroll deductions. It is vital also that grantees assure that their unemployment insurance coverage is current.

Personnel should generally be progressively reduced in force. Appropriate reserves should be made for payment of all accrued leave if payable in cash and for appropriate terminal pay provided by approved personnel policies. No increases in pay, leave or terminal pay rights or other fringe benefits shall be made without written approval of persons authorized by the Director of OEO.

Provision should be made for transfer, wherever appropriate and permissible, of authorized group insurance or other authorized fringe benefits to individual policies or in other ways for the protection of the employees' interests in the best possible manner. Reasonable assistance in finding other employment should be provided to employees who are to be terminated.

Property must be inventoried and disposed of in accordance with OEO property regulations. (See OEO Instruction 7001–01). The grantee should prepare and submit to OEO for approval a plan for the disposition of all property.

Where authorized loans are outstanding, reasonable efforts should be made to liquidate them. Unliquidated loans should be reported to OEO with recommendations concerning appropriate action. The grantee's interest as creditor shall be transferred, when OEO so instructs, to an officer or agency designated by OEO as trustee to collect (or, when appropriate, to waive collection) such remaining outstanding loans and to pay over net balances collected to OEO.

Residual grant funds, including non-Federal share, and funds resulting from program income may be applied to the phase-out activity. This does not include interest earned by CAA's on deposits of grant funds prior to their employment in the program. Such interest must be returned to OEO by check made payable to the Treasurer of the United States. (See OEO Instruction 6806–03).

Profits, if any, resulting from authorized conduct of profit-making activities and any capital investments must be accounted for and may also be applied to the phase-out activity. Economic development projects funded under Section 221 will be reported through the Regional offices to the Assistant Director for Operations for advice as to appropriate disposition.

Balances remaining, upon conclusion of the funding periods as described above, should be returned to the Controller of OEO by check made payable to OEO accompanied by an explanatory itemized statement.

Arrangement should be made for preservation of grantee records as required by OEO grant conditions and instructions. Further guidance will be provided in the near future on this.

Where the grantee does not remain in existence to carry out other activities, local law should be consulted as to the necessity or advisability of formal dissolution proceedings.

You will be informed of OEO personnel who will be assigned to carry out applicable OEO close-out procedures and to assist and guide you in complying with close-out requirements. Assistance on legal questions may be obtained from your own attorney. Regional Counsel and OEO Headquarters General Counsel will be available to furnish appropriate assistance. Regional and Headquarters Audit staffs and Controller's Office will be available to assist on fiscal matters. Regional Office and appropriate Headquarters personnel will be available to assist on real and personal property questions, on personnel questions and other phases of the close-out activities.

The actions described in this letter are being taken as a result of general policy decisions and are not based on circumstances related to particular grants or noncompliance with OEO directives. Procedures provided for refusal to refund on such ground (45 C.F.R. 1067.2) are not applicable. These actions do not terminate or curtail assistance prior to the time that such assistance is concluded by the terms and conditions of the grant. Procedures provided for suspension and termination (45 C.F.R. 1067.1) are also not applicable.

In the event of failure by a grantee to comply with grant requirements, however, or failure to use Federal funds effectively and properly, OEO may take appropriate action in the case of the individual grantee in accordance with any applicable procedures for refusal to refund, suspension or termination, as the case may be.

Cessation of Section 221 funding rescinds your designation as a community action agency under the authority of Title II of the Economic Opportunity Act of 1964, as amended. Accordingly, you should promptly commence discussions with other Federal agencies from which you receive funding (other than Section 221 funding) under the Economic Opportunity Act in order to clarify your status as grantee.

Section 42 U.S.C. 2703 provides criminal sanctions for certain misconduct. The section reads:

"(a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Economic Opportunity Act of 1964 embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to the Economic Opportunity Act of 1964, shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Economic Opportunity Act of 1964 induces any person to give up any money or thing of any value to any person (including such grantee agency), shall be fined not more than $1,000 or imprisoned not more than one year, or both."

OEO Regional Office staff and appropriate Headquarters personnel will be available for discussions with grantees to assist in achieving orderly close-out. OEO is currently preparing a check-list which can help grantees assure that all essential matters are addressed. This will be supplied to you in the near future along with a requirement that individual close-out plans be submitted for OEO review.

———— ————,
Regional Director.

[Excerpt from page 122, of "The Budget of the U.S. Government, fiscal year 1974"]

OFFICE OF ECONOMIC OPPORTUNITY

In 1974 responsibility for certain programs now funded through the Office of Economic Opportunity will be assumed by other agencies, as follows: the migrant program will be delegated to the Department of Labor; Indian programs will be assumed by HEW; Community Economic Development program grantees will be funded by the Office of Minority Business Enterprise at Commerce; health projects will be transferred to HEW; research and development functions will be transferred to the agencies which have statutory responsibility in the fields of current OEO activity. In addition, legislation will be submitted to establish a Legal Services Corporation.

No funds are requested for the Office of Economic Opportunity for 1974. Effective July 1, 1973, new funding for Community Action agencies will be at the discretion of local communities. After more than 7 years of existence, Community Action has had an adequate opportunity to demonstrate its value. In addition to private funds, State and local governments may, of course, use general and special revenue sharing funds for these purposes. With Community Action concepts now incorporated into ongoing programs and local agencies, the continued existence of OEO as a separate Federal agency is no longer necessary.

OFFICE OF ECONOMIC OPPORTUNITY PROGRAMS

In view of the overall budgetary situation facing the President in fiscal 1974, a careful review of all Federal efforts has been undertaken. It is the desire of the Administration to return decision-making and the resources requisite to effective programing to elected officials at the local level. Enactment of an historic General Revenue Sharing bill has already resulted in $2.6 billion being distributed to State and local governments and $10.2 will be distributed in the remainder of FY 1973 and FY 1974.

In addition, the Administration is developing for resubmission to Congress a number of broad Special Revenue Sharing proposals designed to replace cumbersome existing categorical programs. Pursuant to the President's desire to make government more accountable to elected officials and in accordance with the President's "New Federalism" proposals returning both responsibility and resources to States and localities, no funds will be provided to continue the Office of Economic Opportunity after June 30, 1973. Funding under Section 221 of the Economic Opportunity Act for the core Community Action activities will become a local option beginning in fiscal 1974, as will support for the Senior Opportunities and Services program and the State Economic Opportunity Offices.

Senior Opportunities and Services program objectives will continue to be pursued Federally through the Administration on the Aging. Training and technical assistance previously afforded these programs will be discontinued. Other programs will be continued in fiscal 1974 under other auspices, as will certain research and demonstration efforts.

New legislation to establish a Legal Services corporation independent of OEO will be transmitted to the Congress. Personnel slots associated with OEO programs which will be eligible for continuation by other agencies in fiscal 1974 will be shifted to those agencies along with appropriate support personnel currently located in other OEO offices. The following table lists the actual and current year funding for OEO programs and their disposition within the fiscal year 1974 Federal budget:

OFFICE OF ECONOMIC OPPORTUNITY

[Obligations in millions of dollars]

Program	1972	1973	1974	1974 responsibility
Research, demonstration, and evaluation	45.0	66.7	78.0	Various agencies.
Community action operations	351.0	285.3	----	Local option.
Health and nutrition	157.2	[1] 165.2	146.9	Department of Health, Education, and Welfare.
Community economic development	26.8	30.7	39.3	Office of Minority Business Enterprise.
Migrant and seasonal farmworkers	36.5	36.3	40.0	Department of Labor.
Legal services	67.7	73.8	71.5	Independent corporation.
General support	18.2	18.5	----	
Special pilot Indian programs			32.1	Department of Health, Education, and Welfare.
Liquidation activities			33.0	General Services Administration.
Total	702.4	676.5	----	
Transfers to other agencies	38.3	.2	----	
Total	740.7	676.7	440.8	

[1] Includes $20,000,000 1972 supplemental available for 1973 obligation.

Following is a program-by-program discussion of the fiscal year 1974 program requests for former OEO programs, along with program plans for the remainder of fiscal year 1973. In some cases, fiscal year 1973 programing will be adjusted effective immediately in anticipation of the fiscal year 1974 program decisions. The concluding section of this presentation addresses overall employment ceilings for OEO for fiscal year 1973 and lists employment allocations of other Federal agencies in fiscal year 1974 for activities formerly associated with OEO.

COMMUNITY ACTION—LOCAL INITIATIVE PROGRAMS (SECTION 221)

Effective immediately, all new OEO funding for Section 221 activities (except for Indian programs) will be for a period not to exceed December 31, 1973, with no grant to receive funding for a period greater than 6 months. Grants made after today will include closeout notifications; grantees previously funded on an interim basis for six months may receive up to an additional six months funding prior to their termination. Grantees already funded for a full program year will be notified in writing that their current grant is a terminal award from OEO. No new awards for program purposes will be made under this authority after June 30, 1973. Effective July 1, 1973 Federal support under this section of the Economic Opportunity Act will cease. (Funding for Indian programs of the Office of Economic Opportunity is discussed in a separate section below.)

TRAINING AND TECHNICAL ASSISTANCE

Training and technical assistance provided under Section 230 of the Economic Opportunity Act will be discontinued before the end of this fiscal year. Obligations for this support activity will total $6 million in fiscal year 1973.

SENIOR OPPORTUNITIES AND SERVICES

The Senior Opportunities and Services projects now funded by OEO will receive $8 million in fiscal year 1973 with full twelve-month grants being awarded during the remainder of the year. No new awards will be made by OEO for SOS programs after July 1, 1973. It is anticipated that by that date funds will be available to continue elderly nutrition efforts from the $99.6 million appropriation requested for that purpose by HEW. Other service projects for the elderly will be funded directly by the Administration on the Aging (AOA) beginning in fiscal year 1974. Although the $8 million SOS program will not be refunded, the AOA budget will expand from $44.7 million in 1972 to $195.6 million in 1974 and is expected to carry forward the purposes previously pursued through the SOS program.

STATE ECONOMIC OPPORTUNITY OFFICES

Consistent with the decision to make continued funding for Local Initiative programs a local option, funding for State Economic Opportunity Offices will not be provided by the Federal Government after June 30, 1973. No new awards will be made in fiscal year 1974. Existing offices may be continued at the option of State governments from State revenue sharing allocations. It is expected that $12 million will be obligated for this program during fiscal year 1973. Notification of termination of OEO funding effective with awards made during fiscal year 1973 will be forwarded to all grantees.

NATIONAL SUMMER YOUTH SPORTS PROGRAM

OEO will continue support for this program in the summer of 1973 under a delegation agreement with the Department of Health, Education, and Welfare. No funds are requested for this activity in fiscal year 1974.

SPECIAL INDIAN PROGRAMS

OEO programs serving Indian people will be continued by the Department of Health, Education, and Welfare in fiscal year 1974, and converted to a pilot effort funded directly to Indian tribal councils. A total of $32.1 million is requested for appropriation to that agency in fiscal year 1974, an increase of $9.7 million over the level to be obligated by OEO in fiscal 1973. The increase will fund a major expansion of efforts to assist in Indian self-determination, efforts designed to enable Indian people to gain control and direction of the institutions and programs which affect their daily lives through their own duly constituted instruments of self-government. In addition to this program expansion, funding will also be available to continue nutrition assistance previously afforded via the EFMS program, to support an expanded Indian urban center effort, and to continue and expand vital programs previously operated under the auspices of Indian Community Action Agencies.

MIGRANT AND SEASONAL FARMWORKERS PROGRAMS

Migrants and seasonal farmworkers programs previously funded by OEO will be eligible for continuation under the direction of the Department of Labor in fiscal year 1974. A total of $40 million is requested for direct appropriation to Labor, an increase over the current year OEO level of $36.3 million. The additional funding will provide a significant expansion in the High School Equivalency (HEP) program, permitting the establishment of 13 additional projects in 1974. Other Migrants programs providing nutritional assistance, farmworker housing, day care, educational and manpower support will be eligible for continuation at their current levels.

COMMUNITY ECONOMIC DEVELOPMENT

OEO plans to invest $36.7 million in Community Economic Development and related research and demonstration activities during the balance of fiscal 1973. Beginning July 1, 1973, OEO support for Community Development Corporations will cease. New legislation will be submitted to Congress which would authorize the Office of Minority Business Enterprise in the Department of Commerce to continue funding of Community Development Corporations, as well as current OEO research and demonstration activities in the area of economic development. This consolidation of effort with OMBE will increase the effectiveness of Federal programs designed to bring minority entrepreneurs into the mainstream of economic life.

Approximately $39.3 million is requested for direct appropriation to OMBE in fiscal year 1974 for support of these OEO activities, an increase of $2.6 million over current levels. Most of the increase is anticipated to be utilized to permit concentration of funding on the more successful community development models to test their ability to accelerate the rate at which impact can be created, and will enable continued research and development.

LEGAL SERVICES

Estimated obligations for Legal Services programs during fiscal year 1973 will total $73.8 million, including a one-time obligation of $2.3 million available for special legal services experiments. New legislation will be submitted to establish a Legal Services corporation, independent of OEO, to be effective as of July 1, 1973. Consequently, $71.5 million is requested in the budget for HEW for fiscal year 1974 for subsequent assignment to the Legal Services program in its new location.

ALCOHOLIC COUNSELING AND RECOVERY

During fiscal year 1973, OEO will transfer $14.4 million to the National Institute for Alcoholism and Alcohol Abuse within HEW to sustain projects serving low income persons. Funds for these projects for fiscal year 1974 are requested as part of the HEW budget for NIAAA.

EMERGENCY FOOD AND MEDICAL SERVICES

During fiscal year 1973, $24 million is being obligated for Emergency Food and Medical Services projects from funds made available in a supplemental appropriation to the Agency in June of 1972 (and available for fiscal year 1973 utilization) in combination with new funding from the fiscal year 1973 appropriation. No funds are requested for this program in fiscal year 1974, except that projects serving Indians and Migrants will be continued from funds requested for direct appropriation to the Departments of Labor and Health, Education, and Welfare.

DRUG REHABILITATION ACTIVITIES

OEO is funding projects during fiscal year 1973 in the field of drug treatment and rehabilitation at an annual level of $23 million. In fiscal year 1974, $29.3 million is included in the budget of the National Institute of Mental Health (NIMH) for continuation of drug rehabilitation activities previously funded by OEO. As of July 1, 1973, all OEO activities will have been transferred to NIMH.

COMPREHENSIVE HEALTH SERVICES AND FAMILY PLANNING

Funding for the comprehensive health projects and family planning services will be included in HEW's health services delivery budget. This assures that all federally supported health centers are funded by the same agency and that Federal funds to finance the direct delivery of health services will be used to benefit the greatest number of recipients.

COMPREHENSIVE HEALTH SERVICES

OEO will obligate $85.5 million during fiscal year 1973 to permit full refunding of existing comprehensive health projects. This level provides support to approximately 60 large and small urban and rural projects distributed throughout the United States. These

projects generally provide diagnostic, curative and preventive medical and dental care, and supportive services such as laboratory, X-ray, pharmacy, social/mental health services and outreach services.

In addition to the health services delivery programs, health manpower development programs and several technical assistance grants and contracts are being continued. The fiscal year 1974 request for HEW includes $102.6 million to continue OEO activities to be transferred as of June 30, 1973. In addition, funding is provided within HEW for comprehensive health services projects transferred from OEO to HEW in prior years. Essential OEO health manpower activities will be supported within the Bureau of Health Manpower Education in the National Institutes of Health.

FAMILY PLANNING

During fiscal year 1973, $15 million is obligated for family planning, primarily to allow for continued support of 220 community and research and demonstration projects. Projects formerly funded by OEO may be continued during fiscal year 1974 through direct appropriation of $15 million to HEW. In addition, funding is provided within HEW for family planning projects transferred from OEO to HEW in prior years.

RESEARCH AND DEMONSTRATION

Fiscal year 1974 funding for OEO research and demonstration activities will total $78 million, an increase of $11.3 million over the current year level of effort. Personnel will be eligible for transfer to operating agencies along with increased support funds. There they will be able to have more direct impact on operational programs than would have been the case had the function remained with OEO. Specifically, the fiscal year 1974 request for the

National Institute of Education includes $23.9 million to continue the educational voucher demonstration and other projects designed to test ways to provide equal educational opportunities;

Office of Child Development includes $12.6 million to continue experiments and studies of alternative approaches to day care and child development;

Office of the Secretary (HEW) includes $22.7 million to continue policy studies on the causes of poverty and develop ways to overcome environmental health problems which confront disadvantaged persons. Funding is also provided for a health insurance experiment to measure the cost to the Government and consumers of alternative plans and the resultant change in the health status of families;

Department of Labor includes $5.3 million to continue OEO research in the fields of manpower training and labor force participation;

Department of Housing and Urban Development includes $13.4 million to continue efforts to test ways to provide adequate housing for disadvantaged persons.

RURAL LOANS

The Title III-A rural loan program administered through delegation by the Farmers' Home Administration was discontinued in 1971. Although new loans have not been made since that date, several thousand outstanding loans still require service and collection. In fiscal year 1974, $2.5 million is requested for direct appropriation to FHA to cover ongoing administrative costs of this program.

APPROPRIATION TO GENERAL SERVICES ADMINISTRATION

Effective July 1, 1973 the General Services Administration will have funds to assume Federal responsibility for termination of all former OEO activities not specifically continued in fiscal year 1974 in other Federal agencies. Remaining OEO personnel not terminated or transferred to other Federal agencies, but required to liquidate Federal responsibilities with respect to terminate OEO programs, will be transferred to GSA. An appropriation of $33 million to GSA for liquidation of former OEO activities will be necessary. The requested appropriation will support the Federal personnel administering the program close-out as well as additional program liquidation requirements. (See following section for discussion of employment.)

EMPLOYMENT CEILING

The OEO ceiling for end-of-year employment (June 30) for fiscal year 1973 is 1,500 positions, including those position transtransferred to recipient agencies with delegated programs. Major reductions from current on-board strength (approximately 2,053 people) will occur in direct and support positions for programs to be terminated before the beginning of fiscal year 1974. Of the 1,500 on-board strength as of June 30, 1973, 834 slots will be transferred to the General Services Administration.

A total of 666 direct and support slots will be shifted to the various Federal Departments and Independent Agenies which will be continuing former OEO activities in fiscal year 1974; this figure is expected to remain stable during fiscal year 1974. The personnel complement transferred to GSA will be reduced to 296 by June 30, 1974, as individual grantee liquidations are completed. Thus, total Federal employment for former OEO activities will be 839 as of the end of fiscal 1974, with an additional 123 employees scheduled for assignment at that date to the Legal Services corporation. Distribution of end of year ceilings by recipient agency are listed below.

	June 30—		
	1972	1973	1974
Office of Economic Opportunity	2,271		
General Services Administration		834	296
Legal Services Corporation		123	123
Department of Labor		96	96
Department of Health, Education, and Welfare		362	[1] 362
Department of Housing and Urban Development		18	18
Department of Commerce		67	67
Total	2,271	1,500	962

[1] Health, Education, and Welfare distributed:

Office of the Secretary	125
National Institute of Education	40
Office of Child Development	22
Health Services and Mental Health Administration	136
National Institute of Mental Health	39
Total	362

SENATE RESOLUTION 71—SUBMISSION OF A RESOLUTION RELATING TO THE USE OF ENVIRONMENTAL OR GEOPHYSICAL MODIFICATION ACTIVITY AS A WEAPON OF WAR

(Referred to the Committee on Foreign Relations.)

Mr. PELL. Mr. President, I am today reintroducing legislation expressing the sense of the Senate that the U.S. Government should seek the agreement of other governments to a proposed treaty prohibiting the use of any environmental or geophysical modification activity as a weapon of war. Joining me in sponsoring this resolution are Senators BAYH, CASE, CHURCH, CRANSTON, GRAVEL, HART, HOLLINGS, HUGHES, HUMPHREY, JAVITS, KENNEDY, MCGOVERN, MONDALE, MUSKIE, NELSON, STEVENSON, TUNNEY, and WILLIAMS.

Mr. President, I have on several occasions brought to the attention of the Senate the dangerous implications for the environment and for mankind if we permit the development and use of environmental and geophysical modification techniques as weapons of warfare.

Last year, 15 Senators joined with me in cosponsoring Senate Resolution 281, urging the negotiation of an international agreement banning such activity. We introduced this legislation because it was becoming increasingly evident that the potential for offensive military uses of environmental and geophysical modification was very real. There was also growing concern among knowledgeable members of the scientific community that development and use of these modification techniques, without limitations, could have awesome consequences.

These concerns arose from more than hypothetical possibilities. There have been unofficial reports, which the Department of Defense has never denied, that weather modification techniques were in fact used in Southeast Asia as a weapon of warfare. In my own mind, there is no doubt that the United States did indeed conduct weather modification operations in Southeast Asia. And, indeed, I would be much surprised if other of the superpowers have not taken steps toward development of offensive military weather modification capabilities.

I cite these indications of military weather modification activities not to raise a quarrel over what may have been done in the past, but to emphasize that the need for attention to this problem is real.

I would hope, however, that the end of our active military involvement in Vietnam might also relieve whatever political restraints there may have been on a full and frank discussion of U.S. policy regarding offensive military uses of environmental modification.

Rainmaking as a weapon of war may well lead to the development of vastly more dangerous environmental techniques whose consequences may be unknown and which may cause irreparable damage to our global environment. This is why I believe the United States should move quickly to ban all environmental or geophysical modification techniques from the arsenals of war.

The United States now lacks any enunciated policy in this area. In the absence of a policy dedicating all environmental and geophysical modification efforts to peaceful purposes, the path is left open to the planning, development and prosecution of environmental or geophysical warfare. Restraint should be exercised now before damaging precedents are set.

As the chairman of the Subcommittee on Oceans and International Environment of the Senate Foreign Relations Committee, I conducted hearings on this subject in June of 1972. Administration witnesses at that time opposed immediate enactment of the Senate Resolution 281 on the grounds that they lacked sufficient knowledge and that an expression of a Senate view at that time would be premature. Since that time, however, there has been growing support within this country and internationally for an agreement on this subject.

On September 27, the National Advisory Committee on Oceans and Atmosphere—NACOA—in its first annual report recommended to the President and to the Congress that the U.S. Government which would dedicate "all weather modification efforts to peaceful purposes" and "eschew" their "hostile uses." Although this report was submitted to the Secretary of Commerce on June 30, it was not transmitted to Congress until a full 2 months after the subcommittee hearings on this subject.

And in December of last year, the 18th meeting of the North Atlantic General Assembly unanimously adopted a proposal, which I sponsored, recommending that the North Atlantic Council endorse through its member nations the urgent introduction of an environmental treaty which would prohibit the use of any environmental or geophysical modification activity as a weapon of warfare.

And in late December, the Review Panel on Weather and Climate Modification of the National Academy of Science's Committee on Atmospheric Sciences, made public a report recommending that the United States take international leadership through the United Nations to dedicate all weather modification efforts to peaceful purposes.

In the light of these developments, I believe the United States has a responsibility to provide leadership and I believe we in the Senate must provide the initiative.

The United States has been preeminent in the field of meteorology and has played a leading role in the development of international scientific collaboration in the area of long-range weather forecasting. The global atmospheric research program and the World Weather Watch are fine examples of the progress being made in this field. The mere suspicion that hostile military uses of weather modification techniques are considered acceptable policy could seriously jeopardize these important international scientific programs and could undermine future international cooperation on environmental matters.

Therefore, I urge, as I did last year, that the President publicly dedicate all weather modification efforts to peaceful purposes and that the United States take the initiative in formulating a treaty imposing a broad ban on all forms of geophysical and environmental warfare. Such a treaty would help safeguard the life-sustaining properties of the atmosphere for the common benefit of all mankind and encourage a greater sense of openness in the application of new technologies to environmental problems of global concern.

In order to further this objective, I am, again submitting a resolution setting forth a draft treaty on this subject.

Mr. President, the military conflict in Southeast Asia is behind us. We now are looking toward an era of increased international harmony and cooperation. Indeed, the President in his missions to Moscow and Peking concluded agreements for cultural exchanges and for cooperative efforts in medicine, space and other endeavors. I believe an international effort to restrict environmental modification to peaceful and hopefully cooperative efforts would be another important step in building the structure of peace the President has envisioned.

The international climate is right for action to remove weather modification once and for all from the realm of warfare and reserve it, once and for all, for peaceful purposes.

I ask unanimous consent, Mr. President, that the text of my resolution be printed in the RECORD.

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

S. RES. 71

Whereas there is vast scientific potential for human betterment through environmental and geophysical controls; and

Whereas there is great danger to the world ecological system if environmental and geophysical modification activities are not controlled or if used indiscriminately; and

Whereas the development of weapons-oriented environmental and geophysical modification activities will create a threat to peace and world order; and

Whereas the United States Government should seek agreement with other governments on the complete cessation of any research, experimentation, or use of any such activity as a weapon of war: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government should seek the agreement of other governments to the following treaty providing for the complete cessation of any research, experimentation, and use of any environmental or geophysical modification activity as a weapon of war:

"The Parties to this Treaty,

"Recognizing the vast scientific potential for human betterment through environmental and geophysical controls,

"Aware of the great danger to the world ecological system of uncontrolled and indiscriminate use of environmental and geophysical modification activities,

"Recognizing that the development of weapons-oriented environmental and geophysical modification techniques will create a threat to peace and world order,

"Proclaiming as their principal aim the achievement of an agreement on the complete cessation of research, experimentation, and use of environmental and geophysical modification activities as weapons of war.

"Have agreed as follows:

"ARTICLE I

"(1) The States Parties to this Treaty undertake to prohibit and prevent, at any place, any environmental or geophysical modification activity as a weapon of war;

"(2) The prohibition in paragraph 1 of this article shall also apply to any research or experimentation directed to the development of any such activity as a weapon of war;

"(3) The States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this article and not to participate in any other way in such actions.

"ARTICLE II

"In this Treaty, the term 'environmental or geophysical modification activity' includes any of the following activities:

"(1) any weather modification activity which has as a purpose, or has as one of its principal effects, a change in the atmospheric conditions over any part of the earth's surface, including, but not limited to, any activity designed to increase or decrease precipitation, increase or suppress hail, lightning, or fog, and direct or divert storm systems;

"(2) any climate modification activity which has as a purpose, or has as one of its principal effects, a change in the long-term atmospheric conditions over any part of the earth's surface;

"(3) any earthquake modification activity which has as a purpose, or has as one of its principal effects, the release of the strain energy instability within the solid rock layers beneath the earth's crust;

"(4) any ocean modification activity which has as a purpose, or has as one of its principal effects, a change in the ocean currents or the creation of a seismic disturbance of the ocean (tidal wave).

"ARTICLE III

"Five years after the entry into force of this Treaty, a conference of Parties shall be held at Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review shall take into account any relevant technological developments in order to determine whether the definition in Article II should be amended.

"ARTICLE IV

"1. Any Party may propose an amendment to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference to which they shall invite all the Parties, to consider such amendment.

"2. Any amendment to this Treaty shall be approved by a majority of the votes of all the Parties to this Treaty. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties.

"ARTICLE V

"1. This Treaty shall be of unlimited duration.

"2. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

"ARTICLE VI

"1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

"2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, —, and — which are hereby designated the Depositary Governments.

"3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty.

"4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

"5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

"6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations."

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 15

At the request of Mr. HART, the Senator from Utah (Mr. Moss) was added as a cosponsor of Senate Resolution 15, to establish a special committee to investigate the feasibility of improving the efficiency in the conduct of Senate hearings.

NOTICE OF CHANGE OF HEARING DATE

Mr. BURDICK. Mr. President, the hearing which has been previously noticed to be held on February 28, 1973, on the judgeship needs of the Northern and Southern Districts of Indiana and on the District of New Jersey has been changed to February 27, 1973, in room 2228 Dirksen Office Building, commencing at 1:30 p.m.

ADDITIONAL STATEMENTS

STRIP MINING IN EASTERN MONTANA

Mr. MANSFIELD. Mr. President, as you know, I am deeply concerned about pressures developing for unregulated coal strip mining for eastern Montana. There are some rather grim prospects if this resource development proceeds without proper planning and controls.

One of the most interesting feature stories on this subject appeared in the Billings Gazette on February 11, 1973. The story was written jointly by Michael C. Olson and Daniel H. Henning.

I ask unanimous consent to have this article printed at this point in the RECORD.

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

COAL IS INVITING INVASION

(By Michael C. Olsen and Daniel H. Henning, PH. D.)

EDITOR'S NOTE: Olson is an undergraduate student in political science at Eastern Montana College, Billings, and the major researcher and writer for this article. As a young Montanan very concerned about environmental quality, he pursued his data collecting and interviewing on the impacts of coal strip mining throughout the state from September to December 1972. Olson is planning on a career in environmental and governmental affairs.

Dr. Henning is an associate professor of political science at EMC and has supervised the research and contributed to the writing of the article. A former Resources for the Future, Inc. Fellow, he has numerous professional publications on environmental affairs. Dr. Henning is a member of the International Council of Environmental Law, the Sierra Club, and Wilderness Society.

INTRODUCTION

It is sad and tragic when something beautiful and relatively unspoiled as the environmental quality of Montana as well as its way of life becomes a West Virginia or California. Yet the crushing pressures of coal strip mining and power plant corporations definitely point this direction on an invasion basis.

And this invasion literally points toward the economic and political colonization of Montana as a remaining frontier to be conquered, exploited, and ruined, i.e., to take Montana out of Montana.

Although much of this invasion centers around the rich and strippable coal deposits which underlie about one third of the state, there is also the important factor that the state's legislation and government are not prepared to handle or control this invasion at this time, despite growing public concern (although some "Montanans" are for economic development at any cost).

Further, massive public relations and/or brain-washing programs by corporations are now underway to reduce opposition to the invasion and its negative influences.

The coal strip mining situation in Montana has literally taken everyone by surprise. Until recently the majority of Montanans viewed strip mining as an industry confined to the eastern states, particularly West Virginia. Through various media, strip mining has been presented as a method of removing coal by destroying surrounding environmental quality permanently. Montana and its inhabitants are now faced with the likely possibility that Peabody Coal Co., Consolidation Coal Co., and a host of other strip mining organizations are here to stay.

The quality and tremendous amount of coal in Montana are two of the major reasons for the present deluge of coal companies. The Fort Union coal reserve has been estimated at 1.3 trillion tons, with strippable reserves in Montana approximating more than 30 billion tons. The chemical properties are excellent; it is low in ash, sodium and sulphur.

In the age of the supposed "energy crisis", or increased demand for electricity, Montana coal is also tempting because of the low cost of shipping and convenience of water supplies. The state's vast reserve can be used to supply electric power generators, petroleum products, or many other hydrocarbon derivatives.

The effects of strip mining, however, present numerous social, economic, and environmental problems to the people of Montana. Some of the areas of concern are:

WATER

Coal associated developments demand a tremendous amount of water for cooling and conversion. The possible use of ground water has not yet been fully researched; but the Montana Bureau of Mines and Geology indicates that the ground water resources are not satisfactory to supply the impending industrial development.[1]

If true, use of the surface water sources would be necessary. In the Montana Fort Union area, the Powder, Bighorn, Tongue, Yellowstone, Missouri, and Little Bighorn rivers would have to be utilized. The energy companies would require a flow control obtained through the use of dams and reservoirs.

At present, Montana does not have adequate storage facilities to accommodate water supplies of this nature. This would not only mean more dams, but interbasin and interstate transportation of water through a complex network of pipelines proposed by the Bureau of Reclamation.[2]

First calls for industrial delivery of water are set for 1980. Projected use requirements are for a full third of the average annual flow of the Yellowstone River.[3] In dry years, the Yellowstone River discharge is approximately cut in half. One can only assume that the water needs of energy companies will not decrease at such a time. Furthermore, large quantities of Montana water will be exported, leaving a possible local depletion.

Accordingly, a complete development of Montana water resources would be required. In this sense one can only expect a drastic change in the river ecosystems, rural lifestyles, and agricultural ranching patterns in southeastern Montana.

RECLAMATION

The Montana Bureau of Mines and Geology indicates that 1973 coal production in the state will be about 16 million tons and that it will be expanded to more than 20 million tons annually by 1975.[4 5]

At present, 275 to 520 acres of land are overturned yearly by strip mining companies. The semi-arid condition of Montana hampers reclamation efforts considerably, particularly with low rainfall, short growing season, and poor soil. According to the Southwest Energy Study, revegetation of strip mined areas in arid regions has rarely, if ever, been successful.

On the assumption that reclamation would be effective, there would still be considerable delay before the land could be returned to its full production. It is doubtful that the ecosystems would revert exactly as they were; thus negative effects on wildlife, plant-life, and environmental quality would be obvious on short and long range terms.

Previous reclamation attempts in the eastern states can only be described as disastrous. According to an official in the Montana Land Reclamation Division, "The only things growing on Peabody land are weeds."

Montana presently has four major coal mining operations: (a) the Knife River Coal Mining Co. (mining west of Savage), (b) Peabody Coal Co., (c) the Western Energy Co. (mining at Colstrip), and (d) Decker Coal Co. (mining at Decker).

Under the terms of 1967 legislation, coal companies are not required to obtain a reclamation contract, but are encouraged to do so because of tax credits up to half the cost of reclamation.[6]

In addition, no performance bonds are required to see that reclamation called for in the voluntary contracts is actually carried out.

AIR POLLUTION

The North Central Power Project (NCPP) indicates a profound environmental impact from air pollution. The NCPP assumes a 9 percent ash content in the coal, and 85 percent load factor, and a 99.5 percent ash removal. A 50,000 MW(e) generating complex will produce 94,500 tons of fly ash per year. However, the apparent average ash content in Montana and Wyoming coal is 15 percent, and assuming 97.5 percent ash removal, 787,500 tons of fly ash would be produced in a year.[7] In time, only higher ash coal will be available, and air pollution controls will become less efficient due to overloading and general aging. According to Thomas J. Gill, Research Assistant for the Montana Environmental Quality Council:

Even with the most advanced pollution control equipment, enormous amounts of pollutants would be introduced into the atmosphere as a result of the vast quantity of coal used. Electrostatic precipitators and wet scrubbers can remove 99 plus percent by weight of the particulate matter but a much smaller percentage of fine material (less than one micron in diameter). Unfortunately, it is the finest that stay suspended longest, enter most easily and deeply into the lungs, and inhibit visibility. A current example of the problem is the 2,075 megawatt Four Corners plant at Farmington, N.M., which in early 1971 emitted over 465 tons of particulates each day and whose plume of pollution could be traced back to the plant from a distance of 140 miles. The magnitude of the future problem can be foreseen when it is realized that several of the North Central Power Study Plants proposed for Montana are two and a half to five times as large as the Farmington operation.[8]

Sulphur dioxide is also a major pollutant from coal burning operations. President Nixon's February 1971 message to Congress states:

Sulphur oxides are among the most damaging air pollutants. High levels of sulphur oxides have been lined to increased incidence of such diseases as bronchitis and lung cancer. In terms of human health, vegetation,

Footnotes at end of article.

and property, sulphur oxide emissions cost society billions annually.[9]

The environmental quality would also be hampered by the transmission lines needed at mine-mouth generation plants.[10]

Nevertheless, an official of the Air Pollution Control and Industrial Hygiene Department stated Montana's Air Pollution laws were entirely adequate and that, "Montana has nothing to worry about, things are under control."

POPULATION INFLUX

Montana could feasibly gain 300 thousand to 400 thousand people either directly or indirectly as a result of unlimited strip mining. One multi-product complex would employ more than 3,000 people and might create a city as large as 24,000.[11]

This would, of course, benefit small communities with a previous population decline. But the negative results of population increase must also be studied. A definite tax increase could be expected at all levels due to the greater needs and demands of the populace for various governmental services. However, unless land reclamation would be total, the stripped land would have little tax value.

New schools would have to be erected, police and fire protection would spiral, and the sewage systems would have to expand to mention but a few of the development problems.

Relative to this, strip mining can increase present population by over 30 per cent. If this estimate proves itself to be accurate, quality environment will assuredly decline and along with it the frontier attitude. It will be replaced with a possible and temporary increase in living standards, an increase in crime, urban sprawl, pollution, and other urban problems.

Montana's unemployment problem would certainly improve somewhat with the need for manpower that strip mining would require. The question then is how long will the energy companies stay in Montana. The lifetime of proposed generation facilities for Montana coal development is estimated to be about 30 years.[12]

Assuming a conservative increase of 300,000 due to the strip mining situation, what then will happen to those, directly or indirectly, who are financially dependent upon the coal industry? If history should repeat itself, Montana will join the ranks of several Appalachian states, leaving the government little to tax and the people with high unemployment rates.

The problems of population growth must be recognized and studied now for the benefit of not only present but future generations. Yet United States Representative John Melcher (Democrat-Montana) has stated that this predicted population increase is totally "unbelievable" and "highly doubtful."[13] Perhaps Rep. Melcher's attitude is totally "unbelievable." The time for speculation is over, Montana must now have the factual figures to population expectancy in future years.

STATE OFFICIALS

"Montana's coal has been discovered," according to former Gov. Forrest H. Anderson, "and this state needs economic stimulus. That coal will be mined."[14]

Anderson feels that Montanans are not willing to give up automobiles, electric lights, and so forth in order to save a "few acres of land." Anderson saw no present solution to the coal strip mining situation; he did indicate the fear of energy depletion, combined with the supposed need of new industry to alleviate the unemployment problem, would probably override the environmentalists.

Anderson was the only individual interviewed that stated he foresaw strip mining in Montana about 10 years ago. He felt that Montana must "utilize the total coal capacity" for the economic benefits it will bring the state and said, "I only hope the people will realize its potential worth so the Easterners will pay enough for it."[15]

Fletcher E. Newby, Executive Director of the Montana Environmental Quality Council, emphasized the fact that the strip mining situation had top priority even before the North Central Power Project was published. Newby presently views Montana law as entirely inadequate relative to selective prohibition of mining sites and stated, "We certainly don't have to mine unreclaimable lands, and yet Consolidation Coal proposes to do so in the Bull Mountains."[16]

Newby shares the same concern Anderson has over the economic benefits that Montana is presently receiving, "Montana isn't getting a whole hell of a lot out of strip mining, in fact we are getting ripped off for somebody else's benefit."[17]

John Goers, administrator for the Reclamation Division of the Department of State Lands states, "It won't be stopped. They (strip mining companies) are too strong, so we have to look for tougher strip mining laws."[18]

When asked about present Montana reclamation, Goers stated, "In this state no land has been reclaimed to the point where grazing can be fully accomplished. Possibly it can be done with land rest."[19]

Goers felt Montanans should look at the other effects of strip mining also and stated, "Reclamation is all you can hear presently, but people should become aware of the effects strip mining will have upon population increase, gasification, power plants, and water consumption to name but a few."[20]

Of the many individuals interviewed, only O. M. Ueland, Executive Secretary of the Conservation Comission, felt Montana's present laws were adequate to control land reclamation. Ueland indicated that the topography of reclaimed lands would not be the same but that topsoil would be saved and redistributed evenly over disturbed lands. Ueland also indicated that several of the mining companies felt reclaiming the land to any great extent was financially unfair because some of the mined land has little economic value even when fully restored. Reclamation expenditures presented to Ueland were sometimes as low as $20 per acre.[21]

Contrary to Ueland's overall confidence concerning the control over mining companies, Goers presented a picture of impending crisis unless better state laws are passed Anderson did not appear to be overly concerned, realizing this problem is not one he will have to contend with. (Gov. Tom Judge was sworn in on January 1.) Fletcher Newby was confident that the strip mining could be adequately controlled by the Montana government and elected officials.

A great majority of the officials interviewed privately felt strip mining should be banned from the state immediately. They will not, however, state this publicly for various reasons relating to their positions of authority.

The awesome political and economic structure of the energy companies seems to be ever present in the minds of policy makers. As one agency official stated, "It is one thing to oppose a small group of environmentalists consisting of students, teachers, and housewives; but it's a different story when you take on a number of organizations with billions of dollars at stake."[22]

This predominant fear of big business conflict appears to be condoned by most bureaucrats as a form of job survival or security. This may be fine of them as officials, but it is disastrous for the state.

Montana now more than ever in time needs a strong leadership. The ultimate goal of state bureaucracy must not be the financial betterment of industry at the cost of destroying tradition, life-style, and environmental quality.

The problems of strip mining are overwhelming when considering the social, environmental, and economic consequences facing present and future generations. In this sense, public opinion should be a guideline for the decisions and action of Montana officials.

Yet several State officials indicated that public opinion has little weight, with the exception of those individuals belonging to pressure groups, especially those with connections in Washington, D.C.

The greater percentage of Montanans have neither the time nor the finances to join pressure groups that coincide with their own personal values on environment. This should not, however, lessen their right to political leverage in the eyes of our present policy makers.

According to an official of the U.S. Bureau of Land Management, "We are the experts in land management. We don't have to prove our policies to the public. If the people want change, they more or less have to prove us wrong."[23]

This statement implies that state inhabitants do not realize what is best for themselves and Montana. Perhaps the supposed "experts" should place less emphasis upon their own opinions and industries and pay greater attention to the people of Montana, the people they work for, and the people who will have to live "with it."

CONCLUSION

There are plenty of ways and alternatives of getting at the "so-called" energy crisis for other states (some authorities have noted that the power needs for Montana could be met by increasing the generators by 75 per cent at Fort Peck Dam) beyond the wasteful coal strip mining and power plant method. Yet this method and invasion will provide high profits to corporations on a short term basis and will bring a complex array of abuses and negative influences to the environmental quality and people of Montana.

Although state government, at present, can be criticized for its lack of resistance to the invasion (and for its lack of real commitment to environmental quality), the federal government (55 per cent of coal deposits in Montana are on federal public lands), through the U.S. Bureau of Land Management has certainly been quite cooperative in some instances relative to coal strip mining leasing. Further, Indian reservations have leased considerable amounts of their lands to corporations (although there are no legal provisions for reclamation on reservations).

Historically, Government's prime values have centered around the economic, materialistic, and techno-scientific, yet new and unifying values of environmental quality are desperately needed now, particularly to avert and control the coal strip mining and power plant invasion in Montana.

In a recent public address at EMC, Fletcher E. Newby, executive director of the Montana Environmental Quality Council, indicated that he was very pessimistic about the future of environmental quality in Montana. He further indicated that federal help and funds were needed very badly.

Along the same lines, citizens environmental organizations on the national level need to become involved and to supply help. Otherwise, one of the last remaining states with environmental quality will be irreversibly experimented with and ruined.

The people of the nation and state have a right to demand factual proof that the energy companies will not harm Montana environmentally, socially, or economically. If this cannot be done (and there is no definite proof that reclamation will work in Montana at this time or that the numerous power plants will not each be greater polluters than the Four Corners one), then coal strip mining and power plants should be outlawed in the State of Montana.

Yet, on and behind the scenes at present, the invasion and colonization of the State of

Montana by energy corporations is now rapidly proceeding in a frightening magnitude with little real resistance.

FOOTNOTES

[1] S. L. Groff and R. Matson, "Montana's Coal Resource Situation" (Report presented to the Montana Legislature representing the Montana Bureau of Mines and Geology, Helena), (1969), unpublished manuscript.

[2] Thomas J. Gill, Coal Development Potential in Eastern Montana (Helena, Montana: Environmental Quality Council, 1972).

[3] John Goers, "Land and Water Use", (Speech presented to the League of Women Voters, Great Falls, Montana, May 17, 1972).

[4] Groff and Matson, op. cit.

[5] Gill, op. cit.

[6] Goers, op. cit.

[7] Ernst R. Habicht, Leo M. Eisel, and Roderick A. Cameron, A letter presented by the Environmental Defense Fund to Mr. H. E. Aldrich of the Bureau of Reclamation, August 28, 1972.

[8] Gill, op. cit., p. 10.

[9] Gill, op. cit., p. 11.

[10] Official (Air Pollution Control and Industrial Hygiene Department, Helena, Montana), 1972, Personal Communication.

[12] Gill, op. cit., p. 15.

[13] John Melcher, (U.S. Representative, Montana, Billings, Montana), 1972, Personal Communication.

[14] Forrest Anderson, (Governor, State of Montana, Helena, Montana), 1972, Personal Communication, October 5.

[15] Ibid.

[16] Fletcher E. Newby, (Environmental Quality Council, Helena, Montana), 1972, Personal Communication, October 5.

[17] Ibid.

[18] John Goers, (Department of State Lands, Reclamation Division, Helena, Montana), 1972, Personal Communication, October 5.

[19] Ibid.

[20] Ibid.

[21] O. M. Ueland, (Conservation Commission, Helena, Montana), 1972, Personal Communication, October 6.

[22] Official, (State Agency, Helena, Montana), 1972, Personal Communication, October 6.

[23] Official, (Bureau of Land Management, Billings, Montana), 1972, Personal Communication, September 27.

[24] John X. Combo, Donald M. Brown, Helen F. Pulver, and Dorothy A. Taylor, Coal Resources of Montana (Geological Survey Circular 53).

CHOICES FOR '76

Mr. JAVITS. Mr. President, on behalf of myself and Senators BUCKLEY, CASE, WILLIAMS, WEICKER, and RIBICOFF, the Members of the Senate from the Connecticut, New York, New Jersey metropolitan area, I would like to call to the attention of our colleagues an unusually important project to give citizens a more direct voice on the urban problems facing our region. Called Choices for '76, because it is designed to help determine the direction in which the region should move as our Republic enters its third century, the project is a series of 20th century town meetings connecting people through our 20th century mass media—television, the press, radio, magazines.

The region stretches from Trenton to New Haven, from Poughkeepsie to the end of Long Island. It has a population of 20 million people, one-tenth of the Nation. As the oldest urbanized section of the United States, its problems are more severe: A severe housing shortage, racial tensions, air and water pollution, financially starved public transportation, high unemployment among minority citizens, valuable open space urbanized and little saved for future generations.

Too often our constituents feel overwhelmed by such problems. Solutions are lost in a torrent of words and pictures which emphasize the difficulties. Or plans for solving them conflict, and the citizen may be confused. Or the search for improvement is limited, because citizens see only the viewpoint of their local community.

Now, the Regional Plan Association, the oldest and one of the most respected metropolitan planning organizations in the world, has devised a means of allowing our constituents to reason together by using the collective mass media of our region.

Starting on March 17, the 18 television stations of the metropolitan area will broadcast a series of five 1-hour programs—on housing, transportation, environment, poverty, and cities and suburbs. A sixth on government will be shown in the fall. These programs, appearing every 2 weeks at various times on Saturday, Sunday, and Monday, will focus on the solutions to our urban ills. They will use, in posing the solutions, the extensive research of the region, much of which has been funded by Congress. To assist the Regional Plan Association in selecting the issues, in posing the range of solutions and in formulating the questions, a Citizen Advisory Committee was organized. Headed by Francis Keppel, the former U.S. Commissioner of Education, its membership is widely diverse to represent the many political views and ethnic groups of the region. Of importance, the committee members are local civic leaders, well known in their communities.

But most importantly—and the most unique aspect—is that everyone can respond by filling out ballots that will be run in many newspapers and distributed by the association.

On the TV programs, alternative policies will be proposed, illustrated, and argued. Newspapers throughout the region will print background articles in advance of the television presentation, and radio stations will offer discussion programs focused on the Choices that will be asked. A paperback book, further explaining the issues and possible solutions, is being published, under the title "How To Save Urban America."

Finally, hundreds of thousands of persons are being urged to come together in small groups—in homes, classrooms, meeting halls—to watch and then discuss the issues before filling out their ballots. Churches, civic organizations, labor unions, schools, minority organizations throughout the region are assembling these discussion-viewing groups.

The completed ballots will be returned to the Gallup organization for tabulation and the results will be widely published. It is fair to say that we will be watching for the results with great interest.

Never before has the mass media ever participated so overwhelmingly in a public service project. This is the first time that so many television stations in an area have agreed to cooperate on showing the same program, and the first time that newspapers and radio have joined television in the same large-scale enterprise.

The six Senators from our three States, in successfully urging the Department of Housing and Urban Development to provide an initial grant to the program, stated:

> In recent years, the Federal government has been urging greater citizen participation in planning for the expenditure of Federal dollars. The focus has largely been on efforts to involve the poor; but we believe the time has come to find a way to get a cross-section of citizens from all walks of life to talk to each other about their common destiny.
>
> One thing is certain. If it can be done in the New York-New Jersey-Connecticut Urban Region, it can be done anywhere in the country. This project could thus be a major advance for all of urban America.

Other funding for the project has come from foundations and corporations.

To indicate the wide acclaim this program is receiving, allow us to read into the RECORD portions of editorials from three of our respected newspapers endorsing Choices for '76.

The New York Times, in its editorial on Choices, stated:

> The Regional Plan Association, an organization of long established usefulness in the metropolitan area, has launched a campaign to involve citizens, to a greater degree than is common, in decisions affecting their future . . .
>
> The ferment that it should stir up, the focusing of public interest, the informed discussion of pressing problems—these are hopeful products to be expected from what promises to be a constructive and creditable project.

The Westchester-Rockland Newspapers, covering part of suburban New York State, commented:

> Another attempt to bring to the people the urgent message of the need for planning will be undertaken by Regional Plan Association. Through an elaborate and ambitious project called "Choices for '76," RPA will use the mass media and thousands of local "town meetings" to try to break the related logjams of apathy, fear, and status-quo-worship that are holding up attempts to solve regional problems.

The northern New Jersey newspaper, the Record, in endorsing Choices said:

> The Regional Plan Association may have come up with one of the epoch's more brilliant ideas. Everyone knows the New York urban region is going to change. The trick is to get people who are not associated with government or planning or academia interested enough in what's ahead to inform themselves about the options and come to some conclusions that are sustained by more than prejudice and obstinacy . . .
>
> The point is not that here we will have a referendum on change and development; the point is rather that if a widely representative part of the public will become informed on what the broad issues are the whole area will be in a better position to proceed, using brains instead of narrow self-interest. It's a bold effort RPA is making. It deserves to succeed.

The Members of the Senate from the tristate region wish Choices for '76 success. Our citizens who participate in it certainly will be well briefed on the

possible solutions to urban problems. With well-informed citizens, it is our belief that we can move on a course of our Choice to give our country real reason for celebrating the occasion of our 200th birthday.

RULES OF PROCEDURE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. ERVIN. Mr. President, at its organizational meeting on January 26, 1973, the Committee on Government Operations adopted its rules of procedure. In accordance with section 133B of the Legislative Reorganization Act of 1946, as amended, which requires the rules of each committee to be published in the CONGRESSIONAL RECORD no later than March 1 of each year, I ask unanimous consent that the rules of the committee be printed at this point in the RECORD.

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

RULES OF PROCEDURE ADOPTED BY THE COMMITTEE ON GOVERNMENT OPERATIONS, PURSUANT TO SECTION 133B OF THE LEGISLATIVE REORGANIZATION ACT OF 1946, AS AMENDED

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. *Meeting dates.* The committee shall hold its regular meetings of the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite committee business. (Sec. 133(a), Legislative Reorganization Act of 1946, as amended.)

B. *Calling special committee meetings.* If at least three members of the committee desire the chairman to call a special meeting, they may file in the offices of the committee a written request therefor, addressed to the chairman. Immediately thereafter, the clerk of the committee shall notify the chairman of such request. If, within three calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the committee members may file in the offices of the committee their written notice that a special committee meeting will be held, specifying the date and hour thereof, and the committee shall meet on that date and hour. Immediately upon the filing of such notice, the committee clerk shall notify all committee members that such special meeting will be held and inform them of its date and hour. If the chairman is not present at any regular, additional or special meeting, the ranking majority member present shall preside. (Sec. 133(a), Legislative Reorganization Act of 1946, as amended.)

C. *Meeting notices and agenda.* Written notices of committee meetings, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all committee members at least three days in advance of such meetings. In the event that unforeseen requirements of committee business prevent a three-day notice, the committee staff shall communicate such notice by telephone to members or appropriate staff assistants in their offices, and an agenda will be furnished prior to the meeting.

D. *Open business meetings.* Meetings for the transaction of committee business, shall be open to the public, except during executive sessions for marking up bills, for voting, or when the committee by majority vote orders an executive session. (Sec. 133(b). Legislative Reorganization Act of 1946, as amended.)

RULE 2. QUORUMS

A. *Reporting legislation.* Nine members of the committee shall constitute a quorum for reporting legislative measures or recommendations. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

B. *Transaction of routine business.* Six members of the committee shall constitute a quorum for the transaction of routine business. (Rule XXV, Sec. 5(a) Standing Rules of the Senate.)

C. *Taking sworn testimony.* Two members of the committee shall constitute a quorum for taking sworn testimony, provided, however, that one member of the committee shall constitute a quorum for such purposes, with the approval of the chairman and the ranking minority member of the committee, or their designees. (Rule XXV, Sec. 5(b), Standing Rules of the Senate.)

D. *Taking unsworn testimony.* One member of the committee shall constitute a quorum for taking unsworn testimony. (Sec. 133(d)(2), Legislative Reorganization Act of 1946, as amended.)

E. *Subcommittee quorums.* Subject to the provisions of sections 5(a) and 5(b) of Rule XXV of the Standing Rules of the Senate, and section 133(d) of the Legislative Reorganization Act as amended, the subcommittees of this committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

F. *Proxies prohibited in establishment of a quorum.* Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. *Quorum required.* No vote may be taken by the committee, or any subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. *Reporting legislation.* No measure or recommendation shall be reported from the committee unless a majority of the committee members are actually present, and the vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

C. *Proxy voting.* Proxy voting shall be allowed on all measures and matters before the committee, or any subcommittees, thereof, except that, when the committee, or any subcommittee thereof, is voting to report a measure or recommendation, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question and then, only if the absent committee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be addressed to the chairman of the committee and filed with the chief clerk thereof, or to the chairman of the subcommittee and filed with the clerk, thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the committee as to how the member wishes his vote to be recorded thereon. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

D. *Announcement of vote.* (1) Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

(2) Whenever the committee by rollcall vote acts upon any measure or amendment thereto, other than reporting a measure or recommendation, the results thereof shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the committee who was present at that meeting. (Sec. 133(b), Legislative Reorganization Act of 1946, as amended.)

(3) In any case in which a rollcall vote is announced, the tabulation of votes shall state separately the proxy votes recorded in favor of and in opposition to that measure, amendment thereto, or recommendation. (Sec. 133 (b) and (d), Legislative Reorganization Act of 1946, as amended.)

RULE 4. HEARINGS AND HEARING PROCEDURES

A. *Announcement of hearings.* The committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Sec. 133A(a), Legislative Reorganization Act of 1946, as amended.)

B. *Open hearings.* Each hearing conducted by the committee, or any subcommittee thereof, shall be open to the public unless the committee, or subcommittee, determines that the testimony to be taken at that hearing may (1) relate to a matter of national security, (2) tend to reflect adversely on the character or reputation of the witness or any other individual, or (3) divulge matters deemed confidential under other provisions of law or Government regulations. (Sec. 133A(b), Legislative Reorganization Act of 1946, as amended.)

C. *Radio, television, and photography.* The committee, or any subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the committee, or subcommittee, may impose. (Sec. 133A(b), Legislative Reorganization Act of 1946, as amended.)

D. *Advance statements of witnesses.* A witness appearing before the committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least one day prior to his appearance, unless this requirement is waived by the chairman and the ranking minority member, following their determination that there is good cause for failure of compliance. (Sec. 133A(c), Legislative Reorganization Act of 1946, as amended.)

E. *Minority witnesses.* In any hearings conducted by the committee, or any subcommittee thereof, the minority members of the committee shall be entitled, upon request to the chairman by a majority of the minority, to call witnesses of their selection during at least one day of such hearings. (Sec. 133A(e), Legislative Reorganization Act of 1946, as amended.)

RULE 5. COMMITTEE REPORTS

A. *Timely filing.* When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time. (Sec. 133(c), Legislative Reorganization Act of 1946, as amended.)

B. *Supplemental, minority, and additional views.* A member of the committee who gives notice of his intention to file supplemental, minority or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed

in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views. (Sec. 133(e), Legislative Reorganization Act of 1946, as amended.)

C. *Draft reports of subcommittees.* All draft reports prepared by subcommittees of this committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the committee at the earliest practicable time.

D. *Cost estimates in reports.* All committee reports, accompanying a bill or joint resolution of a public character reported by the committee, shall contain (1) an estimate, made by the committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next five fiscal years thereafter (or for the authorized duration of the proposed legislation, if less than five years); (2) a comparison of such cost estimates with any made by a Federal agency; or (3) a statement of the reasons for failure by the committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Sec. 252(a), Legislative Reorganization Act of 1970.)

RULE 6. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. *Regularly established subcommittees.* The committee shall have four regularly established subcommittees, as follows:

Permanent Subcommittee on Investigations; Intergovernmental Relations; Reorganization, Research, and International Organizations; Budgeting, Management, and Expenditures.

B. *Ad hoc subcommittees.* Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc subcommittees as he deems necessary to expedite committee business.

C. *Subcommittee membership.* Following consultation with the majority members, and the ranking minority member, of the committee, the chairman shall announce selections for membership on the subcommittees referred to in paragraphs A and B, above.

D. *Subcommittee meetings and hearings.* Each subcommittee of this committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the committee.

E. *Subcommittee budgets.* Each subcommittee of this committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the committee, not later than January 10 of that year, its request for funds for the 12-month period beginning on March 1 and extending through and including the last day in February of the following year. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification, addressed to the chairman of the committee, which shall include (1) a statement of the subcommittee's area of activities; (2) its accomplishments during the preceding year; and (3) a table showing a comparison between (*a*) the funds authorized for expenditure during the preceding year, (*b*) the funds actually expended during that year, (*c*) the amount requested for the current year, and (*d*) the number of professional and clerical staff members and consultants employed by the subcommittee during the preceding year and the number of such personnel reqeusted for the current year. (Sec. 133(g), Legislative Reorganization Act of 1946, as amended.)

RISING FOOD PRICES

Mr. MOSS. Mr. President, President Nixon has now revealed his nongame plan for the battle against skyrocketing food prices—it is to stand on the sideline and watch while the price of meat, eggs, and butter continues to soar to record levels.

At a time when the problem of inflation defies traditional economic solutions, the President is placing all his bets on the oldest panacea of them all—the hope that the market forces of supply and demand will somehow eventually set matters right. Unfortunately for the American consumer, however, President Nixon's "plan" is woefully inadequate in several crucial respects.

First, even by the President's own estimates, food prices will continue to rise "for some months to come." So while the administration sits back and waits for the market to work its magic, the American housewife will continue to pay more and more each time she goes to the supermarket. In fact, the administration tells us that we can expect prices to rise even more sharply in the near future than they have over the past several months. For the hard-pressed consumer, this is a dismal forecast indeed.

Second, even if food prices eventually "peak out", they probably will do so at a level that is intolerable for families of low and moderate income. These are the families that must devote most of their monthly budget to the basic essentials. Rising food prices have already put their modest incomes under a great deal of strain. Further sharp increases, which the President apparently sanctions, undoubtedly would cause considerable hardship on a large scale. We cannot allow an essential commodity such as food to rise to price levels that are beyond the reach of many Americans.

Third, there is simply no assurance that food prices eventually will level off, even some months from now. The President's long-range forecast is based on the assumption that in a seller's market, supply will rise to meet demand and put a stop to further increases in price. This may be a reasonable assumption under the classic model of free competition, but it is not at all clear that it will hold true in an industry that is increasingly dominated by corporate farmers, manipulative agribusiness concerns, and sprawling supermarket chains. At best, the President's so-called plan is a gamble at the expense of household consumers.

Finally, a continued rise in food prices over the next several months will serve to build further inflationary pressures in the remainder of the economy. Under phase III of its economic game-plan, the administration relies mainly upon voluntary restraint to hold the line on prices and incomes. But surely the administration cannot reasonably expect labor unions, for example, to moderate their wage demands during a period of soaring prices. Such an expectation would fly in the face of commonsense as well as common fairness.

In the past month, it has become increasingly apparent that President Nixon acted too hastily in removing mandatory controls on prices and incomes. Now that the President has revealed his nongame plan for food prices, it appears that the administration may simply have lost its stomach for effective anti-inflationary action. So in the absence of firm resolve on the part of the administration, the Congress must take the initiative. We must begin by considering a stronger system of controls than the feeble one currently favored by the administration. We also must immediately examine ways to bring food prices under control, for clearly the American people will not accept the nongame plan proposed by President Nixon.

THE LAND

Mr. CURTIS. Mr. President, I have just been privileged to see a 1-hour television special, "The Land." It is the first of three programs comprising a series titled "The American Idea."

Four notable narrators, Dick Van Dyke, the late Edward G. Robinson, Cloris Leachman, and a native of Omaha, Nebr., Henry Fonda, tell us that exciting story of our agrarian heritage. This program is in effect a love song to America. Helping it to be that is an original musical score by one of the greatest of our living composers, Richard Rodgers, and authentic folk songs from our choral past by the Roger Wagner Chorale.

Two hundred years ago, as now, much of our thinking had to be rooted to the varicolored soil of our Nation. Using diaries, letters, newspapers, even epitaphs, "The Land" as part 1 of "The American Idea" tells the story of the development of rural America, of our farms, our fields, our forests. It is not an oft-told tale from one point of view. After all, never before was a nation founded on the principle which became so uniquely American that a man could own his own land, farm and develop it, and see it passed on to his children and to his children's children.

"The Land" is neither an historical nor a chronological examination of property in America. Rather, it is an emotional and stirring treatment of the land as it exists now from coast to coast and from border to border. And to tell the story of the land, one must tell the story of the people who discovered it, settled on it and farmed it. Thus we reach back to our hardy forefathers whose strong backs and willing hands endured great sacrifices to forge out of virgin soil the greatest agricultural nation in the history of man.

"The Land," a fitting beginning to "The American Idea," is a rich tale of progress, full of the beauties of America, the anomalies of our past, the questions of our present and future. It is a tale rich with imagery both beautiful and forceful and laden with touching nostalgia.

As an American whose State is depicted in "The American Idea" whose largest city, Omaha, forms part of the backdrop of the program as the scene of Henry Fonda's narration, I congratulate Ford

Motor Co. for sponsoring this first of a noteworthy series of programs, Alan Landsburg Productions for creating it and the American Broadcasting Co. for using its network facilities on Sunday evening, March 18, 1973, to bring it to the American public.

THE 95TH BIRTHDAY OF THE HONORABLE MILES CLAYTON ALLGOOD, FORMER REPRESENTATIVE FROM ALABAMA

Mr. ALLEN. Mr. President, today, February 22, 1973, marks the 95th birthday of one of Alabama's most beloved and distinguished sons. He is former Representative Miles Clayton Allgood.

Representative Miles Clayton Allgood is a native of Blount County, Ala., born February 22, 1878. He attended the common schools of his native county and graduated from State Normal College at Florence, Ala. in 1898. From that time until his retirement from public life in 1943, he taught school in Blount County; served as its tax assessor; on the State Democratic executive committee; as county agricultural demonstration agent; State auditor of Alabama; State commissioner of agriculture and industries; delegate from Alabama to the Democratic National Convention at San Francisco, 1920; and was elected to the 68th Congress where he served with distinction from March 4, 1923, to January 3, 1935. He then served as a member of the Farm Security Administration until he retired from public life on December 1, 1943.

Mr. President, Representative Allgood has long been a close personal friend of mine and I am delighted that in these years as one of Alabama's senior statesmen, he remains an active and alert participant and observer of current social and political trends. It is with affection and with respect that I wish him a happy birthday today.

RECLAMATION IS NOT A PORK BARREL PROGRAM

Mr. MOSS. Mr. President, I was very much surprised to find Columnist Jack Anderson, who grew up in the water-short State of Utah, and should know better, attacking the Federal reclamation program as pork barrel politics, and repeating at great length in an article published February 19 in the Washington Post some of the unsound and preposterous arguments Ralph Nader's Raiders have made against this great water resource development program.

In the first place, I would point out that the draft of the Nader report on reclamation was widely circulated about a year ago, and Nader's enthusiasm for it seemed to dim when it became apparent that many of its claims could not be substantiated. The Bureau of Reclamation issued a thick document which dealt factually with the draft, and showed how far its authors had been forced to stretch the truth to reach their conclusions.

Now it appears the Nader report is to be published, with many of its outrageous statements intact. It is hardly new or stunning copy.

Reclamation is, of course, a Federal assistance program. It provides loans to finance the development of water resources in the arid West where the amount of water available is the controlling factor in reaching almost all social and economic goals. It is not different in its objectives from numerous other Federal programs which assist States and regions to achieve objectives far beyond their own financial capabilities.

In the West, it is not easy to get water as it is in the East and the South. We cannot just tap a river flowing past our door, or put in a pipe and pump up the water from the ground. We must build expensive works to store water in good seasons for use in those when in drought. No community, no State, no region even can afford the gigantic cost of these undertakings.

Modern reclamation projects are regional in scope and complex in design. They have moved far beyond the early days of reclamation when the major objective was to put water on arid land to irrigate it. Modern projects serve cities with municipal and industrial water, and vast regions with hydroelectric power, as well as turning some water on new lands or increasing the supply to farmers already in business.

In 1971, the Bureau of Reclamation projects furnished water in various forms to 16 million people—or to 30 percent of the population of the 17 Western States. Out of the 16 million people who received this water, 14½ million received either municipal or industrial water. Does this sound as though the Bureau's chief purpose, as stated in the Nader report and the Anderson article, is "to build more and bigger dams and irrigation canals to reclaim the arid lands of the West?" Or that the goal of the reclamation program is "counterproductive" as the article further charges?

One other point should be made. Reclamation projects provide almost as many Americans in the West—and the Eastern tourists who travel there—with recreation opportunities as does the national park system there. In the Western States the 10 largest recreation areas are all at reclamation reservoirs. Reclamation projects also sustain some of our most important national water fowl reserves.

Taken in its entirety, the reclamation program repays more to the Federal Treasury than it costs the general taxpayer, and sustains an economic base over vast regions which contribute to the economic strength of the Nation. The Internal Revenue Service recently estimated that reclamation projects generated $800 million of increased Federal taxes in 1971. Few other Federal assistance programs can match that record.

Furthermore, as has been pointed out many times, the Federal assistance for reclamation is on a loan basis—most of the money which goes into the construction of Federal projects is paid back to the Federal Government. Money for hydroelectric dams is repaid with interest.

Yet water resource projects continue to be stigmatized as "pork barrel" projects by critics like Jack Anderson and the Nader Raiders. They attempt to undermine the reclamation program in the eyes of the public by charging that an attempt was made to "Dam America's greatest natural wonder—the Grand Canyon" and to "convert the Colorado River into a permanently stable, neat, and tidy rocklined ditch," both of which contentions are a gross overstatement of a proposal which was never enacted, and outrageous in their tampering with the truth. A dam in one part of a canyon—either below or above Grand Canyon National Park—would not have flooded out the entire canyon, and work on one small section of the river would not have converted the entire Colorado into a "neat and tidy, rocklined ditch."

I am no apologist for the reclamation program. Like many other Federal programs, it needs to be carefully examined, and updated. Times change, and values change, and we must continually examine how we are spending the taxpayer's dollar, and see if we are getting value received in all respects. But I do resent it when any Federal program which has brought such vast benefits to the West as has the 70-year-old reclamation program is written off in such cliches and superficial analyses as contained in the Nader report and the Anderson article. I would like to think that the Anderson article was merely sloppy reporting.

TRAGEDY IN IRAQ

Mr. JAVITS. Mr. President, 2,500 years ago the children of Israel were taken into the Babylonian captivity. They lived and flourished in that land, now known as Iraq, and as recently as 1948 more than 150,000 dwelled there, living in relative security and enjoying the fruits of their labors in the land which they had inhabited generation after generation for 25 centuries. Now, 2½ millenia later, only a handful of a few hundred remain, insecure, limited in their ability to work and to move about, harassed, and living under the threat of arrest and worse.

Recently reports were published indicating that 10 prominent members of the Iraqi Jewish community had been executed in recent weeks in the Nihaya Castle Prison in Baghdad. These unfortunates had been arrested in September and December of last year, had been held incommunicado, and up until the publication of their execution by newspapers abroad, neither their families, their friends, their fellow Iraqi of all faiths, nor concerned citizens abroad had any information as to their fate. Even today the Iraqi Government has failed to reply to an inquiring world as to their fate.

There is a fear that there may be a repetition of the dark period of 4 years ago, when in January of 1969, 14 persons, including nine Jews, were accused of spying, executed in a public square before a large crowd, and their corpses hung there as a relic of some ancient barbarism.

Truly, if the Iraqi Government has any serious concern about a threat from its minute Jewish minority—less than one

one-hundredth of 1 percent of Iraq's population—then the quickest and easiest thing to do would be to let them emigrate, rather than continue to subject them to harassment, danger, and death. Logic and humanity both commend this conclusion.

WORLD PEACE THROUGH LAW AND RELIGION

Mr. ERVIN. Mr. President, on January 19, 1973, the Honorable Charles S. Rhyne, a distinguished Washington lawyer and former president of the American Bar Association, made a speech before the annual convocation of Fellows of Interpreters' House at Lake Junaluska, N.C., entitled "A Religious Law Peace for the World."

This speech urges in eloquent fashion that world peace can be attained only through law and religion, and merits the widest possible dissemination. For that reason, I ask unanimous consent that it be printed at this point in the body of the RECORD.

There being no objection, the speech was ordered printed in the RECORD, as follows:

A RELIGIOUS LAW PEACE FOR THE WORLD

I am highly honored to be privileged to meet with you religious leaders of our Nation in this quiet and beautiful atmosphere of Lake Junaluska.

At about 12 o'clock noon tomorrow the eyes or ears of some 3 billion of humankind will be focused through the media on the words of the man who for the next four years will possess more power than any other human being. No speech has ever had a greater audience. His words will reverberate throughout the Earth.

I am sure you join me in a prayer that God will so guide this man in his every action and decision as to insure the most in social, economic, and above all moral advancement for our own people and people throughout the world who are affected by his actions and decisions.

If each of you could stand in that man's shoes what would you say to the peoples of the world?

If I stood there, I would send forth a message of hope and peace with a pledge to advance the cause of justice within our Nation and justice among nations. And, in this context, I define "justice" as embodying human rights and liberties, economic and social needs beyond the legal peace structure I will present to you as an essential first step today. Peace will not exist, wars will not end, so long as injustice exists. All peoples want justice. No stronger human want exists.

To me this is a good thought with which to launch the towering challenge I now present to you. A challenge and opportunity to help end decision of disputes between nations by the revolting and archaic method of killing and maiming human beings. To do this, I propose that you help in expanding and strengthening the moral undergirding of law throughout the world so that the law will thereby become more acceptable to more peoples and more nations. So that just law will replace force as the controlling factor in the fate of humanity.

While we have no such podium or such a vast audience as does the President, we do have many podiums and the enormous power of a concept whose implementation can provide humankind's greatest desire, i.e. a peaceful world order with justice.

My words to you are also an inaugural address, launching World Law Day. It is my earnest hope that by World Law Day, i.e. August 26, 1973, we will have captured the attention of a major part of the world's peoples for our program of a peaceful world order based on the moral principles embodied in the concept of justice.

As we meet together, I urge that you look up and out to the entire world and let your minds dwell on the promise and potential of a program which can provide justice for all peoples and justice for all nations.

From the days of Jesus Christ and before, down through the dim, misty pathways of history, no idea, no ideal has had more appeal, to or impact on, the minds of men and women than peace under the universal principles of religion and just law. There is great variety among the world's law systems, so too is there variety among the world's religions. But there is one common thought on the minds of the world's 4 billion people, no matter what their religion or law—world peace with justice. They have this great want in common as they know it provides their best chance to fulfill their material and spiritual destinies.

Justice and religion are the two concepts of humankind which have the most universal acceptance. They enjoy this universal acceptance because they have in common great moral principles.

No common interest and concern is greater than the interest in peace and the rule of law, defined as order with justice. No force is today as potent as this interest and this concern.

This interest and this concern are especially evident in our own Nation. Our system for delivery of justice is so obsolete, defective and deficient, we are now in the midst of a shocking justice crisis. The Chief Justice of the United States, Warren E. Burger, and the American Bar Association have both so stated in recent days.

This interest and this concern are also evident in the world community, where, in response to a pervading insistent demand, more and more protections for human rights are becoming international law, as for example the Refugee Convention and Protocol. International law is still in its infancy although more such law has come into existence in the past 25 years than was created in all prior history of mankind. The major purpose of the World Peace Through Law program is to expand the network of such law to more and more of the transnational contacts and relations of men and nations. This program is a direct response to the interest in peace and the concern that the peace method be one which provides order with justice.

The resolution of the world community problems of our day requires the creation of a practical international system, based on structures which are relevant and yet responsive to current needs, and so diverse that all peoples can share and live together. I believe that a world law system is the answer. Such a law system can provide essential diversity but be universally acceptable if founded on the basic moral principles which all peoples hold in common admiration. Such principles have always been recognized as the basis for a peaceful world order with justice. Our mission, our proposal, our challenge to you is to urge that you help us in bringing the universal moral influence of religion into our program for building a peace edifice for the world community.

In our day public opinion is the most powerful factor. Leaders of nations constantly vie for its support. Since, in ultimate thrust, law is crystallized public opinion, I am asking you to help form the proper public support for the peace program I have described. No group has more responsibility for such a goal than that one formed along great principles common to law and religion, which we together represent. The world has the vitality and the desire to find its way toward that high purpose which the spiritual roots of man have set for us. I believe that achievement of this towering goal is so right it is inevitable that it will be achieved some day. Why not by us of our generation? Why not now?

Doomsday has been postponed with negotiation replacing the nuclear rattlings of the great powers. Moral principle is today regaining its position as the major concern, the major star, the major inspiration of the world's peoples. Technology is no longer the answer to everything. The real answer is the recaptured morals of the ages, inscribed anew in humankind's aspirations. Technology has not provided the answers men and women yearn for. A return to faith is the natural result.

The non-expert like me reads much of ecumenical movements creating a sense of community, the so-called "universal church" and one ponders the meaning and effect of these developments. People, especially youth, turned to technology, then were turned off by it. In fact, I read of some young people who have become known as "Jesus Freaks." They deal not in power but in principle. But I ask you, what is more powerful than the concept of moral justice. Is not this justice the law of God which is basic to all religions? Is this not the idea which has survived eons of time already, thus proving its unquenchable appeal to the human family? This is the idea whose time can come nationally and internationally if we do the necessary work to make it come.

The Preamble of our Constitution states its purpose is to "provide justice". Daniel Webster said "Justice is the greatest interest peoples is justice that is based upon moral of man on earth." The greatest want of all principle. You in your religious work and we of the law constantly seek this great goal for our people.

We have no armies we can order to march. We have no bombs we can order to be dropped. We have no billions we can spend. Jesus Christ had none of these, but his message is just as exciting, just as inspiring, and just as moving as when he uttered it centuries ago. This is because he expressed an idea whose power is so great as to be unlimited. An idea whose power, if properly harnessed, is capable of achieving the great goal of peace which has been sought eternally but always escaped man's grasp because the right combination of concept and organization has never been postulated.

In our day of universal communications, I believe it is possible to harness man's capacities so as to realize his great ideal of a peaceful world order with justice. The world's peoples do indeed have the capacity to create such a peace structure. I believe they will if but given the formula, the plan, the concrete action behind which they can marshall the public support and leadership required to accomplish this.

Never before in all history has any man or group of men attempted to organize the capacities of law and religion world-wide to help create a structure for peace with justice.

Recently your distinguished Chairman, Fred B. Helms, in a landmark speech urging that all religions universally adopt a declaration that "we are opposed to the killing of each other, except in self defense" also said.

"So far as I know there has never been any world wide attempt of a serious nature to marshall the moral forces of the great religions of the world in an effort to stop human beings from killing each other and in an effort to rid humankind of its self-imposed scourge and curse of war."

My proposal to you, and to your colleagues world-wide, is that we join hands and build a world law system so strong as to eliminate forever decisions of disputes between nations by the archaic method of killing or sacrificing humans. My friend, Fred B. Helms, also said:

"Human beings, in spite of being the highest form of animal life on the face of the

Earth, have by far the worst and most inexcusable record of killing each other of any of the forms of animal life. This business of killing each other is humanity's greatest and most expensive curse. Wars have been and are our most efficient and effective means of killing each other. This scourge of war—killing each other—is self-imposed by human beings and only human beings can stop it. So far, nations cannot or will not stop the senseless killings of war. All nations profess to earnestly desire peace but seem utterly unable to agree upon any of the basic or essential terms of peace. "Peace treaties," if any, are laboriously worked upon but the limited areas of agreement between nations—in the main—and at best—are designed to limit and humanize warfare but each succeeding war—of the global type, such as World War I and II—become far more efficient in killing and in destruction and far more horrible than any of the previous wars."

Relegating decision by human death to the verboten status of decision by human duels requires that the justice system of the world community be made so strong as to accomplish this. This means, it can only mean, acceptance of more and more law and legal institutions by more and more nations. Such acceptance is how the world's justice or law system grows. Faced with potential nuclear holocaust capable of wiping out all life on Earth, we of our day dare not fail in the mission of this new initiative of creating a peace system that will work. An initiative so vast that small minds will say it is an impossible dream. But the moon trips prove that accomplishing impossible dreams are the trademarks of our generation.

Are we presumptuous to presume to thus address ourselves to the world? Is work on world peace beyond our reach even though with nuclear bombs all persons are now in the front line trenches of any war that occurs? Is work on a peace system only work for Presidents and their aides? I think not. All peoples have a stake in peace. All peoples must work for peace. Unless and until they do, peace will not arrive. The proposal I present is really one for harnessing the efforts of all humankind to bring a workable peace structure into existence.

Let me present to you the evidence which proves this proposal will not fail.

The key to success on the great technology breakthroughs of our day, such as the moon program, has been assembly of manpower, brainpower, knowledge, and money. We who are working on this program to build peace are adopting a similar approach. We now have lawyer and judicial participants in 135 nations. On our computer we have the names and addresses of more than 100,000 judicial and law leaders of these nations and will soon computerize all 1,000,000 of the world's judges, lawyers, and law teachers. To further mailing of communications on this World Law Day program we have placed many religious leaders on our computer and are assembling more daily. In the fields of both law and religion, we have on the computer hundreds of names and addresses of religious, law and judicial associations and the publications of each. We have asked international civic organizations to help and many have promised help. We hope to equal the more than 4,000 from 115 nations who attended our World Conference in Belgrade at our upcoming Abidjan World Conference. The first event of that Conference is World Law Day. Without further elaboration, I would claim this evidence indicates that we have begun to assemble the needed brainpower and manpower. We have laid the foundation for a mammoth worldwide effort.

You have received the brochure on the world's great religions and the world's great law systems. The able son of one of your colleagues, Earl Stephen Hunt, has worked on this program and that brochure for almost one year. Prior to the current version, 3,000 world leaders were given the opportunity to comment upon its contents. I feel sure you will agree that he has done a magnificent job.

The Center has collected the laws of nations and has published a summary of these laws. Last year, after some 10 years of research, I personally published a volume covering all international law. For our program at the Abijan World Conference on World Peace Through Law (August 26–31, 1973), we have assembled law and judicial experience, and other law information, upon which the world's greatest experts will base model laws for nations which the delegates will consider, possibly change, and hopefully approve, on such subjects as dangerous drugs; pollution of air and water; noise control; airplane hijacking; refugee rights; and other subjects. Work papers have been prepared by experts on human rights advances in the past 25 years to celebrate the adoption of the Universal Declaration of Human Rights; urban business law for developing nations, patent, trademark, and copyright law; the law of the sea; and other current multi-nation law interests. This is indicative of the knowledge we are assembling.

I will admit we are short so far on money. Law in our nation receives less than 1% of the tax dollar and is last (or never) in contributions by foundations. We are hopeful you religious leaders will teach us how to improve this situation. Certain it is that building a law system for the world, or for that matter modernizing our archaic domestic law system would cost very little. No action would yield more in human benefits, in individual security and freedom, for less cost.

Now, what we propose to do.

I. We propose to urge upon the peoples of every nation on Earth that they participate in World Law Day, August 26, 1973. We will ask them to do these things:

1. Plan World Law Day programs based upon their own law systems, their own beliefs, and their various religions.

2. Urge the participation of their whole communities in the projects, programs, and religious services thus prepared.

3. Urge their leaders to accept more and more international institutions which would benefit their nation and at the same time expand and strengthen the law system of the world.

4. Make crystal clear that accepting more international law and institutions is not a weakening of a nation or a giving up of sovereignty. Such acceptance is a use, not a loss, of sovereignty to build national strength. For example, the strongest nation, the United States, belongs to over 4,000 treaties, conventions and transnational agreements. Some developing weak nations belong to as few as 10.

5. In their own celebrations focus the eyes and ears of the peoples of the world on the World Law Day events at Abidjan.

6. Create a plan to continue the dialogues, programs, and Cooperative endeavors stimulated by World Law Day in an effective and on-going program to create such powerful public opinion in back of this program of world order with justice as to cause the concrete action by their national leaders which is required to accomplish the great ideal we espouse.

7. By thus raising a moral standard for the world as a peace program to which all can adhere they will lift the hearts and hopes of all peoples.

Through World Law Day we do not espouse any one religion or any one law system. We urge that collectively the world's law and religion systems have common moral principles upon which a world peace structure can be founded to provide world order with justice. A structure which can come into existence by the very simple actions of more and more nations accepting more and more law and more and more law institutions. The law and the institutions largely are in being or in draft.

We fully support the United Nations and all of its agencies as they have largely been responsible for the rapid growth of international law and institutions in recent years. The United Nations institution itself, with all of its faults, remains the only world-wide governmental effort for peace. If it did not exist we would need to create it or something like it where nations can get together. Weak as it is, the United Nations has a basic worth to our security and to our effort to build a better world. We cannot prosper while other nations starve. We cannot build a wall around our shores. We cannot live in isolation on our planet Earth, shrunken as it is by ever speedier transportation and communications. By our law building program for peace, we are adding an extra dimension to the United Nations' effort. By working privately outside of governmental controls and policies we can reach out and say and do things which governmental officials cannot say and do. Within our Nation there are vast civic and professional organizations which energize our governmental operations and serve to spur beyond the governmental *status quo*. Organizations such as the World Peace Through Law Center perform the same function and meet the same need in the world community.

History proves that systems of law work when strong enough to be universally accepted within or among nations. But law systems are not perfect. They are not Sir Thomas More's "Utopia". Even when we build the law system I here urge, human nature being what it is, there will always be law breakers among men and among nations. Nations are run by humans, but a law system provides the best system of known rules to avoid conflict and to channel conflict into known peaceful resolution forums. No person can refute the fact that using law in courthouses is better than using death on battlefields. The impact of a losing court decision can sometimes be reversed or lessened. Death on a battlefield is irreversible. No one likes to lose but all nations including our own are better off losing a few court decisions than sacrificing even one human life to gain a decision over another nation.

When we educate the public on these facts to the point that they cry out to their own or other quarreling nations, "go to court not war" so strongly even the strongest dictator dare not but heed, we will have built the peace structure I here contend both possible and essential to survival in our day.

Even archaic law systems like ours work within our nation. In the words of President Truman in signing the World Court's Statute, "There is not a reason on earth why it cannot work between nations."

We will ask lawyers and religious leaders within each nation to lead their peoples in taking a good hard look at their law and judicial systems. We suggest that they ask whether those systems now provide justice, justice which is morally just?

We ask lawyers and religious leaders within nations to take the same long, hard look at their nation's accepted international law and their nation's accepted international legal institutions. Beyond this we ask lawyers and religious leaders to go to the leaders of their nations and urge a vast program of acceptance of every treaty, convention or institution which could benefit their peoples and thus their nations. No such inventory of law domestically and internationally has ever been done by law and religious leaders. Some law leaders may be a little reluctant to welcome such a look by you of the cloth. Do not let that bother you. Remember that we of the law have been inventorying you and religion for centuries!

The "law need agenda" for each nation

will be different but in the United States, for example, we should urge modernization of our ancient domestic law system. Internationally, we can call for such changes as the full acceptance by our Nation of the World Court. We should also urge creation of a full time corps of experts in our State Department to constantly work in conjunction with experts of other nations to strengthen and expand international law and institutions into a world law system composed of a world law code and a world court system. Does it surprise you to know that today we do not have even one expert lawyer working full time on such a system. Considering the billions in arms costs that would be saved by an effective world law system, it is shocking that aside from sporatic uncoordinated work on a few treaties and conventions, no real international law building is now being undertaken by our Government.

So I invite you and your colleagues to join us in this great mission for world peace through law—a mission upon which your effort could indeed have such an impact as to bring it the success it surely deserves. There are 1,000,000 members of the judicial and legal profession. There are over 2,500,000,000 (2.5 billion) members of the religions of the world. Our combined weight of influence, if properly harnessed, could be irresistable in carrying out St. Paul's admonition to "seek peace among nations."

We are inviting religious leaders from all religions and from all over the world, to be at the celebration in Abidjan, Ivory Coast, on August 26th. You, I hope, will be among those who can attend. But more than attendance, we need your cooperation, advice, and expertise in arranging programs, planning further joint efforts, and generally working for our common peace purposes. Our local and national chairmen will want to work with you in the pre-Conference planning. We want to share our knowledge and facilities with yours, but we need you to show us how to do this best.

I know that we will succeed, for I know that our goals express the deepest yearnings of all humankind, yearning that wait only for moral and legal leadership to be made manifest. Many have tried in the past to achieve peace, but never has there been such an emphasis on moral principles in structuring peace machinery.

This is the first attempt at joining the world's institutions of religion and justice in such an effort. This is the first suggestion of such a joint effort through the concrete method of the rule of law and its institutions.

Together, we can send this message around the world. Our work will be difficult but nothing worthwhile is ever easy. We will not succeed overnight or through idealistic or symbolic platitudes. The time for that has long since passed. But by uniting as one voice, by developing one vast concrete effort for peace we can strengthen greatly the chances of concrete progress.

If one speaks alone, his voice is lost in the vast reverberations of our land and the Earth. But when one speaks for an organization or through many organizations, the whole world can be made to listen. If we so organize as to get the whole world to listen to our proposal we will succeed in our peace program. The world's peoples will not be denied when organized properly to achieve their greatest desire of a workable world peace structure.

There is a time for everything—a time to be born, a time to die, a time to unite for peace to fulfill the destiny of man. That time has come, and so has the moment of the idea born of it.

I am certain you will agree that when peaceful world order with justice has been created then and only then can any man, woman or child walk any street, travel any place on the face of the Earth, or into the vistas of endless space in freedom, in dignity, and in peace.

LITHUANIAN INDEPENDENCE

Mr. BAYH. Mr. President, I am happy to join with the other Senators in observing the 55th anniversary of the Lithuanian Independence Day. We must remember the courage of the people of Lithuania as they have fought to be free for many years.

On February 16, 1918, Lithuania declared its independence after having been under Russian domination from 1795 to 1915 and then under the rule of Germany during the First World War. After only 20 years of independence, the Lithuanians were again subjected to control by the Red Army during World War II. The U.S.S.R. declared Lithuania a constituent republic on August 3, 1940, but this tiny country was again attacked by Germany and remained in Nazi hands until the Soviets reoccupied it in 1944. Since that time it has been considered by the U.S.S.R. as a part of the Soviet Union.

During their short period of actual independence in this century, Lithuanians made great progress in education, literature, the arts, and in social and labor legislation. However, since the Communist takeover, we have had a general lack of information as to the status of the Lithuanian people because of the censorship and propaganda of the Soviet Union. It is known that a number of natives have fled their country or have been deported from Lithuania and those who remain do not have the same freedom which they enjoyed during the 1920's and 1930's.

Since July 27, 1922, the United States has officially recognized Lithuania as an independent nation. It has never recognized this nation's incorporation into the Soviet Union. And more importantly, we still maintain diplomatic relations with those who represent the former independent government.

Americans of Lithuanian descent are among the leaders of a group who desperately want their country to be free from foreign control once again. The United States has long been a strong advocate of the basic right of self-determination of all peoples and have supported those who work to achieve this goal. The Lithuanian people are not ethnically related to either the Russians or the Germans, and have always courageously resisted efforts of these two countries to destroy their culture, language, and indeed their very nation. For these reasons, I salute their citizens and extend my best wishes to all Lithuanians as they celebrate the 55th anniversary of their declaration of independence. Let us all hope that they may achieve their final goal of complete independence and join the family of self-governing nations.

THE CASE OF LT. COL. ANTHONY B. HERBERT

Mr. THURMOND. In March 1971 a retired Army officer began making serious accusations against certain Army officers and the U.S. Army. These accusations have done irreparable harm not only to the Army but to all of our Armed Forces.

Lt. Col. Anthony B. Herbert has charged that senior Army officers tried to cover up war crimes committed by our servicemen, and that thereafter they conspired to ruin his military career.

Four separate Army investigations have rigorously explored these charges of coverup, and found them groundless. Aside from his own statements, there is no hard evidence that Herbert ever reported war crimes to higher authority until some 18 months after he had been relieved from a combat command for unsatisfactory performance. Neither does the evidence show any relation between those war crime allegations and his own relief from command.

In substance, his charges have been found specious. These investigations involved several hundred personal interviews by top investigators and required considerable expense and time. The Army has made available to the public certain information which clearly reveals the known facts in this case and has also released material refuting various other charges made by Herbert.

Although the news media has sensationalized Herbert's allegations, there has been little coverage in the press of the recent exposé by Mike Wallace of the Columbia Broadcasting System. In a nationally televised show on February 4, 1973, Mr. Wallace exposed several Herbert charges in a direct confrontation.

Mr. President, it is disappointing that the news media has neglected to inform the public of the Herbert hoax with the same enthusiasm that they pursued in making him a celebrity. It is shocking to me that those who sensationalized the Herbert untruths have not followed up with printing the truths as they have become known in recent months.

Mike Wallace is to be commended for performing an outstanding public service in this case. He has demonstrated courage and tenacity in carrying out his responsibilities to the public.

Hopefully, Mr. President, this venomous and tragic charade is now nearing an end. Regrettably, the harm done to individuals and our national interest may never be repaired.

The Arizona Republic of Phoenix, Ariz. has printed a timely and well-written editorial entitled, "The Hero's Hoaxes." Also, Time magazine in its February 19 issue and the New York Times in its February 5 issue have published significant articles on the Wallace interview.

Mr. President, I ask unanimous consent that the texts of these three articles be printed in the RECORD.

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

[From The Arizona Republic, Feb. 7, 1973]

THE HERO'S HOAXES

When Army Lt. Col. Anthony Herbert started his own war against the Pentagon two years ago, he was an unstoppable public relations juggernaut. He was bemedaled, believable, the classic figure of a tough battlefield hero.

His charge was chilling—he had witnessed atrocities in Vietnam which the brass want-

ed to hush up, and to do it they tried to drum Herbert out of uniform.

Congressmen leaped to Herbert's side. The New York Times made him a cause celebre. TV talk show host Dick Cavett turned him into a celebrity.

Herbert's tales now are in a book, "Soldier," written by New York Times reporter James Wooten.

But it now appears the hero is somewhat of a hoaxer, and Col. Herbert's elaborate array of charges against the Army are figments of a troubled imagination. Col. Herbert apparently felt no price was too high for the military or the nation to pay to satisfy a deep personal bitterness.

CBS television's Mike Wallace—who first exposed Howard Hughes hoaxer Clifford Irving—began taking apart Col. Herbert Sunday night on a remarkable network show which captured Herbert's lies on camera.

Opening on a note of apologia, newsman Wallace pointed out that the national media had fallen hook, line and sinker for Herbert's charges and had virtually ignored denials. However, as long ago as 1971, The Republic published proof that Herbert had lied.

Then Sunday's CBS drama intensified:

First, Wallace asked Herbert to repeat his basic allegation—that he, Herbert, had personally reported to Col. J. Ross Franklin a series of atrocities during a meeting with Franklin at an outpost in Vietnam on Feb. 14, 1969.

Wallace then produced in front of the cameras evidence that Col. Franklin had been on rest and recuperation leave in Hawaii on that day with his wife and two other officers. He had Col. Franklin's personal checks dated Feb. 14 as payment for his Honolulu hotel room. The flustered Col. Herbert called it all a lie.

Second, Wallace read a passage from Herbert's book extolling the heroism of Maj. James Grimshaw, one of his company commanders, who, Herbert claimed, single-handedly captured several Vietcong soldiers in a cave, and rescued a baby and several civilians.

Herbert stood by the passage—and then turned ashen as Maj. Grimshaw entered the TV studio and face-to-face told Herbert he never engaged in such an exploit of derringdo.

Wallace proceeded to meticulously cast other doubts on other parts of the Herbert saga.

The damage Col. Herbert's vendetta has done to the military is incalculable, and probably indelible.

Col. Herbert's twisted sense of truth is sad enough.

But worse, opinion-makers of the national media who swallowed Herbert's tales without question showed a relentless and rapacious greed to bolster their own dark and ugly attitude toward their government.

[From Time magazine, Feb. 19, 1973]

SHORT TAKES

Several million TV viewers watched CBS's *60 Minutes* cast doubt on Lieut. Colonel Anthony Herbert's charge that the Army had stripped him of his command in Viet Nam because he reported U.S. atrocities to his superior officers (TIME, Feb. 12). But precious few newspaper readers saw any mention of the CBS investigative coup the next day. Neither the Associated Press nor United Press International carried the story—a strange omission, considering the wide coverage given to Herbert's antimilitary statements. The A.P. says that the story did not justify the space a full background explanation would have taken. The U.P.I. editors could not recall receiving advance notice of the show, although CBS staged a press screening and delivered broadcast transcripts to major New York City news outlets. The New York *Times*, which *60 Minutes* had singled out as the paper most responsible for publicizing Herbert's side of the story, did carry a straightforward account of the program.

[From the New York Times, Feb. 5, 1973]

TWO OFFICERS ACCUSE HERBERT OF WAR CRIMES "HOAX"

(By Peter Kihss)

An Army general and a colonel charged in a nationwide television broadcast last night that a "hoax" had been perpetrated by retired Lieut. Col. Anthony B. Herbert, a highly decorated veteran of the Korean and Vietnam wars, in his contention that he was removed from command because of his complaints about war crimes in Vietnam.

The two officers' statements—and Colonel Herbert's renewed insistence on his accusations against them—were televised by the Columbia Broadcasting System during its "60 Minutes" program.

Maj. Gen. John W. Barnes, who had been Colonel Herbert's superior in the 173rd Airborne Brigade and who removed him, asserted that the colonel's charges must have come from "a pure motive of revenge a year and a half later, to make stuff up out of whole cloth."

The general's former deputy, Col. J. Ross Franklin, who long had refused public comment, declared in the filmed interviews that Colonel Herbert's contentions had been "a hoax on the American people."

CHARGES WERE DISMISSED

Colonel Herbert first filed allegations with the Army in September, 1970, and then formal charges in March, 1971, charging both officers with dereliction of duty for allegedly covering up atrocities he had reported.

The Army dismissed the formal charges against Colonel Franklin in July, 1971, and those against General Barnes in October, 1971. Colonel Herbert retired from the Army last Feb. 29. His recently published book, "Soldier," written with James T. Wooten of The New York Times, included his allegations.

The C.B.S. program was described by Mike Wallace of the network's news staff as the result of a year's investigation in which producer Barry Lando had talked with more than 100 people.

In the telecast, both General Barnes and Colonel Herbert, maintaining their opposing contentions, favored having the Army publish its full investigation of the case. Colonel Herbert also urged "a full Congressional inquiry."

TIMING IN DISPUTE

Mr. Wallace said the Army had refused its inquiry. He reported "speculation among Pentagon people" that the Army "doesn't want to help make a martyr of Tony Herbert" or that it might have found "so many true stories of war crimes" that it didn't want to publish them.

Mr. Wallace said that except in one instance it was Colonel Herbert's word against that of the two other officers that he had reported war crimes to them. The exception was his statement that he spoke twice from the field to Colonel Franklin on Feb. 14, 1969, and then flew back and reported personally.

Colonel Franklin, in the telecast, said he was in the Illikai Hotel in Honolulu that day, and had a cancelled check of that date for his hotel bill. Mr. Wallace said hotel records showed him registered there from Feb. 7 to 14, which would have been until Feb. 15, Vietnam time, while two other officers said they flew back with him from Hawaii to Vietnam to arrive Feb. 16.

In the broadcast, Col. John Douglas, who had been the top military lawyer in Vietnam, denied that Colonel Herbert had told him about war crimes. He said the colonel simply complained of having been "improperly relieved." Mr. Wallace said Col. Lloyd Rector had made similar comments and that both had recommended investigating the removal from command.

The network also presented Ken Rosenblum, a Long Island assistant district attorney, who said he had tracked down every lead offered by Colonel Herbert in charges against General Barnes while serving as a Judge Advocate General captain, without being able to prove them.

Also broadcast were statements by Sgt. Bruce Potter, a radioman, and Mike Plantz, a helicopter pilot, about alleged brutality by Colonel Herbert himself, and by Sgt. Bob Stemies, a military intelligence man, about the colonel's allegedly watching the beating of a Vietcong nurse.

Another portion included a confrontation between Maj. Jim Crimshaw and Colonel Herbert, in which the major asserted that two of three incidents in the colonel's book about him were "not true."

HERBERT REPLIES

In essence, Colonel Herbert's replies on the air were that the persons cited as being against him were mistaken or under Army pressure.

In the broadcast, Mr. Wallace said The New York Times failed to report an Army statement that Colonel Franklin had passed a lie detector test although it gave "big play" to a story that Colonel Herbert had passed such a test.

Questioned by a reporter, Mr. Wallace said off the air that an "Army fact sheet, not for attribution, background," dated Jan. 10, 1972, had said that Colonel Franklin passed a test given by the Army and that Colonel Herbert had passed a test given by a qualified civilian examiner after refusing to undergo such an Army examination.

THE SIDE EFFECTS OF NIXON'S BUDGET

Mr. MUSKIE. Mr. President, in a brilliant article in this morning's Wall Street Journal, economist Walter Heller analyzes "The Side-Effects of Nixon's Budget." He writes:

Mr. Nixon's budget fails to recognize that a program that's worse than it might be is not necessarily worse than none. Mr. Nixon needs to be reminded that getting rid of the program doesn't get rid of the problem. Congress, in turn, needs to be reminded that saving the program dcesn't necessarily solve the problem.

And as Congress continues to debate the pros and cons of the President's budget proposals, we would be well advised to consider Mr. Heller's suggestion that:

We need to define much more sharply the optimum role of the Federal Government in its various fields of responsibility.

Mr. President, Mr. Heller will testify tomorrow before the Subcommittee on Intergovernmental Relations on its ongoing hearings on the impact of the new federalism on State and local governments. Other witnesses tomorrow will be Richard Nathan, formerly Assistant Director of the Office of Management and Budget, and Robert Wood, formerly Undersecretary of the Department of Housing and Urban Development.

I ask unanimous consent that the text of Mr. Heller'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 Wall Street Journal, Feb. 22, 1973]

THE SIDE-EFFECTS OF NIXON'S BUDGET

(By Walter W. Heller)

In critiques of the President's budget, as in other matters, it's not just *what* you say but *how* you say it.

On "Meet the Press" last week I called attention to the sharp swing from stimulus to restriction in the Nixon budget. I noted that the full-employment budget, as measured in the national income accounts (the best short-hand way of gauging the budget's impact on the economy), will shift from a deficit rate of about $15 billion in the current quarter to a small surplus at the end of the year. Although I consciously avoided condemning this shift as too restrictive, I did characterize it as "slamming on the brakes."

That did it. The news dispatches (as well as a scientific sample of three viewers I questioned) confidently asserted that I had condemned the budget as too restrictive. Well, is it or isn't it? In the best tradition of economics, let me answer: "It depends."

It depends largely on the course of Federal Reserve policy. If tough fiscal restraint enables the Federal Reserve to pursue a more moderate monetary policy and avoid a credit crunch, the sharp swing in the budget deficit may be about right. But if the budget cutback is coupled with a ferociously tight monetary policy that would level the economy off at 4½% or more unemployment or cut the growth of real GNP down to a 2% or 3% rate, the budget swing would be too sharp.

Given the likely slippage on the spending side, Mr. Nixon's crusade against tax increases, and the painful costs of a credit crunch, the President may be right in erring on the side of fiscal tightness in the face of a surging economy.

Not that the choice between bearing down on the fiscal brakes and bearing down on the monetary brakes can be made in a vacuum. One has to weigh the respective side effects. Much of the objection to tight money is distributional, namely, that it unduly squeezes housing, small business, and state-local government. So if Mr. Nixon achieves a tight fiscal policy mainly by squeezing civilian programs and low-income recipients rather than pruning the Pentagon or taxing the well-off, the choice between the two policies on social grounds becomes less clear-cut.

MILITARY FAT

Relentless, even ruthless, in its pursuit of evil among social programs, the Nixon budget shows no comparable ruthlessness in paring military fat or challenging tax privilege:

Item: In spite of saving about $4 billion on Vietnam, the fiscal 1974 defense budget goes up $4 billion, for a total rise of $8 billion in non-Vietnam spending.

Item: In the name of cutting waste and inefficiency, subsidies for low-income housing are being summarily suspended; but the even more inefficient and wasteful tax giveaway of about half a billion dollars in tax shelters for real estate investments is left untouched.

Item: Mr. Nixon wrings his hands over our unbearable tax burdens ("more important than more money to solve a problem is to avoid a tax increase," he said recently), blithely ignoring the fact that federal income tax rates have been cut by over $20 billion since he took office and more than twice that in the past decade.

Item: The White House takes pride in noting that "human resource" expenditures will rise faster than the military budget, but fails to mention that the great bulk of that rise is in Social Security benefits, self-financed by a giant increase of $10 billion in harshly regressive payroll taxes.

Item: Mr. Nixon is proud of redeeming his promises to hold spending and deficits in check, but what of his pledges (1) to provide possibly $7½ billion in rehabilitation aid to the two Vietnams? (2) to make property tax relief for the elderly "a first order of business in our next budget"? (3) to press ahead on welfare reform, any delay in which, he told us a year ago, would be "unwise" and "cruel"? Not a word and not a dime in the budget to redeem these pledges.

So much for priorities. What about economy and efficiency? Most economists will applaud White House moves to trim pork barrel projects, stop the flow of aid to wealthy school districts that are "federally impacted," end 2% REA loans, drop subsidies for farm exports, drag the limestone lobby away from the public trough, and so on. In other words, many of Mr. Nixon's "one hundred budget blows" do hit the right targets.

But, in killing or gutting programs for urban renewal, model cities, community action, public service employment, college student loans. and the like, Mr. Nixon is on highly debatable ground.

The projected liquidation of the Community Action Program is a puzzling and poignant case in point. Here is a program that—after many trials and much error—was making steady progress in the complex and difficult task of helping the poor help themselves. And an administration "utilization survey" of 591 Community Action agencies had just concluded that the program offers "genuine help in making the decentralization of government succeed during the next few years" and that "the picture clearly shows that the administration's redirection of Community Action was on target."

Ironically, a President professing a deep commitment to decentralization and citizen participation is about to kill one of the few programs that was making documented progress on both fronts. Even more revealing of the administration's mentality are:

Its sly directive to scuttle OEO by June 30 before its supporters "could muster enough strength or will to put Humpty-Dumpty together again."

The statement by the executor of the program, Howard Phillips, that he will liquidate the program with relish.

Apart from such inconsistencies, Mr. Nixon's budget fails to recognize that a program that's worse than it might be is not necessarily worse than none. Mr. Nixon needs to be reminded that getting rid of the program doesn't get rid of the problem.

Congress, in turn, needs to be reminded that saving the program doesn't necessarily solve the problem. Goaded by the President's arrogation of power, by his disdainful view of Congressmen as irresponsible instruments of special interests, and by his effort to give the 1974 budget the status of revealed truth, the Congress is venting its anger by trying to push questionable programs back on the budget. Instead, it should be hammering out alternatives that will strike the country as more reasonable and humane.

Both arrogance and anger are expensive luxuries, mortal enemies of rationality in the budget process. Far better that the White House should treat the Congress as a coordinate branch of government and seek a detente which recognizes (1) that the Democratic Congress also enjoyed a big victory at the polls in November and has every right to participate in the setting of budget priorities; and (2) that a cooperative advance toward a more rational budget, with some give on both sides, could pay rich dividends.

WHAT'S NEEDED

What would be the course of reason in a joint reconsideration of the 1974 budget?

First, all hands need to recognize that the tasks government has to tackle today—whether to curb pollution from 40,000 different sources, or upgrade the education of the disadvantaged, or assure decent medical care for the aged—are vastly more complex and demanding than such earlier tasks as transferring money to the unemployed and building highways and dams. This consideration calls for lesser promises and greater patience.

Second, we need to define much more sharply the optimum role of the federal government in its various fields of responsibility. As Charles Schultze has pointed out, this requires a careful sorting out of functions according to the type of federal support that will be most efficient and effective, for example:

Often, direct income support is best, as in the case of the aged, the blind, and the working poor.

To reduce sharp disparities in the ability of local units to supply government services, the revenue sharing instrument is appropriate.

In services like education and health with large geographical "spill-over effects," the national purpose can be served best by categorical aids (specifying not so much *how* the money should be spent, but *where* and on *whom*).

Certain critical services like medical care for the poor may have to be provided directly.

In others, as in preserving the environment, enacting taxes and effluent charges to make pollution costly and pollution abatement profitable may be even more urgent than a step-up in budget spending.

Third, once the priorities of Mr. Nixon's budget are recognized as other than God-given, money will have to be pried loose for such thrusts as a better welfare system, decent health insurance, and major efforts to equalize education and restore hope and opportunity to the inner cities and ghettos. This may require invading the sanctity of the military budget and the tax sanctuaries that are left untouched in Mr. Nixon's program.

Fourth, Congress should speedily equip itself with budget procedures and staff that will enable it not only to work within viable budget ceilings, but also to make informed cost-benefit judgments on such pigs-in-the-poke as the $1.3 billion-apiece Trident submarine.

Had Mr. Nixon approached Congress with a "let's reason together" attitude rather than trying to shove his budget intact down its throat (there is, he said in italic, "no room for the postponement of the reductions and terminations proposed in this budget."), one might be more sanguine about a rational process of budget reformulation. Instead, he has thrown down the gauntlet, and Congress has picked it up.

A PROBLEM OF RHETORIC

Finally, while Mr. Nixon's budget *actions* are a mixture of good and bad, I find little of redeeming social value in his budget *rhetoric*. When a President urges citizens "to get big government off your back and out of your pocket," treats Congress with disdain, and conducts a national crusade against taxes, he can only defeat his own broader purposes.

Instead of restoring self-reliance, he is putting self-interest on a pedestal. Instead of restoring confidence in government, he is inviting contempt for government in general and Congress in particular. Instead of focusing efforts on a higher quality of life, he is appealing to instincts of crass materialism. Instead of "if at first you don't succeed, try, try again," his implicit motto on social programs seems to be, "if at first you don't succeed, give up."

The battle of the budget may yet result in progress toward more rational and efficient budget-making. But somehow, a crusade to think small, think simple, and think selfish does not strike me as the best path to either personal salvation or national greatness.

WOMEN IN THE MEDICAL PROFESSION

Mr. JAVITS. Mr. President, while our country continues to strive toward the

ideal of equal opportunity and freedom of career choice, there remains an area which deserves greater public attention—the career opportunities available to women who desire to become physicians.

Women must not be denied the equal opportunity to compete with their peers for the limited but expanding numbers of medical school openings. We must insure that America's doctors are the very best in the world without regard to sex or other prejudicial discrimination.

A recent article published in Parents' magazine by Virginia Sadock, M.D., entitled "Where are the Women Doctors Our Country Needs?" dramatizes U.S. efforts in comparison to the progress in other nations. 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:

WHERE ARE THE WOMEN DOCTORS OUR COUNTRY NEEDS?

(By Virginia Alcott Sadock, M.D.)

In 1849 Elizabeth Blackwell received the first medical degree ever given to a woman in the United States. Before being admitted to Geneva Medical College in upstate New York, however, she had endured numerous humiliating interviews and was rejected, on the basis of her sex, from many other institutions. In the town of Geneva, itself, she was repeatedly denied lodgings and jeered at when she walked down the street alone. She went on to fund The New York Infirmary and give a lifetime of devoted service to her patients. Fortunately, no woman since has had to undergo quite the hardships or scorn that she endured to achieve her goal. But alas, 122 years later, the attitude that women do not belong in medicine as physicians lingers on.

The woman doctor in this country, in fact, remains a rarity. Only 7.7 per cent of all physicians in the United States are women, compared with 24 per cent in Great Britain and 65 per cent in the Soviet Union. We see so few women doctors here partly because of the blatant and documented prejudice against admitting women to American medical schools. A more subtle reason for their rarity is that it is hard for women to find the conditions that will allow them to complete their training and still be effective wives and mothers.

The medical world's bias against women physicians has regrettably been accepted and perpetuated by our culture at large. Until very recently, little girls weren't given doctors' kits as gifts; they got nurses' caps instead. Parents who would save earnestly for their son's medical school tuition rarely dreamed of doing the same for a daughter. Worse, we have too often discouraged young girls from even thinking of becoming physicians. The medical world may slowly be changing its attitudes toward women doctors, but such a change will have little overall effect if women and men don't change their own view of medicine as a male domain.

I decided relatively late to become a doctor. Though I had always been interested in psychiatry, I was not a pre-medical student in college. A man in our society would automatically have thought of medical school as the most direct route to pursuing his interest in the field, but I did not consider the idea until several years after college. Married, pregnant, and happy to be so, I realized I still wanted to do serious professional work. I did not want to fill in time or simply get out of the house, but to do something that would really satisfy the me that existed apart from my family. Fortunately I had an encouraging husband and exposure to women who were physicians. I returned to school to take the necessary science course I lacked and then entered medical college.

That was six years and two children ago. The mastery of skills I was once afraid to consider approachable by me; the knowledge that I can support myself and our children in a still predominantly male world; and the development of my abiding interest into needed, satisfying work are all well worth the time and work I've put in.

A medical education, of course, usually spans a woman's child-bearing years. A seven-year study of the attitudes of American medical schools toward women, recently published in the *Journal of the American Women's Medical Association*, found that many medical school administrators treat pregnant students in a manner that is both callous and contrary to good obstetrical care. There are schools, for instance, which require the student to return to class seven days after childbirth.

My own experience was a typical example of medical school insensitivity. During my third year (a clinical year, when formal lectures give way to actual hospital training), I was pregnant, and I worked until twenty-four hours before I gave birth. I didn't work the day I went into labor, true, but only because I awakened that morning feeling in every bone of my body that I just could not put in another hospital day. My return to training was made more gradual and humane only because I took an elective in psychiatry during that time and was permitted to work a reduced schedule.

As one medical dean put it in the aforementioned study, women students who bear children must carry on "exactly" the same as other medical students. In reality, however, few women can do so, except at tremendous cost to their husbands, their children, and themselves.

Fortunately, individual and even a few institutional programs are being set up to deal specifically with the problems that women physicians face. The program in which I am presently enrolled—the mother's residency program in psychiatry in New York Medical College—enables me to write this article, for without the consideration it gives me as a mother I would have been an unwilling dropout from my profession.

This special residency program was begun in 1962 under the direction of Dr. Alfred Freedman, chairman of the Department of Psychiatry, and Dr. Harold Kaplan, director of training. It is supported in part by funds from the National Institute of Mental Health and allows physician-mothers to take the 36 months of training required by the American Board of Psychiatry and Neurology in 48 months. The additional year enables mothers to limit their night duty and to take summer, Christmas, and Easter vacations.

Such periods of time off are crucial. They cover the school vacations, when children are home and expect to spend more time with their parents. And relief from the burden of night work is a major asset. A female resident coming home after a night on duty cannot relax as easily as can her male counterpart—not with a husband and children who have not seen her for 36 hours. A father who comes home from the office can toss the kids in the air and then have them told, "Daddy has to rest." A mother is expected to listen to as well as play with them. I know who's in school with our son and what's in the books he and our daughter read. My husband doesn't, though we both put in long hours in the same profession.

In the mother's residency program, flexibility is the keynote. And because of it, some women—42 so far—have been able to proceed, uninterrupted, with their training. In a more traditional program, several would have been forced to withdraw. In a period of acute shortage of medical personnel, the loss of such women, and others like them, would be a needless waste. Another recent survey expresses what this loss would mean in practical terms. It was found that 38 per cent of the 17,000 women physicians in the United States had had to stop working for an average of four years each because of pregnancy and family problems. This time off is the equivalent of 25,400 hours of medical practice—or the number of hours that graduates of 25 average-sized medical schools would practice in ten years. In any case, even if the average woman physician continues to require more time off the job because of family obligations, her seven-year edge in longevity on her male colleagues is likely to keep her in practice longer.

Statistics prove that the female dropout rate in medicine is related to family obligations—not to academic performance or professional competence. One of my classmates went through two years had to drop out because of urgent demands at home—and then lost credit for the entire two years. I was tempted to postpone having our daughter—who is now riding a tricycle—but decided I wouldn't. Medical school administrators are finally beginning to realize that programs like my own which allow women to fulfill their familial roles, result in gains for the medical profession, not losses.

More special programs are needed because of the countless demands our society places on American mothers. In this country, it is mothers who attend teachers' conferences, go home when the children are suddenly taken ill, or stay home when the sitter doesn't show up, since there are no twenty-four hour or even twelve-hour day care centers available for children. When our daughter spiked a high temperature recently, it fell to me to sponge her off. My husband is also a physician, but it's not the doctor who takes care of the child, it's the mother. I heard the comment before Christmas vacation last year that Christmas belongs to fathers, too. But, of course, it is mother who does the bulk of shopping, preparing, appointment-making, and escorting of children to special holiday activities.

I enjoy these functions even while carrying on my career. Were I forced to give them up, I would feel deprived. But I don't want to be forced to give up my career either.

Two knowledgeable calls have recently been issued for more women physicians. A report prepared by the Carnegie Commission on Higher Education recommended that opportunities for women to become physicians be increased. This recommendation was strongly endorsed by the Association of American Medical Colleges. In addition, the American Medical Association has reaffirmed the need to give women every advantage in medical training.

What will this really mean to women in coming generations, to our daughters, for example? Mainly, it should mean that the option to become a physician will actually be theirs.

Certainly it will never be an easy career, and many of the problems will remain. There is isolation involved for any mother in medicine. Four years of college, four years of medical school, a year of internship, and three more years of specialized training are difficult. My work separates me from everyday life in the community; by the same token I was hardly one of the boys at medical school. Among the things I missed most there was time to be with women friends. Because of the mother's program, I am no longer experiencing this lack in my residency training. The problems at home are not very different from the problems faced by other professional women. Concern for her children while she is away is a feeling common to almost every working mother. In medicine, the time away from home often extends to nights and weekends. With mother's programs, however,

the working nights and weekends are eliminated.

In my own experience, our children—now seven and three—seem to derive as much pleasure from a short period of concentrated attention as they do from our full and more diffuse days together. Like most mothers of young children, after a full day spent with them, I'm happy to put them into bed at night. With our two to three hours after a workday, however, I want to stretch out the time we're together. Though we all occasionally suffer a pang of regret when I leave in the morning, the realization that Mommy has other serious obligations broadens their view of the world and of women. If I can be there—and thanks to my program, I can—for the first school play, the special party, the sudden sore throat, we don't seem to suffer from my not being home all the time.

Of course, child-care arrangements can be the most pressing and emotionally-charged problem of the working mother. I have been fortunate in being able to have a nanny type of arrangement throughout my period of medical training. I have had to change nurses only once. Choosing someone you feel you can trust with your children can be a tense, wearing experience.

One medical educator has proposed that loans be made available to physician-mothers to enable them to provide their children with the care that then frees her to continue training. Another suggestion has been to develop really good day care centers and nurseries affiliated with teaching hospitals. Such nurseries already exist in Sweden. The essential factor in any arrangement, of course, is happy, well-cared-for children. With flexible programs for physician-mothers being developed—and with supportive husbands—this goal can be achieved. Another major point in favor of mothers' programs in medical training is that they allow the complete woman to become a physician. Forcing women to give up every role but that of doctor leaves only a very special group of females in medicine. In some cases, these are not the best women for the profession. What normal woman will voluntarily give up the option—if she wants it—of having a home and family?

Most women physicians still must go into either pediatrics or psychiatry. Although it is argued that women are drawn to these fields, that explanation is too simple. It would be more accurate to say that women find the least amount of prejudice in these fields. Rather than struggle in a hostile environment, such as exists in surgery or internal medicine, they avoid it. But there is no reason why women cannot be as good surgeons as their male colleagues. Nor do the prejudices encountered always arise in the hospital. I have heard many an otherwise enlightened woman say, "I'd just rather go to a man." I have also spent more than one session on the park bench defending my role as a physician-mother to other mothers.

If the medical world has begun at long last to act constructively to keep women physicians in practice, the non-medical world must also do its part. Many girls will never want to be doctors or, for that matter, want any other career. But if our daughters are truly given the option during their growing-up years and, later, in college, of combining a career with the role of wife and mother, whatever their choice, it should be freely made. And this true freedom of choice must necessarily make the women of tomorrow more effective in fulfilling their own needs as well as the needs of those close to them.

USED CAR SALES

Mr. HARTKE. Mr. President, many States have adopted legislation which requires used-car dealers to disclose odometer readings at the time of sale. Such legislation was needed in light of the practice of a few unscrupulous dealers who would turn back the odometer in an effort to inflate the value of a used vehicle.

Recently, the Department of Transportation announced regulations which will, as of March of this year, require that the true odometer reading of a vehicle be disclosed at the time of its resale. This is an important regulation which will do much to improve the confidence in used-car dealers.

In the coming weeks, I intend to advance additional proposals which I believe to be necessary to eliminate instances of fraud in the sale of used cars. Prior to the introduction of those proposals, I intend to consult with the various interests involved in an effort to arrive at legislation which is both responsive to existing problems and reasonable in the solutions it proposes.

Mr. President, I ask unanimous consent that the announcement of the DOT odometer regulation which appeared in the January 31, 1973, Federal Register be printed in the RECORD.

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

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-31; Notice 2]

PART 580—ODOMETER DISCLOSURE REQUIREMENTS

The purpose of this notice is to establish a regulation that will require a person who transfers ownership in a motor vehicle to give his buyer a written disclosure of the mileage the vehicle has traveled. The regulation carries out the directive of section 408 (a) of the Motor Vehicle Information and Cost Savings Act, Public Law 92-513, 86 Stat. 947, and completes the provisions of the Act under Title IV, Odometer Requirements.

The regulation was first proposed in a notice published in the FEDERAL REGISTER on December 2, 1972 (37 FR 25727). As a result of numerous comments on the proposal, the regulation as issued today differs in some respects from its initial form.

As stated in the proposal, the agency's goals were to link the disclosure statement as closely as possible to the documents required for transfer of ownership, so that buyers and sellers would know of the need for disclosure, and to do so in a manner that would not introduce an additional document into motor vehicle transactions. The agency therefore proposed the use of the certificate of title as the document for odometer disclosure.

Upon review of the comments, it became evident that in most jurisdictions it would not be feasible to use the title certificate to convey odometer information. The main drawback to its use lies in the prevalence of State laws providing that if a vehicle is subject to a lien, the title is held by the lienholder. As a result, it appears that in a majority of cases private parties selling motor vehicles do not have possession of a certificate of title, and convey their interest by other means.

In those States that permit the owner of a vehicle subject to a lien to retain the title, the lienholder will be unable to make the odometer disclosure on the title if he attempts to sell the vehicle after repossession. In many States, furthermore, the title certificate is not large enough to contain an adequate odometer disclosure, and the existing data processing and filing equipment would not accommodate an enlarged certificate.

There appears to have been some apprehension that the Federal Government intended to compel the States to amend their certificates of title. The Act does not, however, confer any authority over the States in this regard. Even if the regulation were to require transferor disclosure on the title, the States could decline to provide a form for disclosure on the title. This voluntary aspect of the States' participation is a further impediment to the use of the title certificate.

After review of the problems created by the use of the certificate of title, the agency has decided that the purposes of the Act are better served by prescribing a separate form as the disclosure document in most cases. Section 580.4 has been amended accordingly. To avoid the need for duplicate State and Federal disclosures in States having odometer disclosure laws or regulations, the section permits the State form to be used in satisfaction of the Federal requirement, so long as it contains equivalent information and refers to the existence of a Federal remedy.

It should be noted that although the certificate of title is no longer required to be used for disclosure, it can still be used as the disclosure document if it contains the required information and if it is held by the transferor and given by him to the transferee. The basic concept is that the disclosure must be made as part of the transfer, and not at some later time.

In addition to the changes from the proposal represented by the change from the certificate of title to a separate form, there are other differences from the proposal in the regulation. For purposes of convenience, the following discussion treats the amended sections in sequence.

In § 580.3 the proposed definition of transferor might in some jurisdictions include a person who creates a security interest in a vehicle. This type of transaction was not intended to be regulated, and the definitions have been amended accordingly.

In § 580.4, in addition to the changes discussed above, other modifications have been made. In response to a comment suggesting that the disclosure would be made after the purchaser had become committed to buying the vehicle, the order of § 580.4(a) has been rearranged to specify that the odometer disclosure is to be made before the other transfer documents are executed.

The items listed under § 580.4(a) have been increased to allow for additional identification of the vehicle and owner that would be necessary on a separate disclosure document. If the disclosure is a part of another document, however, § 580.4(a)(1) provides that items (2) through (4) need not be repeated if found elsewhere in the document. A number of comments noted that the items under (a) might often be redundant.

A new paragraph (b) has been inserted in § 580.4 to require a reference to the sanctions provided by the Act. No specific form is required, but the inclusion of such a statement is considered essential to notify the transferee of the reason why he is being given the odometer information.

The former paragraph (b) of § 580.4 has been renumbered as (c), and the alternative methods for odometer disclosure discussed above are found as paragraphs (d) and (e).

A new section, § 580.5, has been added in response to a number of comments that objected to the application of the requirements to categories of vehicles for which the odometer is not used as a guide to value. Buses and large trucks, for example, are routinely driven hundreds of thousands of miles, and their maintenance records have traditionally been relied on by buyers as the principal guide to their condition. The NHTSA is in agreement with the position taken by Freightliner, White, and the National Association of Motor Bus Operators, and has therefore created an exemption for larger ve-

hicles. The exemption applies to vehicles having gross vehicle weight ratings of more than 16,000 pounds.

A second category of exempt vehicles has been created for antique vehicles, whose value is a function of their age, condition, and scarcity, and for which the odometer mileage is irrelevant. A third exempt category consists of vehicles that are not self-propelled, such as trailers, most of which are not equipped with odometers.

Several vehicle manufacturers stated that the proposal would require them to give disclosure statements to their distributors and dealers, and that such a requirement would be both burdensome and pointless. Upon consideration of the nature of manufacturer-dealer transactions, it has been decided to exempt transfers of new vehicles that occur prior to the first sale of the vehicle for purposes other than resale.

The odometer disclosure form set forth in § 580.6 has been reworded to make it clearer. Space for additional information about the vehicle and owner has been included so that the vehicle will be readily identifiable if the disclosure statement becomes separated from the other transfer documents. In accordance with the instructions of the Act, the transferor is directed to state that the mileage is unknown if he knows that the actual mileage differs from the mileage shown on the odometer. Although several comments suggested that the true mileage, if known, should be stated, such a statement is not provided for in the Act and would not afford the buyer with reliable information about the vehicle.

The effective date proposed in the notice was to have been 6 months after issuance. Two States, perhaps under the impression that they were required to change their forms, requested an additional 6 months. Other comments, notably that of the National Automobile Dealers Association, urged an immediate effective date in order to make the disclosure requirements coincide with the effectiveness of the other parts of Title IV of the Act. Upon consideration of the important contribution the disclosure requirements make to the effectiveness of the Act's other provisions, it has been decided that an effective date earlier than 6 months after issuance is advisable.

Accordingly, the regulation is to become effective March 1, 1973. Although it is likely that most private persons will remain unaware of the disclosure requirements for some time after March 1, 1973, a person who does not know of the requirement will not have "intent to defraud" under section 409(a) of the Act and will therefore not be subject to liability solely because he has failed to make the required statement. The persons most immediately affected by the disclosure requirements are commercial enterprises such as dealers and wholesalers, and of these the largest group, represented by NADA, has already indicated its desire for an early effective date, The earlier effective date is therefore considered appropriate.

In consideration of the foregoing, a new Part 580, Odometer Disclosure Requirements, is added to Title 49, Code of Federal Regulations, to read as set forth below.

Issued on January 23, 1973.

DOUGLAS W. TOMS,
Administrator.

Sec.
580.1 Scope.
580.2 Purpose.
580.3 Definitions.
580.4 Disclosure of odometer information.
580.5 Exemptions.
580.6 Disclosure form.

AUTHORITY: Sec. 408(a), Motor Vehicle Information and Cost Savings Act, Public Law 92-513, 86 Stat. 947, 49 CFR 1.51.

§ 580.1 Scope.

This part prescribes rules requiring the transferor of a motor vehicle to make written disclosure to the transferee concerning the odometer mileage and its accuracy, as directed by section 408(a) of the Motor Vehicle Information and Cost Savings Act, Public Law 92-513.

§ 580.2 Purpose.

The purpose of this part is to provide each purchaser of a motor vehicle with odometer information to assist him in determining the vehicle's condition and value.

§ 580.3 Definitions.

All terms defined in sections 2 and 402 of the Act are used in their statutory meaning. Other terms used in this part are defined as follows:

"Transferor" means any person who transfers his ownership in a motor vehicle by sale, gift, or any means other than by creation of a security interest.

"Transferee" means any person to whom the ownership in a motor vehicle is transferred by purchase, gift, or any means other than by creation of a security interest.

§ 580.4 Disclosure of odometer information.

Except as provided in § 580.5—

(a) Before executing any transfer of ownership document, each transferor of a motor vehicle shall furnish to the transferee a written statement signed by the transferor, containing the following information:

(1) The odometer reading at the time of transfer; and, unless provided elsewhere on a transfer document integral with the odometer disclosure;

(2) The date of the transfer;

(3) The transferor's name and current address; and

(4) The identity of the vehicle, including its make, model, and body type, its vehicle identification number, and its last plate number.

(b) In addition to the information provided under paragraph (a) of this section, the statement shall refer to the Motor Vehicle Information and Cost Savings Act and shall state that incorrect information may result in civil liability under it.

(c) In addition to the information provided under paragraph (a) of this section, if the transferor knows that the odometer reading differs from the number of miles the vehicle has actually traveled, and that the difference is greater than that caused by odometer calibration error, he shall include a statement that the actual mileage is unknown.

(d) If a document provided under the laws or regulations of the State in which the transfer occurs contains the statements required by paragraphs (a), (b), and (c) of this section, the transferor may make the disclosure required by this section either by executing the State document or by executing the disclosure form specified in § 580.6.

(e) If there is no State document as described in paragraph (d) of this section, the transferor shall make the disclosure required by this section by executing the disclosure form specified in § 580.6.

§ 580.5 Exemptions.

Notwithstanding the requirements of § 580.4—

(a) A transferor of any of the following motor vehicles need not disclose the vehicle's odometer mileage:

(1) A vehicle having a gross vehicle weight rating, as defined in § 570.3 of this chapter, of more than 16,000 pounds;

(2) A vehicle that is not self-propelled; or

(3) A vehicle that is 25 years old or older.

(b) A transferor of a new vehicle prior to its first transfer for purposes other than resale need not disclose the vehicle's odometer mileage.

§ 580.6 Disclosure form.

ODOMETER MILEAGE STATEMENT

(Federal regulations require you to state the odometer mileage upon transfer of ownership. An inaccurate statement may make you liable for damages to your transferee, pursuant to section 409(a) of the Motor Vehicle Information and Cost Savings Act of 1972, Public Law 92-513.)

I, ----------, state that the odometer mileage indicated on the vehicle described below is ____ miles.

(Check the following statement, if applicable:)

☐ I further state that the actual mileage differs from the odometer reading for reasons other than odometer calibration error and that the actual mileage is unknown.

Make, Body Type, Year, Model.
Vehicle Identification Number.
Last Plate Number.
Transferor's address.
Transferor's signature.
Date of this statement.

[FR Doc. 73-1675 Filed 1-24-73; 11:10 am]

THE CHINA COMMUNIQUE

Mr. KENNEDY. Mr. President, I welcome today's China communique for the reaffirmation it contains of continuing progress in relations between the United States and the People's Republic of China. But it is fair to ask, why must we be content with progress that is too little and too slow?

The steps toward expanded trade and the scientific, cultural and other exchanges are important, but why should we be content with a liaison office in Peking, when we could have a real Ambassador there, by agreeing to establish full diplomatic relations with China?

The answer is obvious. Our China policy is still unacceptably tilted toward Taiwan, as a result of the foolish fiction we continue to maintain, that somehow the government of Chiang Kai-shek on Taiwan is the Government of China on the mainland. Because of this vestige of 20 years of backward policy, a golden opportunity for progress with Peking is being thwarted, with consequences that may be immense for peace in Asia and the world as leaders and climate change.

As I indicated in the Senate resolution I introduced yesterday, there is an obvious basis for negotiating full diplomatic relations with Peking, while preserving that only American guarantee that really matters to Taiwan—a guarantee against the forcible takeover of the island.

We know that we are becoming more realistic in our China policy around the world, but we also know that other nations are moving toward Peking much more rapidly than we. For example Japan found a way last September to establish full relations with Peking, and a Japanese Ambassador is due on Chinese soil this spring. While other nations pass us by, we stand on the sidelines, prisoners of the passions of the past, allowing the bizarre situation to persist in which we have an Ambassador to China, but we send him to Taiwan instead of to Peking.

FREEDOM OF THE PRESS

Mr. PEARSON. Mr. President, one of the most important issues before the 93d Congress involves the relationship between Government and the press. This Congress has a unique opportunity to structure a responsible newsmen's shield law to protect confidential sources of the news and off-the-record information received by newsmen in the course of their professional work.

The first newsmen's shield proposal for the federal system was introduced in 1929 by one of my distinguished predecessors, the late Senator Arthur Capper of Kansas. As a lifelong newspaperman and publisher, Senator Capper recognized as few men have the critical importance of maintaining a free flow of information to the public.

Mr. President, I had the honor to submit testimony on the newsmen's testimonial privilege to the Subcommittee on Constitutional Rights earlier this week. Because of the widespread interest in this question, I ask unanimous consent that my statement in support of a qualified newsmen's privilege, limited to the federal system, be printed in the RECORD.

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

STATEMENT OF SENATOR JAMES B. PEARSON

Mr. Chairman and members of the subcommittee, I am honored and pleased to have this opportunity to discuss the proper role of Congress in perfecting Freedom of the Press in modern America. After some introductory remarks on the significance of the First Amendment's "free press" guarantee, I will devote the balance of my statement to an advocacy of the Newsmen's privilege.

I believe that legislation limiting the power of compulsory process by the Federal government over newsmen is a precondition to the unfettered dissemination of the news. Thus, I believe that such legislation will complement and strengthen the First Amendment to the Federal Constitution.

The press must be free to report on the human condition in America, on the conduct of public officials, on the strengths and weaknesses of this society and its institutions. Freedom of the Press is a liberty required by *all* the people: The term does not connote a privilege of a particular occupational group.

I. CONGRESS SHALL MAKE NO LAW . . . ABRIDGING THE FREEDOM OF SPEECH, OR OF THE PRESS

There is no question that the Founding Fathers appreciated the significance of the First Amendment "free press" guarantee. The Virginia Declaration of Rights of 1776, in Article XII, stated "That the Freedom of the Press is one of the greatest bulwarks of liberty, and can never be restrained but by despotic governments." Madison wrote that "Popular government without popular information or the means of acquiring it is but a prologue to a farce, or tragedy, or perhaps both."

Perhaps Thomas Jefferson captured the contemporary passion for press freedom when he remarked, "Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate to prefer the latter."

The framers of the First Amendment had the benefit of the recently published work, Blackstone's *Commentaries on the Law of England*. Sir William had set forth the following common law definition of press freedom:

"The liberty of the press is indeed essential to the nature of a free state; but this consists in laying no *previous* restraints upon publication, and *not* in freedom from censure for criminal matter when published. Every free man has an undoubted right to lay what sentiments he pleases before the public: to forbid this is to destroy the Freedom of the Press; but if he publishes what is *improper, mischievous, or illegal*, he must take the consequences of his own temerity."

Blackstone's attitude toward the *accountability* of the press, reflecting English common law, was partially embraced as United States law by those who secured passage of the Sedition Act of 1798. This Act made it a Federal crime to engage in "False, scandalous and malicious" criticism of public officials.

But Madison, for one, wrote a scathing denunciation of the Sedition Act: "This idea of Freedom of the Press can *never* be admitted to be the American idea of it: since a law inflicting penalties on printed publications, would have a familiar effect with a law authorizing previous restraint on them. It would be a mockery to say, that no law should be passed, preventing publications from being made, but that laws might be passed for punishing them in case they should be made."

Thus Madison articulated, perhaps for the first time, a doctrine that is widely respected today: Press freedom cannot tolerate governmental action which has a "chilling effect" on the communication of ideas. Only in the most compelling circumstances, involving the survival of life or the State itself, is a competing state interest permitted to override First Amendment liberties.

In my view, Mr. Chairman, Freedom of the Press is the *sine qua non* of men who would govern themselves. And never have the demands for a truly free press, or the demands upon newsmen themselves, been more compelling than at this time of increasing social awareness and public disaffection. Viable bridges of communication must span the gulf of misunderstanding and distrust which has separated too many for too long. The press, of course, is the primary medium of communication. Its contacts within all elements of society must be protected.

II. FREEDOM OF THE PRESS REQUIRES A REPORTER-INFORMANT PRIVILEGE

The dissemination of the news is the primary obligation of professional reporters—but newsmen cannot meet this obligation without full opportunity to *gather* newsworthy information from confidential sources. The gathering of pertinent information *prior to publication* constitutes an inseparable and indispensable phase of the overall news effort.

Newsmen maintain that confidential sources, in most cases, will refuse to contribute if subjected to the threat of exposure. Walter Cronkite, of CBS News, has made the following statement: "The material that I obtain in privacy and on a confidential basis is given to me on that basis because my news sources have learned to trust me and can confide in me without fear of exposure. . . . I certainly could not work effectively if I had to say to each person with whom I talk that any information he gave me might be used against him."

Mr. Chairman, the Cronkite statement reflects the collective judgment of the Press. Recognizing that some informants need assurances that their identities will not be compromised, the American Newspaper Guild adopted a Code of Ethics which, in Canon 5, states, "That newspapermen shall refuse to reveal confidences or disclose sources of confidential information in court or before judicial or investigating bodies. . . ."

Professional newsmen for generations have protected confidential sources and information received in confidence. They have suffered contempt of court rather than reveal the sources upon which they depend for information of interest and value to the public. The issue presented by the proposed legislation to create a newsmen's privilege was joined in 1733, when John Peter Zenger began publication of the *New York Weekly Journal*. Zenger was charged with making "false, scandalous, malicious and seditious publication" of information critical of the Governor of the Province. He chose jail rather than reveal his sources.

The issue has remained an important one throughout American history. Dozens of cases have been collected, both reported and unreported, in which newsmen have been cited for contempt because they have insisted that the identity of their sources is privileged information. The newsmen in these cases—spanning 240 years—have consistently maintained that their effectiveness as reporters of contemporary events would be irreparably harmed if confidential sources of sensitive information about public officials, and other subjects, were subject to exposure in judicial, legislative or administrative hearings.

It should not be surprising that no testimonial privilege for newsmen developed at common law. The common law perception of Freedom of the Press, as set down by Blackstone, contemplated the prosecution of newsmen for "improper" or "mischievous" publications. But "this idea of Freedom of the Press," as Madison said, "can never be admitted to be the American idea of it." And so, the several state legislatures began to enact limited testimonial privileges for the newsmen of their jurisdictions in the late 19th Century. At least 18 states today have adopted some form of newsmen's testimonial privilege to maintain the confidentiality of sources, or information, or both.

The State of Maryland has had the benefit of a statutory newsmen's privilege since 1896. The Maryland law protects the source of any information published or broadcast by the media. I might note, parenthetically, Mr. Chairman, that there has been no general breakdown in the administration of justice in Maryland—at least to my knowledge—over the past 77 years, despite the fact that prosecutors and legislators in that State have not had the convenient opportunity to annex reporters as an investigative arm of the government.

To my knowledge, no State has ever repealed a newsmen's privilege statute. There may be cases, however, in which the courts of the several states have narrowly construed these laws.

In 1958, in the case of *Garland* v. *Torre*, a newspaperwoman for the first time asserted a First Amendment right to maintain the confidentiality of her sources and unpublished information obtained in a professional capacity. The Supreme Court in 1972 considered the subject First Amendment issue as a matter of first impression in the appeals of Paul Branzburg and Paul Pappas, and the appeal of the United States in the case of Earl Caldwell. The decision of the Court in these cases is well known to this Subcommittee.

Petitioners Branzburg and Pappas did *not* seek an absolute privilege against official interrogation in all circumstances. They did assert, however, that the reporter should not be forced either to appear or to testify before a grand jury or at a trial until and unless sufficient grounds are shown for believing:

(1) That the reporter possesses information relevant to a crime under investigation;

(2) That the information the reporter has is unavailable from other sources; and

(3) That the need for the information is sufficiently compelling to override the claimed invasion of First Amendment interests occasioned by the disclosure.

Respondent Caldwell defended the decision of the Ninth Circuit Court of Appeals which had held that the First Amendment provided a qualified testimonial privilege for newsmen. In the absence of a special showing of necessity by the government, the Circuit Court had held that Caldwell was privileged to refuse to attend a secret meeting of a grand jury because of the potential impact of such an appearance on the flow of information to the public.

The Court in a five-to-four decision rejected the claims of limited First Amendment protection for news sources in these cases, although the "enigmatic" concurring opinion of Mr. Justice Powell "may give some

hope of a more flexible view in the future," as Mr. Justice Stewart suggested in his dissent. Mr. Justice Powell carefully emphasized the "limited nature of the Court's holding" in the Branzburg decision.

Mr. Chairman, I submitted testimony to this subcommittee on September 28, 1971, in support of a qualified newsmen's privilege. I continue to believe that a qualified newsmen's privilege is esesntial to facilitate the free and unfettered flow of information to the people. I continue to believe that Freedom of the Press, as that term is understood in America, demands the creation of a statutory newsmen's testimonial privilege to maintain the confidentiality of his sources and the information he has received from those sources.

III. THE CHALLENGE OF DRAFTING AN APPROPRIATE NEWSMEN'S PRIVILEGE BILL

Mr. Chairman, the Congress has before it the profoundly difficult and challenging task of drafting and enacting an appropriate newsmen's privilege law which balances the various and sometimes conflicting societal interests.

Thoughtful observers will acknowledge, as the Court has acknowledged, that aggressive investigative reporting can impair the Constitutional right of an individual to a fair trial.

The Fifth Amendment states that "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury . . ." The right to a grand jury proceeding extends to all persons accused of felonies in Federal criminal prosecutions, and a necessary concomitant of a grand jury proceeding is secrecy. The Constitutional right to grand jury protection against malicious prosecution may be fatally jeopardized if malicious individuals "leak" information to reporters about grand jury proceedings. Thus it may be necessary to compel reporters to identify those sources which compromise the secrecy of grand jury proceedings.

This exception to the newsmen's testimonial privilege may not be necessary, of course, in a state which does not constitutionally require felony indictment by grand jury.

In the bill which I offered for subcommittee consideration in the 92nd Congress, the privilege did not apply to the *source* of any allegedly defamatory information in any case where the defendant, in a civil action for dafamation, *asserts a defense based upon the source of such information*. In the light of *New York Times Co.* v *Sullivan*, this exception in my judgment would permit reporters to maintain the confidentiality of sources on the activities of public personages absent actual malice by the news organization. But it would permit divestiture of the privilege when the defense of truth could not be maintained in actions brought by private persons.

The bill I proposed also would permit divestiture of the privilege if there is "substantial evidence that disclosure of the information (held by a reporter) is required to prevent a threat to human life, espionage or foreign aggression." This exception to the general rule of testimonial privilege for reporters is consistent with the holding of the Ninth Circuit in the *Caldwell* case that there be an "overriding and compelling" National interest in securing the testimony of the newsman.

From this testimony, Mr. Chairman, it is obvious that I am reluctant to embrace an absolute privilege. It would be most unwise, in my judgment, for the Congress to attempt to subsume all societal interests, including Constitutionally guaranteed rights, to the interest of enhancing the free flow of information.

The Congress has an opportunity to follow the lead of several states in perfecting Freedom of the Press, but it also has an obligation to respect the traditional "balancing" of interests in the process.

IV. THE QUESTION OF FEDERAL PREEMPTION OF STATE LAW

Finally, Mr. Chairman, I note that this subcommittee must consider the question of Federal preemption of State law in respect of a testimonial privilege for newsmen.

I must respectfully oppose all efforts to structure mandatory Federal rules of procedure for State courts, legislatures and administrative bodies. Newspapers are undoubtedly instrumentalities in interstate commerce, and Congress has undoubted powers of wide-ranging scope under the Commerce Clause (Art. I, sec. 8. cl. 3). But State courts, grand juries, legislatures and administrative bodies are most definitely *not* instrumentalities in interstate commerce.

If Congress were to arrogate unto itself all wisdom in the question of testimonial privileges for newsmen, the precedent thus established would devastate the principles of federalism upon which this country is founded. The Supreme Court has never invalidated a Congressional statute based upon the Commerce Clause—that is true. But perhaps Congress has shown some commendable restraint in past years, and I would recommend comparable restraint in this instance.

Mr. Chairman, if Congress creates a newsmen's privilege, it will *not* be for the benefit of a particular class of newsmen or informants. It will be for the benefit of consumers of the news—the American public. These consumers have a compelling interest in the free flow of information, but they also have an interest in their *other* rights and the system of Federalism we respect and are bound to accommodate.

I would urge your committee to prepare for Senate consideration a qualified newsmen's privilege bill, limited to the Federal system. I believe that such a bill would enhance personal liberties in this country. The Congress for too many years has explored the limits of constitutionally protected liberties, and legislated up to those limits in derogation of unrestricted freedom. In this question of the newsmen's privilege, we have the opportunity to expand the limits of Freedom of the Press. We should grasp that opportunity.

Thank you.

MASS TRANSIT NEEDS

Mr. MUSKIE. Mr. President, as you know, Federal aid highway legislation died in the waning hours of the 92d Congress, thus requiring the 93d Congress to take early action on this important matter.

As the leader of last year's Senate effort to tap the highway trust fund for the purchase or construction of bus or rail mass transit, I was concerned with similar efforts in the House of Representatives. While the Senate approved the so-called Cooper-Muskie amendment to permit the use of trust fund moneys for mass transit purposes, the House of Representatives rejected a similar proposal, offered by Congressman GLENN ANDERSON, by a narrow 32-vote margin.

The Senate Roads Subcommittee, as a result of the demise of last year's legislation, has recently concluded hearings on Federal aid highway legislation. Much of the testimony presented at the hearings centered around the issue of public mass transportation financed out of the trust fund.

Many matters affect this issue: We have an energy crisis and we are told there will be a gasoline shortage next summer. We know that motor vehicles are demanding rapidly increasing amounts of gasoline—40 percent of all the gasoline used in this country. Yet, some witnesses have testified that more highways—$600 billion worth—and more automobiles are absolute necessities to the American way of life.

We know that automobiles are a major threat to public health because of the lack of safety in their operation and the air pollution they create. Yet, some organizations which appeared at the hearings took the position that there should be more roads and more cars.

We know that many people are poorly served by the automobile and that we have too many automobiles in some urban areas. Yet, some witnesses stated that more highways and more cars are the only way to relieve these problems, and that highway funds must be preserved for road-building even if—as we see in this city, in Boston, and elsewhere—new roads only aggravate existing problems.

These propositions should be closely examined, because they make some very basic assumptions about the role of the automobile in the future of America.

I do not accept the proposition that the highway trust fund must remain sacrosanct. Our present transportation system is not the best one we can create—not when it demansd $600 billion of our Nation's wealth, kills outright 56,000 Americans a year, ruins the health of hundreds of thousands more, causes billions of dollars in damage, consumes vast quantities of our dwindling energy reserves and turns millions of tons of irreplaceable raw materials into piles of junk.

More of the same is not the answer. The time has come for change—the health and well-being of our Nation demand that change.

Knowing Congressman ANDERSON's interest, expertise, and leadership in the use of trust fund moneys for mass transit, I was interested in his statement before the Senate Roads Subcommittee on this issue.

I am confident that my colleagues in the Senate will find his testimony interesting. For that reason, Mr. President, I ask unanimous consent to have Congressman ANDERSON's statement printed in the RECORD at this point.

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

STATEMENT OF CONGRESSMAN GLENN M. ANDERSON OF CALIFORNIA

Mr. Chairman, I appreciate the opportunity to appear before this distinguished committee and to present my views on pending highway legislation.

I would like to commend the members for the action taken last year by the Senate in the adoption of the Cooper-Muskie Amendment, which I believe to be one of the most far-sighted and progressive proposals considered by the Congress to meet our transportation requirements. Unfortunately, by the slim margin of 200 to 168, the majority of the House of Representatives did not agree with my appraisal of that proposal. However, this year, I feel that we will be successful in permitting a portion of the Trust Fund to be used for mass transit purposes.

For eight years, I served as Lieutenant

Governor of our great state of California. During that period, I traveled all over the state—from Tulelake on the Oregon border to Calexico in the South, from Pismo Beach on the Pacific Ocean to Needles on the Arizona border. As a result, I know the importance of highways in our state.

I know that this is often the only link between the residents of a community and the hospital miles away. This is the only means that the farmer has to get his produce to market. This is the only way that the consumer in the rural areas can get the products that are manufactured many miles away.

However, as a life-long resident of Los Angeles, I know the problems associated with the automobile and the highways.

We have seen the strips of concrete rip our homes, and separate entire communities like the Great Wall of China.

We have witnessed the deterioration of our air—caused primarily by the pollution-belching automobiles chugging along on our freeways which have more of a semblance to parking lots during rush hour.

We have seen the impending energy crisis, which faces our country due in large part to the inefficient practices we have allowed to occur.

Due to this experience—both on a rural and urban level—I am not here to argue that all highway construction should be stopped. Nor am I here to argue that mass transit is the sole answer to our transportation problems.

But, rather, I am here to urge this committee to permit flexibility in the use of Highway Trust Funds. I am here to present my views on the need for a balanced transportation policy.

We don't want to require someone to build a mass transit system—nor do we want to demand that a state construct a highway, if the elected officials do not want it.

The point is—state and local officials should be permitted to select the modes of transportation that they feel are best suited to their particular situation, taking in the consideration of the needs of the people, the environmental considerations, and the demands for energy.

Presently, our laws—the Federal Aid Highway Act and the Highway Revenue Act—permit the use of Highway Trust Fund revenue for a variety of purposes:

The construction of the Interstate Hignway system;

The construction of primary and secondary roads;

The construction of urban roads and traffic operations;

The construction of forest and public lands highways; and a myriad of other projects, most of which involve the pouring of concrete to accommodate more and more cars.

However, the laws do not permit the use of Trust Fund revenue for the purchase or construction of a mass transit system.

How would mass transit benefit the people?

CONGESTION

Our urban highways and freeways are so clogged and backlogged with commuters and marginal users that no one really benefits from the road. Due to highway congestion—especially during rush hours—travel costs are higher, operating efficiency is low, and nerves are frayed.

If the old adage that "time is money" is true, then we are throwing away billions of dollars in wasted time sitting in traffic.

According to a study conducted in 1971, in Los Angeles with the cooperation of the Federal Highway Administration, mobility in the L.A. area has not improved since 1965.

And, we have as good—if not better—a freeway system as is found in the world.

In fact, during the morning rush hour, the average speed on the San Bernardino Freeway (Interstate Route 10) is 17 miles an hour; on Interstate Route 5—the Pomona Freeway—traffic averages 18 miles an hour.

Leaving the city, during the evening rush hour, the commuter traveling the Pomona Freeway again must face the stop-and-go traffic and average 18 miles an hour.

And this congestion cannot be relieved by more and more freeways. Studies have shown that new urban freeways merely encourage additional traffic.

The Hollywood Freeway, in Los Angeles, was designed to reach a capacity of 100,000 vehicles per day within 10 years. However, within only one year, the Freeway was carrying an average of 168,000 vehicles per day.

This congestion costs each and every one of us money. It costs us in our time wasted; it costs us because of the added time taken to deliver goods and services; it costs us in wasted gasoline used in stop-and-go driving.

As a result, Mr. Chairman, we have learned that more and more freeways will not alleviate our transportation problems. Instead, more freeways and a greater reliance on the automobile would only compound our problems—especially with the environment.

AIR POLLUTION

I'm sure that you all are aware of the Environmental Protection Agency announcement of January 15, regarding the proposed transportation controls for the Los Angeles basin to meet Clean Air Standards.

Those controls include gasoline rationing, vehicle inspection programs, retrofit devices for automobiles, conversion of fleet vehicles to other fuels, and additional controls on stationary sources.

As one who fought for the tough standards written in the Clean Air Act of 1970, I support measures which will lower air pollution levels in the Los Angeles area, and I believe that the people in Los Angeles are willing to make adjustments in their style of living to curb air pollution.

And we know that auto emissions account for the great majority of pollutants in our air.

But, we cannot require a 82 percent cutback of automobile usage without providing an efficient and economical alternative.

People must still go to work.

People must still shop to put a meal on the table.

People must have a method of going to the many recreational spots in the area.

In short, people must travel—by one means or another—to live in this society.

Thus, to meet the stringent Clean Air Standards, public transportation must be provided in Los Angeles in order to allow people the freedom on which this country is based.

LAND USAGE

Another factor that enters into the problems of highway construction and the environment is the best usage of our land.

Today, we have almost 4 million miles of roads in the United States which cover approximately 35,000 square miles—an area roughly equal to the size of Connecticut, Massachusetts, New Hampshire, Vermont, and Rhode Island combined.

In addition, highways make it necessary to devote large amounts of land to interchanges, parking facilities, and the like. In the central area of many of our big cities, land devoted to streets and parking approaches 50 percent.

Rather than take more and more of our land off the tax rolls by building more highways, we should use existing rights of way for mass transportation, and, thus, use our land more effectively and more efficiently.

THE ENERGY CRISIS

Another important consideration involved in this legislation is the energy crisis which faces our nation.

Today, we import about 25 percent of our oil. By 1985, according to the American Petroleum Council, we will be importing approximately 58 percent of our oil, and will be even more dependent on the oil-rich, but politically volatile, Middle East to run our factories, heat our homes, and fuel our cars.

Certainly, one answer to this crisis would be a more rational use of oil. According to a study conducted by the Chase Manhattan Bank, passenger cars account for nearly 4.3 million barrels of oil daily or 30 percent of our daily consumption. By 1985, it is estimated that automobiles will consume 7.4 million barrels of oil daily.

As Senator Muskie points out, automobiles effectively utilize only 5 percent of the potential energy from the fuel they burn—the rest is wasted.

Rather than continue this waste of energy, we should offer commuters and other marginal users an efficient, safe, and economical alternative to the automobile.

Not only would a diversion of traffic off of the highways and onto a public transportation system reduce auto pollution, it would also conserve our precious resources of oil. A 25 percent diversion of auto traffic from private passenger cars to mass transit could reduce petroleum demands by almost one-half million barrels daily.

THE HIGHWAY TRUST FUND

Finally, let's look at the Highway Trust Fund.

In fiscal year 1974, 50 percent of the receipts of the Trust Fund were derived from taxes which were on the books long before the Trust Fund was created in 1956, and prior to that time, were used for general revenue purposes.

Specifically, the gasoline tax, which will account for 69 percent of the Trust Fund revenues for FY 1973, was enacted in 1932. The tire and tube tax, and the lubricating oil tax, which together account for 15 percent of the receipts, were enacted in 1919 and 1932 respectively.

Those funds—up until the Trust Fund began functioning—were used for a host of nonhighway purposes.

In addition, the Trust Fund, presently, has been so changed to meet other needs that it is difficult to argue that mass transit is not highway related.

In 1962, Congress allowed Trust Fund moneys to be used to help relocate families who were forced to move by highway construction.

In 1970, Congress permitted the use of Trust Fund moneys to construct ferry boats on the same basis as in the construction of highways.

Two-thirds of the cost of the highway safety program is paid out of the Highway Trust Fund.

The 1970 act also permits Trust Fund revenues to be used for exclusive busways, passenger loading facilities, and fringe parking to serve any type of public mass transportation.

Mr. Chairman, under existing law, we can use the gasoline tax to construct a ferry boat, but not to purchase or construct a bus or rail transit system.

In addition, the highway user, especially in the urban areas, does not derive the full benefit of the tax he pays into the Trust Fund. Over 40 percent of the miles traveled in the U.S. are in urban areas—50,000 or more population. As a result, well over 40 percent of the revenue collected is from urban areas. Yet, when it comes to spending that money, only 25 percent is spent in those urban areas.

In short, the Highway Trust Fund was created to meet our transportation needs by taxing the people of the United States. I contend that spending a portion of that money for mass transit would certainly help that need by eliminating a part of the highway congestion, by reducing auto pollu-

tion, and by helping to alleviate our energy crisis.

RECOMMENDATIONS

Mr. Chairman, I recommend the enactment of a bill which would permit flexibility in developing different modes of transportation. Specifically, I endorse the proposal which would allow state and local governments to use urban highway funds—$1.1 billion for FY 1974—for rail or bus mass transportation, as well as for highway construction.

Secondly, I recommend the inclusion in the committee-reported bill of a provision which would recognize the special needs of some of our cities that face serious air pollution problems. This would be accomplished by permitting the Secretary of Transportation to allocate up to 10 percent of the annual Trust Fund revenues for emergency mass transit programs in areas which are forced to curtail automobile usage in order to meet Federal Air Quality Standards.

In summary, we should strike a balance in our transportation program by permitting state and local officials the flexibility needed to meet the special requirements of the particular area.

NEW HAMPSHIRE AND THE WILDERNESS SYSTEM

Mr. McINTYRE. Mr. President, I wish to acknowledge the efforts of the Appalachian Mountain Club in an area important to New Hampshire and the entire New England region. This is an effort to preserve those areas in New England which are considered wilderness.

Yesterday, Preston H. Saunders, chairman of the Land Use Planning Committee and Thomas S. Deans, associate executive director of the Appalachian Mountain Club appeared before the Senate Committee on Interior and Insular Affairs to give testimony on this pressing matter of the National Wilderness System. By protecting these lands it is hoped that we will be able to meet the needs of a large and growing portion of the Nation's population that wishes to enjoy the beauty and solitude of wilderness and the spiritual uplifting of the primitive wilderness life. This wilderness experience in the East is available to most people only on publicly owned land.

I need not remind you of the diligent work and significant contribution of the Appalachian Mountain Club. Founded in 1876, it remains today the oldest organization of its kind in the United States. With a growing membership of nearly 17,000 members, the club has been able to provide meals, lodging and hiking facilities to thousands of outdoor enthusiasts. Its efforts in New Hampshire are felt not only by club members but also by all concerned environmentalists.

What pleases me most about the Appalachian Mountain Club in this issue is the sense of balance which they bring to the problem. The club is asking that only two of the six qualified areas be declared wilderness regions and the other areas be placed under study groups. It is this careful balance which the club has shown in their work with the U.S. Forest Service which is reflected in their present activities. With this type of compromise the diverse interest groups affected by this legislation will be able to work out a viable solution that will preserve the eastern wilderness areas.

Mr. President, I ask unanimous consent to have printed in the RECORD this statement by Mr. Saunders of the Appalachian Mountain Club in order that we may have his views before us as we consider this matter during the 93d Congress.

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

STATEMENT OF APPALACHIAN MOUNTAIN CLUB ON S. 316

I am Preston H. Saunders from Westwood, Massachusetts, and am here as one of the hundreds of part-time volunteer workers for the Appalachian Mountain Club to present the views of the Club. I am a former President of the Club and presently serve as Chairman of its Land Use Planning Committee. With me is Thomas S. Deans from our full-time professional staff. He is Associate Executive Director of the Club, and heads the Club's Northern New England Regional Office located in the White Mountain National Forest in Gorham, New Hampshire.

The Appalachian Mountain Club is deeply concerned with the preservation of wilderness areas, particularly those in Northern New England with which we are most familiar and which do not now have the vitally needed protection afforded other areas under the Wilderness Act. Founded in 1876 and today, we believe, the oldest organization of its kind in the United States, the Appalachian Mountain Club comprises nearly 17,000 members located primarily in the New England states, New York, New Jersey and Pennsylvania. The Club has historically been dedicated to serving the public since its inception and remains vigorously so today. In its early days its members assisted in mapping the mountain regions of New England and laid out many paths which today form part of the 350 miles of trails maintained by the Club at its own expense. Most of these trails are located on the White Mountain National Forest and many of them are in or adjacent to areas listed in S. 316.

Starting with the construction of a stone refuge in 1888 on Mt. Madison in the Presidential Range of New Hampshire, the Club has constructed its unique Hut System, now comprising eight huts and its headquarters at Pinkham Notch, all except one of which are situtaed on federal or state land. They provide lodging and meals to thousands of hikers, more than 85% of whom are not Club members. Last year this system recorded more than 35,000 overnight guests. Several of these huts are located in or adjacent to areas listed in S. 316.

As a result of these activities the Appalachian Mountain Club has enjoyed for many years a good, close working relationship with the United States Forest Service, beginning with the Club's active role in backing the Weeks Act in 1911, which first gave the Federal Government authority to purchase lands for National Forests and thereby made possible the establishment of such Forests in the East. The success of this relationship is also due to the mutual recognition by the Club and Forest Service that the proper administration of our National Forests, particularly those in the heavily populated Northeast, requires a very delicate balancing of demands, not just between commercial and recreational uses but among various and not altogether compatible recreational uses, such as ski touring and snowmobiling.

It is precisely with this balance in mind that we come here today to speak in support of several of the areas listed in S. 316 for designation as wilderness to be administered in the same manner as wilderness areas designated by the Wilderness Act. Specifically, the Appalachian Mountain Club supports the designation as wilderness areas of the lands located in the White Mountain National Forest described in section 2(a) as follows: "Caribou-Speckled Mountain Wilderness" in paragraph (6); "Wild River Wilderness" in paragraph (8); and "Dry River—Rocky Branch Wilderness" in paragraph (9) with a change in one boundary which will reduce its size from 34,000 acres to about 24,000 acres. These are truly lovely and as remote as any land open to the public in New England. We feel that they without question meet the criteria for wilderness as defined in the Wilderness Act and incorporated in S. 316. Copies of maps of these areas with the modification noted have been delivered to the Committee's staff.

We believe that the three other areas in the White Mountain National Forest listed for wilderness designation in S. 316 deserve further study before action is taken on them. The Kilkenny Wilderness—described in paragraph (10) of section 2(a)—has been thoroughly reviewed by the Forest Service itself from the standpoint of its resources and possible boundaries as an area worthy of some form of extra protection. We are impressed by what we have learned of this review and feel that this area warrants further study in order to establish the boundaries within which it can most effectively be administered. We recommend that the Carr Mountain Wilderness—described in paragraph (11) of section 2(a) be studied further to verify that in view of its location and relatively heavy use by persons engaged in a wide variety of recreational activities it can properly be managed as wilderness.

The third is the Presidential Range Wilderness described in paragraph (25) of section 2(a). The summit of Mt. Washington, which is situated roughly in the middle, is the focal point of this area aesthetically speaking as well as in terms of the number of visitors to the area. It is accessible by the Cog Railway and an automobile road. On the summit are a weather observatory manned the year around, a TV transmitter and other buildings, including the original stone Tip Top House constructed in 1853. Tuckerman's Ravine on the east side of Mt. Washington attracts thousands of skiers on weekends in the Spring, and some of the hiking trails up Mt. Washington and above timberline along the Range are the most heavily used of all the trails in the White Mountains and in the entire eastern United States, for that matter. Because of the potential inholding, the extremely heavy recreational use which this area receives and its overlap with the Dry River—Rocky Branch Wilderness which we support, we believe that this area ought to be further examined to determine whether it is best suited for administration as a wilderness area or in some presently existing classification within the National Forest System.

In addition to these three, we urge Congress to establish a fourth area, not listed in S. 316, to be studied for possible designation as a wilderness. This we identify as the Pemigewasset Wilderness study area, a strikingly beautiful portion of the White Mountain National Forest which encompasses the Lincoln Woods Scenic Area as well as some 30–40,000 acres to the west of it. We are submitting a map of this proposed area along with maps of three areas we support for designation as wilderness areas.

With regard to areas which are proposed for study, we urge Congress—possibly by way of amendment to S. 316—to designate or classify them in such manner that no further development or change in their natural condition can be wrought by man, pending completion of the study and recomendation as to their suitability for wilderness classification by the agencies responsible for their administration. It would be tragic if the time required for a careful consideration of these areas on their merits permitted events to occur which permanently destroyed their wilderness characteristics.

Wilderness in the West offers an inspiring and thrilling experience for those who have

the time to visit it and can afford it. But it cannot possibly help those who have neither the time nor the money, nor can it preserve the wildlife and plant life native to eastern forests. The White Mountain National Forest is now within an easy day's drive of more than fifty million people. Measured by recorded visitor days, it is the most intensively used National Forest in the East and more than twice as heavily used as any other Forest in the Region of the Forest Service within which it is located.

To us it is a sound principle of land use planning that the resources of public lands be devoted to these activities for which they are most uniquely suited and for which there is an urgent need. This does not deny the opportunity to others to enjoy their particular form of recreation both on and off the Forest, nor to commercial utilization of Forest resources. It is not a principle to be practiced to the exclusion of others. We firmly support the objective that public lands be available for a wide spectrum of recreational activities. By designating portions of the White Mountain National Forest as wilderness entitled to the protection afforded wilderness areas under the Wilderness Act, Congress will be meeting the needs of a large and still growing segment of our country's population to enjoy the beauty and solitude of wilderness and the spiritual refreshment which many derive from the primitive living in wilderness. Unlike most popular forms of recreation, the wilderness experience in the East is available to most people only on publicly-owned land.

We are highly pleased that Congress has been given the opportunity to apply the same criteria for qualification and the same high standards of protection to certain federally-owned lands in the East as were applied by the Wilderness Act primarily to areas in the West. We hope and pray that Congress will make the most of it.

OKLAHOMA YOUNGSTERS RECOGNIZE GOLD STAR MOTHERS

Mr. BELLMON. Mr. President, all Americans rejoice with gladness at the safe return of many of our prisoners of war from Vietnam after the close of that long and tortuous conflict.

At the same time, we share in the grief that many families have endured because of the loss of loved ones in this way and in past wars.

Recently a class of fifth graders at the Chamberlain School in Fairview, Okla., participated in a combination lesson in history, patriotism, and compassion. With the guidance of their teacher, Miss Marie Pierce, the youngsters each wrote a letter to the American Gold Star Mothers. This is an organization of women who have lost a son or daughter serving his or her country in the armed services.

In their simplicity, these letters eloquently express the pride and sympathy that we all feel toward these brave women who have made a great sacrifice for their country.

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

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

FAIRVIEW FIFTH GRADERS EXPRESS GRATITUDE FOR SACRIFICE

All the furor over when to observe Veteran's Day last November was turned into a combination lesson in history, patriotism for a class of fifth graders at Fairview's Chamberlain School.

Even though it was an English class Miss Marie Pierce was teaching, her pupils were interested in why celebrate Veteran's Day at all. This gave her an idea for the hall bulletin boards which she was in charge of for November. Thus November became a patriotic month at Chamberlain School rather than having the usual turkey and pilgrim motif.

Through their study of Veteran's Day, the students learned of an organization called the American Gold Star Mothers. Its membership is open only to women who have lost a son or daughter serving his or her country in the armed services. There is a chapter of the group in Enid with members from a wide area including Fairview.

The gold star name comes from the time of World War II when families having sons and daughters in the service hung a red and blue flag emblazoned with a silver star for each child. If a life was lost in service, the silver star was covered with a gold star to signify the death.

Sensing the compassion her students felt for these women, Miss Pierce assigned the class to write letters to the Gold Star Mothers. They appear below with a photo of each student, printed just as the pupils wrote them. Miss Pierce did not require her pupils to correct their spelling and punctuation, feeling that it would spoil the spontaneity of the letters.

The letters were acknowledged by Mrs. Walter E. Krumrei, president of the Enid chapter.

DEAR GOLD STAR MOTHERS: I am sorry your son lost his life in the war. I will pray for you and your son. Life must be hard with gone and all. It would be better if there was more like your son that wanted to fight for our country. Our Murens are in trouble in war but I am shur Nixon is trion his hardest to get them out. Good By and God Bless.

MICAH L. LYNCH.

DEAR GOLD STAR MOTHERS: I am sorry that your sons died in the war. But, without him where would we be today. If all people felt the way your son did about our country it would be a near perfic country but, its not. So people that do feel the way your son did set examples for young people like me. I don't know about other people but your sons have set a good example for me.

Sincerely,

TODD BRANSON.

DEAR GOLD STAR MOTHERS: I shure am sorry about your sons but at least we know that your son was a good citizen and a great man and I would appreciate and we will pray for you and your son because we think that you are a nice lady and so was your son and we are greatful for how your son died for our country. And I am shure that your son new alot more than I do.

Your friend,

MIKE HARRISON.

DEAR GOLD STAR MOTHERS: I am very sorry you lost your son in war. Your son was very brave to fight the war. I admire them for this. I think everyone looks up for them. And everyone knows that your son loved our country.

Sincerely,

PATRICIA JINKENS.

DEAR GOLD STAR MOTHERS: I am sorry you lost your son or sons in the war. I would think you have gone through a lot of hardships.

Sincerely,

JOHN CURTIS.

DEAR GOLD STAR MOTHERS: We are thankful for your son that fought in the war for our freedom. We will pray for you and him.

Sincerely,

MARY STEIDL.

DEAR GOLD STAR MOTHERS: I know you must be sad for losing your son, but just think how much it helped. I hope you are proud of them.

Sincerely,

JULIE MOLIDOR.

DEAR GOLD STAR MOTHERS: I am glad your son fought for our country. I'm sorry that he got killed. He helped our country very much.

Sincerely,

VALERIE MAYES.

DEAR GOLD STAR MOTHERS: I am very sorry your son or sons died in the army. We all know they were fighting for all of us. I wish I could do something about it, but I can't.

Sincerely,

ANGELA KLIEWER.

DEAR GOLD STAR MOTHERS: I love my Country and I'm sure your son did to. I am sorry your son lost his life there. I know God is with them. I am going to pray for them.

Yours truly,

CRAIG EDKINS.

DEAR GOLD STAR MOTHERS: I'm sorry your son died, but I'm sure he served our country well. I pray for you and him.

Sincerely,

MARK BURRELL.

DEAR GOLD STAR MOTHERS: I'm very sorry that you have lost your son in the war. Your son had to be very brave to fight for our country. But everyone knows that your son loved our country enough to risk his life for our country. I am sure that everyone will remember your son and how he fought for our country.

Sincerely,

SHEILA WARNER.

DEAR GOLD STAR MOTHERS: I am sorry your son died in the war at our school we have been studying about the war. I know your sons fought good in the war if it wasn't for your sons we wouldn't even be free. I will be praying for all you gold star mothers. We are very greatful for all your sons.

Sincerely yours,

DEBBIE HUEY.

DEAR GOLD STAR MOTHERS: I am very sorry your son died in the war, but if we didn't have people like him our world would be in bad shape. He was a very brave man. We have been talking about freedom recently and thank everyone who served in the Armed Services.

Sincerely,

TAMMY MEDLY.

DEAR GOLD STAR MOTHERS: I know you have lost your sons in the war but I know they died for the freedom for our people. If it would not be for your son we would be lost no freedom at all. I will pray for you and your sons.

Sincerely,

TWILA NIGHTINGALE.

DEAR GOLD STAR MOTHERS: I am sorry that one or more of your sons where lost at war. I appreciate them dieing in duty to their country. In deep gratitude I thank them and you in a special way.

Sincerely,

SUSAN GLASGOW.

DEAR GOLD STAR MOTHERS: I'm very sorry that your sons were lost in one of the wars. Your sons were very brave to fight in the war, and I admire them for this. I think everyone looks up to them. I know you are very proud of them.

Sincerely,

JOY HIEBERT.

DEAR GOLD STAR MOTHERS: I'm sorry your sons life was tooken and I will pray for you and your son. I hope that you have overcome this bad tragity.

Sincerely yours.

KYLE WILLIAMS.

DEAR GOLD STAR MOTHERS: My name is Ronnie Barger. I am greatful your son gave his life for ours. I don't have much to say but if you fill up to it I would please like you to write me about your son at this address (box 153, Fairview, Oklahoma.)

Your friend,

RONNIE BARGER.

DEAR GOLD STAR MOTHERS: I am very sorry your sons life was taken but he served his country in a very special way. I know you must be very proud of him. The Lord will be with you and him always. I will pray and I hope you will too.

Sincerely,

JENNIFER HEPP.

AID TO SCHOOLS

Mr. McGOVERN. Mr. President, among all the other crises now pending in the Nation because of cutting off or reducing funds during this fiscal year and in budgetary plans for next, one poses a serious long term danger—insufficient funding for federally impacted school districts.

Public Law 874 provides for payments to local education agencies in which a portion of their students have parents who either work or live on Federal property. Federal property is defined as property owned or leased by the United States not subject to taxation by any State or any political subdivision of a State.

For years, the law has immeasurably helped these school districts, particularly those which contain heavy military or Indian concentrations. As a matter of fact, in South Dakota, 74 percent of one district's support has come from that law.

For fiscal 1973, the administration proposed an appropriation of $415,000,000, at least $177,000,000 below the 1972 appropriations level. The administration also proposed a change in language so that payments would be concentrated in those school districts which educated children whose parents both live and work on Federal property, with the exception of some military or Indian children specifically protected.

Neither the House nor the Senate Appropriations Committee approved, and the HEW-Labor appropriations bill for 1973 which contained an appropriation of more than $645,000,000 for Public Law 874 was passed and then vetoed by the President.

At the moment, federally impacted areas are being supported at the 1973 budget level, below the 1972 authorization. The result is that school districts are experiencing cutbacks all over the country.

It is beyond my comprehension that the Federal Government feels that education support is maintained primarily by the property tax; yet at the same time, its purchase or leasing of land removes some of the sources of that tax from the local tax rolls. Then it still insists that the taxes on reduced property bear the whole area's burden.

One school district in South Dakota contains 1,405,000 acres of which 475,000 are nontaxable Indian lands. Yet the Indian children who live there must be educated. In another, reductions in disbursements this year are costing $87,000 in Federal revenues. In another where the parents of 58 children work on a nontaxable dam, $15,000 of an expected $49,000 is going to be lost. In still another small district the cut will total $15,000 to $20,000.

The list is a long one and the seriousness is such that one invitation to appear before the House Education and Labor Committee on the subject had to be turned down because the district could not afford the expenditure of funds for the trip.

One can talk all he wishes about instilling self-reliance in the Nation's citizens. But the Federal Government should take its own advice and not push its proper burden off onto those who are already supporting the education of their children to the hilt of a regressive tax system.

The administration should fund Public Law 874 for the remainder of this year at least at the level provided in fiscal 1972.

RECONSTRUCTION AID FOR INDOCHINA

Mr. BROOKE. Mr. President, there is a growing controversy in the United States over the question of whether or not the United States should supply aid for reconstruction in Vietnam. Opinions on the subject range from impassioned pleas for such aid as a means to mitigate the consequences of U.S. participation in the conflict to outright refusal to contemplate any form of postwar aid to the peoples of the area. Such extreme positions, needless to say, do not provide the reasoned analysis needed to form the basis for intelligent decisionmaking. Wisdom dictates that we maintain a balanced perspective on the problem; a perspective that results in final decisions only after a full examination of the complex nature of the aid question. In this regard, I concur fully with the sentiments expressed recently by Senator SCOTT and Senator MANSFIELD when they called for Members of Congress to exercise restraint in their statements on the reconstruction aid issue, lest the taking of extreme positions jeopardise the fragile nature of the ceasefire and make more difficult the process of prisoner exchange and the accounting for the missing in action.

Rather than emotional rhetoric, what is needed now is a concerted effort to obtain meaningful answers to several pressing questions. For instance, would U.S. reconstruction aid truly contribute to meaningful peace for the peoples of Indochina? Administration spokesmen have suggested that the various contending parties in the area must be given a "vested interest" in maintaining the hoped-for peace. Aid, it is contended, is one of the major means of giving them such an interest. This contention should be fully scrutinized in the weeks ahead.

What should our priorities be in extending aid? We certainly could not meet all the needs of the people in Indochina. Hence, a decision would have to be made as to what problems can most effectively be addressed by any aid efforts. For instance, should we emphasize aid for human rehabilitation over that for industrial reconstruction? Questions such as this must be answered before any offer of aid is given.

In what form should aid be administered if the decision is made to give it? Recently, it was announced that the United States and North Vietnam would set up a bilateral commission to examine the aid question as it pertains to relations between the two countries. Is this bilateral approach the preferable one or would a multilateral one be more effective in achieving defined objectives? Japan, West Germany, and other states have voiced an interest in participating in reconstruction efforts. Moreover, U.N. Secretary General Kurt Waldheim has indicated his desire to involve the world organization in the reconstruction program, should such involvement be acceptable to the relevant parties. These statements of intent should be given serious consideration in our deliberations over the aid issue.

What assurances could we obtain that any aid we offered would be used in the stipulated fashion? It would be intolerable if aid extended for the purpose of alleviating human suffering was used rather to rebuild or enhance the warmaking capabilities of the various contending parties in Indochina. Neither the Congress nor the American people could be expected to support additional aid for Indochina if adequate assurances in this respect were not obtained.

Finally, and most importantly, what are the true feelings of the American people on the aid issue and what forms of aid would they be willing to support? It is they who will be called upon to provide the funds for whatever aid, if any, may be given. The pros and cons of the aid question must be presented to the American people in a manner that will enable them to make a knowledgeable decision on whether or not to support such aid.

In sum, these are the questions that must receive our attention in the period ahead. Adequate answers to them can only be attained through extensive analysis of the evolving situation in Indochina and the opportunities and pitfalls that face the United States as it seeks to stabilize its relations in Indochina.

NEW FEARS OF A SINO-SOVIET NUCLEAR WAR ARE EXAGGERATED

Mr. PROXMIRE. Mr. President, within the past week there have been indications in the press that the Peoples Republic of China is increasing its defense preparations.

Certain columnists and others in Washington have concluded that the reported Chinese advances in missile and early warning radar technology will trigger a response from the Soviet Union in the form of a decision to attack preemptively. They point to the construction of an early warning radar, development of an ICBM deployment of soft-pad short-range missiles, and a new hard

rock silo program for IRBM's as evidence that there is great danger in the Soviets being provoked into a first strike against Chinese nuclear facilities.

SCARE STORIES

I do not think that these scare stories are conducive to a cool, dispassionate assessment of Sino-Soviet relations.

In the first place, the Soviets undoubtedly are more aware of Chinese advances in technology than are we. They share a long common border and thus have access to intelligence collection that is denied the United States. The U.S.S.R. also has an active and reasonably sophisticated satellite reconnaissance program. Thus the revelations in the U.S. press are not news to the U.S.S.R. They have followed the Chinese situation closely. It is no accident that modern weapons such as the Scaleboard missile system have been deployed to the Chinese border in a time frame roughly equivalent to the development of Chinese nuclear technology and initial missile deployments.

Scond, it must be remembered that tensions were even higher during the border clashes of previous years. From a hard military perspective the time for a preemptive attack on China by the Soviet Union has gone by.

There was a time when the U.S.S.R. possibly could have destroyed the missile testing facility at Chuang-ch'eng-tzu the nuclear weapons test area at Lop Nor, the gasseous difusion plant at Lan-chou, the solid and liquid propellant plants and missile fabrication plants at other locations, and the limited number of nuclear capable bombers. With China's nuclear capability knocked out, it may have been possible to contain the large Chinese and army with tactical nuclear weapons or to bargain to a close of hostilities.

TIME FOR ATTACK PASSED

The time of even this hypothetical situation is well past. China now has sufficient nuclear capability in land based missiles and bombers to equal the minimum deterrent posture of France. In other words, the price for attacking China would be high even with the modest retaliatory forces it now possesses.

It has been argued that China might use a launch-on-warning doctrine against the Soviets. The possibility of this must complicate Soviet military planning.

While the situation between the U.S.S.R. and China is tense and incidents could occur, it is unlikely that full scale war or a nuclear exchange will be initiated. Rash statements along this line should be avoided in the absence of better information.

It is in the national interests of the United States that China and the Soviet Union refrain from military hostilities which could engulf Asia in an immense war and force the United States to a decision point with regard to supporting our Asian allies or one of the two waring powers. Neither should we be comforted by or consider a possible Sino-Soviet conflict as a welcome diversion of their energies. There is more at stake than this kind of elementary geo-politics.

Mr. President, I ask unanimous consent that certain recent newspaper articles regarding the Peoples Republic of China and the U.S.S.R. be printed in the RECORD at this point.

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

[From the Washington Post, Feb. 21, 1973]

RUSSIA'S "GO" OR "NO GO" DECISION

(By Joseph Alsop)

No other foreign leader except heads of state (and precious few heads of state) has had a reception in Peking like that recently given to Dr. Henry A. Kissinger. It is a fearful thought, but it is just about dead certain that one reason was an imperceptible increase in the danger of thermonuclear war.

The danger was imperceptibly increased, in turn, because of most important but unreported progress in China's altogether remarkable nuclear program. Briefly, the Chinese now seem nearly ready to cover their border with the Soviet Union with a new missile-warning system, based on highly ingenious "phased ray" radars.

In and of themselves, these Chinese radars must be deeply disconcerting to the Soviet leaders. The point here is that "phased ray" radars necessarily depend on back-up by the most sophisticated possible computers. This means that China has at least caught up with, and more probably surpassed the Soviet Union in the crucial field of computer technology.

For the masters of the Kremlin, this must be a bitter pill. Long ago, Nikita S. Khrushchev once scornfully dismissed China as a country so poor "they don't even have pants." The Soviets would prefer to think that today. But as early as 1955, Khrushchev also warned Chancellor Konrad Adenauer about "The Yellow Peril," using the very phrase of the Emperor Wilhelm II of Germany. For the current Soviet leaders with "The Yellow Peril" view-point, the new Chinese missile-warning radars must cause extra pain.

Here, the point is technical. Again briefly, the Chinese have also been excavating astonishing missile-silos from the living rock, deep in the valleys of the Central Asian mountain ranges. These silos are eventually intended to receive new, more powerful Chinese nuclear ballistic missiles. These have ranges sufficient to reach Moscow, Leningrad and other centers of the Russian heartland.

While it was only a question of future deployment of these more powerful Chinese missiles, nothing had changed radically. This was because the Soviets still have almost unimpaired power to destroy the whole Chinese nuclear program with an efficiently delivered first strike. The Chinese missiles in the rock-cut silos are not invulnerable to the huge Soviet SS–9 missiles. All other Chinese missiles now in place are easily vulnerable to the Soviet "scaleboard" missiles already deployed along the Chinese border.

But add an effective Chinese missile-warning system to the ugly equation. Then there will always be the possibility that the Chinese will adopt the grim policy of "launch-on-warning." If that happens, the Soviets will cease to have a safe first strike. For "launch-on-warning" would bring the Chinese missiles from the rock-cut silos raining down on the Russian heartland, even as the Soviet missiles struck at China.

This means one thing, and one thing only. The Soviets will have to decide the central question, "What is to be done about China?" before too much further time has passed. They have been pondering that question for years, while they have carried on a huge, immensely costly military buildup on China's northern border.

You cannot tell how they will answer the question, but they cannot go on merely pondering it forever. Instead, they must reach a final "go" or "no go" decision. They must attack, or give up that idea, whenever they see their power of a safe first strike against China beginning to slip away.

While I was in China, it was Prime Minister Chou En-lai who gave me the two earlier quotations from Nikita Khrushchev. It was with the prime minister's right hand man in foreign affairs, Vice Minister Ch'iao Kuan-Hua, that I discussed the timing and character of the future Soviet "go" or "no go" decision. He insisted that the Soviet decision was political rather than military.

I agreed that the question, "What is to be done about China?" was primarily political, even in Soviet eyes. But I ventured to suggest that the decision would be put off—as all great governments put off hard decisions—until it was finally triggered, so to say, by further Chinese nuclear progress. Ch'iao Kuan-Hua answered somberly: "If you put it that way. I'm afraid I think you may be right."

This is why it is needful to speak of a hardly perceptible increase in the danger of thermonuclear war. The danger has not increased because mutual hostility has increased. Soviet-Chinese hostility has long been downright feverish. The danger has increased, rather, because it has grown perceptibly less remote in time.

As to the link with Dr. Kissinger's reception in China, that much should be obvious. For their own reasons, both the Chinese and American governments above all want the Soviet decision to be "no go." Let us pray the two governments get what they want.

[From the Washington Post, Jan. 17, 1973]

CHINA PREPARING TO DEPLOY INTERMEDIATE RANGE MISSILES

(By Joseph Alsop)

China is now briskly preparing to deploy a first group of about 10 nuclear missiles with sufficient range to reach Moscow, Leningrad and other Soviet heartland targets. The Chinese preparations, only recently observed by the United States, are both novel and ingenious for the missile sites are literally being carved into the sides of mountains, out of living rock.

Just when the missiles themselves will be married to the sites is of course anyone's guess. But it is certain that the Chinese have already successfully tested a new missile with intermediate range of a few thousand miles.

In Soviet eyes, as anyone can figure out, Chinese deployment of these new missiles will surely mean that a new phase has opened. For the missiles in their rough-carved sites must appear altogether different from the earlier Chinese deployment, in completely soft sites, of about 50 missiles with just enough range to reach targets in Siberia.

In the previous phase, there was very little to deter a Soviet preventive attack upon China—provided the Soviets were ready to use nuclear missiles of their own to take out the short-range Chinese missiles in soft sites. In the new phase, such an attack would still be entirely possible—even a rock-carved missile site cannot give full protection against one of the huge warheads of the Soviet SS–9s—but it will be considerably more risky.

The new phase now visibly ahead will obviously look forward, furthermore, to the final phase. This will come when the Chinese add an adequate antimissile warning system to their nuclear panoply. If they then adopt a policy of "launch-on-warning" (as is highly likely), the risks of a Soviet preventive attack will finally become almost unbearably great.

These are the background facts, obtained here, against which one must judge all sorts of facts in China. They mean, to begin with, that the Chinese have not yet reached their long-sought point of no return when the Soviets must discard all thought of the attack on China they have been so expensively preparing.

Instead, the period of maximum danger still lies ahead, but it is now getting fairly close. For the Soviets must certainly make their decision about attacking or not attacking China at one of two points in time:

either when missiles that can reach Moscow and Leningrad actually begin to be deployed; or when the Chinese begin to complete the design, with a workable antimissile warning system.

Meanwhile, as noted in the last report in this space, the danger of a Soviet preventive attack is the true mainspring of Chinese policy. * * * But it seems clear that an even much greater complicating factor was Chinese internal politics; for the prime minister wanted the new American link, whereas Lin Piao and his group quite bitterly opposed it.

This was why Marshal Yeh Chienying was the soldier who talked with Kissinger along with Prime Minister Chou. And since the first Kissinger visit preceded Lin Piao's flight and death, this is also why the Chinese were then so passionately insistent that no one should learn about Kissinger's other Chinese interlocutor, Chou's military ally against Lin, old Marshal Yeh.

Yet it is far more important for Americans to understand the real basis of the new Sino-American relationship. The basis was none of the things that virtuous people have supposed in this country. It was, instead, the danger of Soviet preventive attack on China, acknowledged by both sides.

For both sides, too, the new relationship was and is founded on hard interests. For if a Soviet preventive attack on China finally materializes, we in the United States will find ourselves living in another Hitler-time albeit with no Hitler.

[From the Washington Star-News, Jan. 17, 1973]

CHINA'S MISSILES CAN HIT RUSSIA

(By William Beecher)

There is now evidence that China has deployed a handful of strategic missiles capable of reaching Moscow, administration officials report.

The missiles, the officials said, have a range of about 3,500 miles, carry a three-megaton warhead and are installed in launching sites comparable to America's nine-year-old Titan-2 intercontinental ballistic missile silos.

The officials said some missiles are installed in underground concrete-and-steel silos capable of withstanding even a near miss, and others are built into mountain sides.

The officials declined to reveal the nature of their evidence, but presumably it came from reconnaissance satellites.

In addition to these 3,500-mile liquid-fuel missiles, the officials said, China has deployed about 20 other missiles of two types: One with a range up to 1,000 miles, the other with a range up to 2,500 miles.

Further, new launching facilities are under construction for all three types of medium-range and intermediate-range missiles, they said.

SOVIET-CHINA RELATIONS

Most analysts regard those developments as being of major importance in shaping the relations between the Soviet Union and China. They note that China now can target the capital of the Soviet Union with a few missiles, but they disagree over whether this constitutes enough of a retaliatory threat to deter the Russians from a possible first strike.

Those who tend to doubt it—and they appear to be in the minority—point out that the Soviet Union has recently completed construction of five new storage depots for tactical nuclear weapons along its border with China.

That brings to 19 the number of such hardened depots—for tactical bombs and warheads for tactical missiles—that the Soviet Union has built along the long border with China over the last five years.

"Many of our analysts felt that once China deployed enough 1,000-mile missiles and nuclear-armed TU-16 bombers to be able to destroy cities in Soviet Asia in the event of attack, Russia was deterred," one ranking planner said.

SOVIETS STRENGTHEN BORDER

"But some of us aren't so sure any longer. The Soviets have recently added another three divisions along the border and built five more nuclear storage bunkers. Why does she continue to expend so much effort and wealth on that region if she is not keeping open an option to make a preceptive strike?"

Another analyst put it this way: "Most of my colleagues believe it's silly to even think in terms of a Soviet first strike. But I think the next 18 months are the critical period. By that time, Peking should have 30 to 40 missiles that can strike Moscow and other major cities in European Russia and by then a Soviet first strike really would be too dangerous."

Officials agree that probably the principal reason the Soviet Union insisted on maintaining an antimissile defense around Moscow, in its negotiations with the United States on limitation of strategic armaments, was to retain a capability of defending against a possible Chinese missile attack.

The treaty signed by the United States and the Soviet Union last May permits 100 antimissile missiles each around Moscow and Washington, and 100 defensive missiles around one ICBM complex in called Galosh antiballistic missiles around Moscow. But each nation.

CHINA WORKING ON ICBM

At present there are 64 so-American specialists say this weapon is not regarded as very effective and conceivably could be penetrated by a Chinese attack. The Russians are known to be actively testing advanced defensive missiles and radar systems.

China is believed to be working on an ICBM with a range of up to 6,000 miles, but has not yet fired it outside her borders. Such a range would bring targets in the United States within reach. However, China is not expected to have an operational ICBM for roughly three more years.

Weapons specialists say China has had several successful tests of three-megaton warheads and bombs. A megaton is equivalent in explosive force to one million tons of TNT.

A three-megaton warhead would be larger than most American and Soviet warheads, although the Soviet SS-9 intercontinental missile is believed to carry one 25-megaton warhead in test cases and three five-megaton warheads in some instances.

[From Aviation Week & Space Technology, Feb. 12, 1973]

WASHINGTON ROUNDUP

CHINESE DETERRENT

China is nearing deployment of a strategic missile force that will be used as a deterrent to a Soviet pre-emptive strike aimed at knocking out Chinese nuclear research, development and production facilities. Most recent developments include:

Construction of a huge ballistic missile early warning system (BMEWS) phased array radar antenna in western China aimed at providing notice of an attack from about 90% of the Soviet IRBM and ICBM force.

Development of an ICBM with 3,500-mi. range now poised on a launch pad at Lop Nor in Sinkiang Province. The missile is being readied for its initial flight test with impact planned in the Indian Ocean near Zanzibar.

Construction of new hardened silos for IRBMs in the mountains of western China. Silos will hold new intermediate-range ballistic missiles fueled with storable liquid propellants. The new missiles, with a range of 2,500 mi., will be able to reach major cities in the USSR, including Moscow, Leningrad and Kiev.

FORCES IN PLACE

Chinese already have about 50 liquid-fueled, shorter-range IRBMs deployed in soft sites that can reach major Siberian cities. These missiles, based on the Sovial Sandal SS-4 design, have been in place since 1970, shortly after the major Soviet military buildup began along the Chinese frontier. The Chinese also have tested a submarine-launched ballistic missile (SLBM) and have modified at least one Russian-built, Golf-class, diesel-powered submarine to carry it (AW&ST June 14, 1971, p. 11).

Soviets are continuing the massive deployment of mobile MRBM and tactical nuclear missiles, armored divisions and tactical air squadrons to the Siberian and Central Asian frontier areas, which began in 1969. More than 70 additional airfields and many major supply depots have been constructed to support these forces.

[From the Washington Post, Feb. 22, 1973]

READING THE "MESSAGE" IN "PRESS LEAKS"

(By Victor Zorza)

The sudden spate of Washington leaks which suggest that the Kremlin may again be moving to "take out" China's nuclear weapons must be viewed with great suspicion in Moscow. The Russians would regard it as an attempt by the Nixon administration to undo their recent efforts to come to terms with China.

Soviet officials tend to believe that high-level intelligence estimates, of the kind that have lately found their way into some Washington columns, are planted in the press to achieve a specific purpose. Why, Moscow would ask itself, has the United States disclosed that it had just found new Chinese missile sites being prepared against the Soviet Union? Why would Washington be telling the Russians that the new silos are not where Soviet intelligence might expect, but in less vulnerable "hard" sites cut into the naked rock in deep ravines among remote mountains?

As de-coded by the Russians, the message would read: "We've told you where they are now go look yourself." But why should Washington add that the Chinese are way ahead of what the United States or Russia might have expected? To the Russians, this would say: "It is later than you think."

But intelligence analysts do not confine themselves to the surface meaning of information that is gratuitously dropped in their laps. They would conclude that Washington is trying to cause trouble. The disclosures would be used by the lunatic fringe in the Kremlin to revive the argument, defeated once before, for speedy action to demolish China's missiles, "before it is too late."

Peking, in turn, would quickly recognize the signs of what it used to describe, during the previous Kremlin debate on this issue, as "nuclear blackmail." Chinese propaganda would answer in kind, and the level of warlike invective on both sides would rise again to the giddy heights which marked the most menacing periods of the Sino-Soviet dispute. The reconciliation effort would be undermined.

The seriousness of this effort is evident from the refusal of either side to use it as a propaganda stick with which to beat the other, as they have done so often with less serious proposals. Secret Soviet moves to get negotiations going again may be reduced from the revival by Party Secretary Leonid Brezhnev of the proposal he made privately to Peking two years ago to sign a treaty to

live and let live. The treaty would include an undertaking by both sides not to use nuclear weapons against each other.

In Peking, Prime Minister Chou En-lai has restated the terms for a settlement he proposed three years ago, in a way which suggests that bargaining is again in progress. He acknowledges, at long last, Moscow's claim that the million Soviet soldiers along the border are not poised for an attack on China. But if the claim is valid, he says, then "they must be there for the purpose of negotiation," that is, "to put pressure" on China. Still, he sees them now in the context of negotiation, not war.

Moscow would naturally assume that the Washington leaks are an attempt to damage the effort at reconciliation, in spite of Mr. Nixon's solemn assurances that he does not wish to set Russia and China against each other. Moscow originally accepted these assurances. When Mr. Nixon's trip to Peking was first announced, the Kremlin's chief Washingtonologist, Georgi Arbatov, publicly slapped down the alarmists who were making a fuss about the dangers of a Chinese-American alliance.

For a time they quieted down. More recently, however, some of the old fears have again begun to come to the surface in the Soviet press. The alarmists are again hinting, though without much conviction, at the nuclear threat from China. But what the Kremlin is really concerned about is the possibility that the United States could try to use the Sino-Soviet dispute to drive it into a corner politically.

The new Soviet interest in a negotiated settlement with China is an obvious attempt to lay this specter. Next week, Arbatov will be in Washington for a conference on trade with Russia, which ought also to give him an opportunity to enquire into what he once described as Nixon administration "zig-zags."

He might learn, as this newcomer to Washington has learned, that information which may appear at first sight to have been deliberately planted in newspaper columns by the administration, could have an altogether different origin. It might have been leaked, for instance, by one section of the Washington intelligence establishment in an attempt to discredit another. The disclosure about Chinese missiles which look like a sinister Nixon plot to set Russia against China may be due to such bureaucratic infighting, but they will make it more difficult for the White House to persuade the Kremlin that its intentions are entirely honorable—if that's what they are.

THE OLDER AMERICANS ACT

Mr. McGOVERN. Mr. President, we had before us the other day another of the bills the President hastily vetoed after Congress adjourned last fall in order to reduce the increased deficit in his budget—the older Americans comprehensive services amendments—to the Older Americans Act of 1965.

This is no spending measure hastily conceived by Democratic members of Congress, as OMB appears to charge. Rather, it is a carefully worked out bipartisan measure which would greatly increase the quality of life and employment opportunities of the 21,000,000 older Americans. All the available evidence suggests that the manpower sections of the bill would decrease Federal expenditures for such things as welfare and medicare as well as increase tax receipts. In other words this program would ultimately pay for itself many times over.

This bill provides for a relatively small investment in the future of older Americans—$100 million in the first year of operation and $150 million in the second. The first year amount is thus only one-tenth of the cost of one boat in the fleet of the new missile submarines the administration wants to build. In contrast, if this bill reduces the medicare national hospital average by just 1 day, the chairman of the Senate Committee on Labor and Public Welfare tells us we will have saved nearly $300 million.

Thus, in financial terms alone, this investment is well worth making. The human reasons are even more compelling.

Another aspect of the President's veto surprised me. He has said that people should ask what they can do for themselves—and yet he vetoed this measure which was designed to help older Americans stand on their own two feet in dignity.

This bill would replace the boredom of old age with educational opportunity.

It would replace loneliness with meaningful voluntary service.

It would replace television soap operas with more challenging recreational activities.

Perhaps most importantly, the job retraining provisions would help lift the more than one million older Americans who are currently unemployed from the indignity of joblessness.

The Budget Director should be reminded that he has a special debt to older Americans. The recession the administration created in order to control inflation increased joblessness among older Americans by a shocking 73 percent during the period of 1969–72. The number of older Americans unemployed 27 weeks or longer soared three and one-half times during the same period.

Mr. President, it is time we cast off the young man's burden. Older Americans do not want paternalism; they want to participate. Their experience and knowledge remains one of the last great untapped resources of our society.

Let us give them a chance to participate.

Let us give them a chance to readjust to a society which has grown faster than any of us.

In conclusion, Mr. President, I call upon the Congress to pass this measure by as wide a margin as we did last year so that the budget cutters in OMB will know we will override any veto. Perhaps then they will belatedly recognize their error, as was done in the case of the recent cuts in veterans benefits.

VOTE FRAUD

Mr. McGEE. Mr. President, in hearings before the Senate Post Office and Civil Service Committee, February 8, Mr. Randall B. Wood, the former director of elections for the State of Texas, stated that election fraud is "always traceable" to election officials. Without their collusion, he said, fraud is a minute problem, even in Texas, where registration procedures are quite liberal.

This is an important point, Mr. President, because of the recurring objection to a national voter registration system, especially one which would permit registration by mail, based on unsubstantiated fears of fraud.

Mr. Wood told the Post Office and Civil Service Committee at its recent hearings that the Texas experience with registration by mail could be applied in other areas, for, as we all know, that is a metropolitan State, a rural State, and a State with a diverse population mix. And he said that the incidence of fraud at the registration level is not a problem there, though registration coupons are printed in Texas newspapers and the mails are used to register would-be voters.

More recently even, we have seen evidence to back up Mr. Wood's contention that fraud occurs when officials cause it or permit it, Mr. President. I refer to the guilty pleas entered Monday in the U.S. district court at Chicago by four election judges charged with forging false ballot applications.

There is a false notion prevalent, I believe, which has it that the prior registration statutes of the various States were enacted to guard against fraud. Indeed, that may have been an operative element in the spread of registration laws across this land in the late 19th and early 20th century. But the fact is that the primary reason for most registration laws, at least, was a desire to reduce voter participation; to deny the franchise to some citizens. In that sense, the movement succeeded, for there were 40 million eligible Americans who were not even registered to vote in the 1972 elections.

Mr. President, I ask unanimous consent to include in the RECORD a news report from the Tuesday Washington Post on the vote fraud pleas by election officials in Chicago.

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

[From the Washington Post, Feb. 13, 1973]

VOTE FRAUD ADMITTED BY FOUR JUDGES

CHICAGO, February 12.—Four election judges pleaded guilty today in U.S. District Court to charges of vote fraud during the March 21 primary election.

The four election judges were charged with forging more than 60 false ballot applications.

One of the judges, Elouise Weatherspoon, 33, told Judge Hubert L. Will that "a lot of people told me they weren't coming in to vote. They gave me their permission. I knew it wasn't right but since they gave me their permission to vote for them I didn't think there was anything wrong."

Miss Weatherspoon is employed as a clerk in the Cook County Chicago assessor's office.

The others who pleaded guilty were Matti M. Taylor, 50, employed in the circuit Clerk's office; Mary S. Williams, 42, and Vivian Burrage, 28. Judge Burrage was a Republican election judge; the others were Democrats.

The four were among 75 persons indicted on vote fraud charges in connection with the March 1 primary election. They face maximum penalties of ten years in prison and $10,000 fines.

THE MEANING OF "IN WHOLE OR IN PART" IN THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, one argument advanced by opponents of the

Genocide Convention is that the phrase "in whole or in part" contained in article II of the Convention might be construed to make the killing of one or several members of an identifiable group an act of genocide.

That this construction of article II is incorrect can easily be demonstrated by looking into the legislative history and the diplomatic history of the Genocide Convention. A leading authority on the Convention Dr. Nehemiah Robinson, in a book titled "The Genocide Convention" assures us that the words "in part" do not leave the Convention open to the criticism I cited earlier. The addition of the words "in part" was made to safeguard against the argument that because a group was not completely destroyed, there could be no genocide. For example, if the words "in part" were deleted from article II, the barbaric and systematic extermination of Jews by the Nazis might not be considered genocide simply because not all Jews were killed.

The key to understanding the words "in part" is to remark that the article is referring at this point not to destruction of groups, but to the intention to destroy these groups. It is therefore clear that individual or isolated instances of killing would not come under the purview of the Convention unless the intent to destroy a national, religious, ethnical, or racial group is proved.

This conclusion is succinctly stated by an expert on international law, Richard N. Gardner, professor of law and international organization at Columbia University. In hearings before a subcommittee of the Committee on Foreign Relations here in the Senate 3 years ago, Mr. Gardner concluded:

> The convention in Article II requires an intent to destroy the group as such, and if that is not present, the killing of isolated individuals cannot conceivably be regarded as genocide within the meaning of the convention.

THE CHANGING PATTERN OF FEDERAL ASSISTANCE POLICY IN SOUTH DAKOTA

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed in the RECORD a survey, which I sponsored, made by the South Dakota Development Group, entitled "The Changing Pattern of Federal Assistance Policy in South Dakota."

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

THE CHANGING PATTERN OF FEDERAL ASSISTANCE POLICY IN SOUTH DAKOTA

(A survey by the South Dakota Development Group, sponsored by Senator GEORGE MCGOVERN)

"South Dakota mayors are generally hopeful that revenue sharing is a step forward in answering municipal problems so long as existing federal programs are not sharply reduced."

The South Dakota Development Group has conducted a survey on recent federal assistance policy changes and its impact on South Dakota communities.

The survey, taken between January 19 and February 13, 1973, took the form of a questionnaire. It had two parts: the first set of 14 questions dealt with revenue sharing; the second set of 11 questions dealt with grant-in-aid programs. It was mailed to the chief executive officers in each of the 115 South Dakota communities with a population in excess of 500.

The response was impressive. Nearly 55% of those surveyed completed and returned their questionnaires. The complete figures on responses to each question are attached to this report.

KEY

O=Overall response.

L=Large communities, i.e., 5000+population.

M=Medium sized communities, i.e., population between 1000 and 4999.

S=Small communities, i.e., population between 500 and 999.

REVENUE SHARING

By a margin of nearly four to one, South Dakota mayors endorsed the concept of revenue sharing. However, the survey revealed that their enthusiasm was tempered by uncertainty over revenue sharing's long range benefit to their communities.

Larger communities lead the applause for revenue sharing with an endorsement by 89% of their mayors. Mayors of small communities gave the program a favorable rating of 69% followed by a 64% vote of confidence from the medium sized towns.

Over 71% of the mayors, regardless of the size of their community, agreed that the instructions on the operation of revenue sharing (sent them by the federal government) were broad and general. This contrasts with 17.5% who were willing to describe those same instructions as clear and precise. Despite the contrast in percentages, the selection of "broad and general" to describe the instructions is probably not a criticism. Revenue sharing was designed, in part, to give local officials more flexibility in dealing directly with municipal spending demands. The absence of precision is, therefore, thought to be an example of the federal government's announced intention to avoid dictating priorities to the communities.

Consistent with that intention only 6.3% of the mayors found that the categories for the use of revenue sharing funds were restrictive, while 28.6% felt the categories were unrestrictive. The great middle range of respondents (65%) felt that the categories were moderately restrictive. The fact that this percentage was so large reflects the four sections of the Revenue Sharing Act which place certain requirements on the recipients. For example, Section 123 imposes reporting and accounting responsibilities, while Section 103 places a number of broad categorical limits on the purposes for which revenue sharing funds can be used.

Close to 70% of the mayors did not foresee revenue sharing regulations making any changes in the manner in which they administer their jurisdictions. That fact indicates that most mayors expect no extensive changes in local procedural matters under the Revenue Sharing Act. The inference, therefore, is that *although the overwhelming number of mayors support revenue sharing, they do not base their support on any significant improvement in local administrative practices.*

While 70% of the mayors listed a favorable response to revenue sharing, slightly more than 57% indicated that the new approach would increase their level of responsibility. Forty percent foresaw no change whatever in their responsibilities. The more pronounced difference of opinion was a prelude to even sharper differences over the level of aid revenue sharing would bring from the federal government.

The mayors were asked the following questions in succession:

1. Do you perceive any change in the net amount of money available from the federal government as a result of revenue sharing?

2. Do you view revenue sharing as a supplement to existing federal programs or as a replacement?

In answer to the first question, most mayors (46%) replied that they expected no change in the amount of available federal money. Nineteen percent felt that there would be more money to be had. But exactly one third of the respondents felt that *less* money would be available and the figure climbed to 41% among middle sized communities. If the response to this question is a guide, *the hearty approval of revenue sharing cannot be said to be based on anticipation of additional federal funds for the communities.*

As a precaution, the second question was asked in order to verify the initial response to the topic of additional money. A little over half (50.8%) replied that they felt revenue sharing was meant to supplement (i.e., provide money over and above) existing federal programs. But 46% said they thought revenue sharing was a replacement or substitute for existing programs.

The gap is wide between those who felt revenue sharing meant more money (19%) and the 50% who felt revenue sharing was a supplement to existing programs, although the questions were virtually identical. But there is no gap at all between those who expected no change in the amount of money (46%) and those who thought revenue sharing is a replacement (46%). Therefore, there was no clear, overall agreement on the impact revenue sharing would make on the availability of federal money. *What is clear is that 46% expected revenue sharing to make little difference in their ability to get funds from Washington while 54% were simply uncertain over their future funding prospects.*

By a wide margin, the mayors uniformly indicated that sewer and water projects were the most needed community improvements in the State. Not only was it the most frequently mentioned (69 times) but it was also ranked first in priority more times (24) than any other classification. Additional priority projects (ranked in order of frequency mentioned) were street construction and improvement, city building and repair, city parks and recreation, capital equipment, city sanitation, and housing.

Consequently, when asked how the mayors planned to use their revenue sharing funds, the mayors, not unexpectedly, reported that sewer and water projects headed the list (26 instances). Among other projects that were cited most frequently were city building and repair, purchasing or repairing capital equipment, street construction and improvement, city sanitation, and recreation and parks.

GRANT-IN-AID

The mayors responded with guarded approval when asked their overall impression of the federal government's grant programs. Nearly 24% judged the programs as ineffective, although slightly more (28.6%) considered them effective. The largest number (47.6%) labeled them moderately effective. These figures show that while some significant amount of disenchangment with grant programs exists (particularly among smaller communities), a total of 76% of the mayors look on the performance of the categorical grants with at least qualified satisfaction.

The SDDG asked the mayors to describe the application procedure for a grant program and offered three descriptions from which to choose. Less than 5% of the respondents could say that the procedure was simple. Not too many more (24%) were even willing to call the procedure "involved but comprehensible." The greatest percentage

(more than 60%) said frankly, that the process was complicated. A sampling of remarks added by the mayors ranged from "too much red tape" and "costs too much for engineering services just to prepare applications", to "we never received the grant, but it took in excess of 9 months to receive any word on our application."

The length of time it takes to process an application was a subject on which the mayors were evenly divided. More than a third of the respondents (36.5%) reported that, on the average, they received their grants less than 8 months after their application. But an equal number (36.5%) said that it took 9 months or longer. The greatest percentage (54.3%) agreed that it took at least 5 months from the time of application to the receipt of funds.

The problems of time and "red tape" were apparently mitigated to some extent by the level of cooperation the mayors received from federal personnel. Only 9.5% of those responding to the questionnaire said the federal personnel were not helpful. More than 73% agreed that they were at least moderately helpful, and 33% of the overall number said they were very helpful.

Despite the satisfaction with federal personnel, there is at least a hint that the problems of time and complexity might be affecting the mayors willingness to go through the application process. *The survey discovered that more than 38% of the respondents (nearly 60% among small communities) had not applied for funds in more than a year. Nearly 16% had never applied for a grant, or at least not within the memory of the respondent.*

The SDDG survey showed that among the federal grant programs most frequently used, sewer and water projects lead the list with a total of 21 applications to the Department of Housing and Urban Development and to the Environmental Protection Agency. The most often utilized agencies were the Bureau of Recreation followed by L.E.A.A., H.U.D. (for housing grants) and E.E.A.

The most successful grant programs were virtually the same showing H.U.D. and E.P.A. for sewer and water projects heading the list. Other successful programs were B.O.R., H.U.D. (for housing grants), L.E.A.A., E.E.A., F.A.A., F.H.A., H.E.W. and O.E.O.

Consistent with these results, the agencies to which South Dakota communities have applied for funding since January 1972 were nearly identical.

Despite their reservations, South Dakota mayors agreed by a sizeable margin that the grant programs should at least be maintained at current levels. Although 30% suggested reduction in the programs, twice as many (60%) favored either expansion (20.6%) or maintenance at present levels (39.8%).

Regardless of the sentiments expressed by the mayors, significant cut backs are nevertheless being made in the grant programs. The mayors were asked to indicate what they thought those cuts meant in the long run. Nearly 62% felt that programs were being consolidated under new authority. *The mayors judgement that consolidation is the reason behind the cuts combined with their general agreement that grant programs should at least be maintained at current levels is strong evidence that further reductions in the present grant structure would not be enthusiastically received in South Dakota.*

The reason for the unfavorable reception was made clear in the mayor's response to the following question:

If certain grant-in-aid programs providing funds for functions outside purely governmental projects were suspended, what would your reaction be?

Sixteen percent said that their jurisdiction would move to assume responsibility for the program. More than 22% said they would assist in seeking private funding. *But 49% said flatly that, if funds were suspended, the programs would be eliminated.*

Of the eleven questions asked the mayors on grant programs, the most unexpected response came when they were asked where federal spending might be reduced. Nearly 34% answered that funds should be cut for the military. Better than 27% said funds should be cut for welfare. *But 32.5% indicated their preference for cuts in general domestic spending.*

COMMENT

Mayors are generally hopeful that revenue sharing is a step forward in answering municipal problems so long as federal assistance in existing programs is not sharply reduced.

Although they have some reservations about the procedures connected with grant programs, there is no clear willingness to rely on either revenue sharing or grants standing alone, one without the other. That view is supported by the fact that over the next ten years, 42.9% of the mayors favored revenue sharing to help fund community improvements. However, 41.2% favored revenue sharing combined with some version of the grant programs.

The reasons for criticism of the grant structure are clear. They take too long and involve too much paper work.

The reasons for the hearty approval of revenue sharing are less clear. One possible reason is that the revenue sharing concept is simply superior to the grant programs.

Another possible reason is an example of the axiom: familiarity breeds contempt. In other words, the long association with grant programs might make something new (revenue sharing) look like something better.

A more likely reason for the great support found for revenue sharing is that it is both easier and less complex than the grant system. Under revenue sharing, there is no application process and no period of uncertain waiting. The cities get what the formula assigns and spend it, more or less, as they see fit.

The most likely reason for the endorsement of revenue sharing (a reason supported by the survey) is that the majority of South Dakota mayors are eager to take advantage of whatever federal help is available. It apparently makes little difference what the vehicle is called, as long as there are dollars available when they are needed.

The findings of the survey can be generally summarized as follows: Although the mayors are unsure about the fate of categorical grants and uncertain about the future of revenue sharing, they are firm in the opinion that continued federal assistance is a must.

What is your overall reaction to the concept of revenue sharing?
1. Favorable.
2. Neutral.
3. Unfavorable.
4. No opinion.

	Number of responses			
	1	2	3	4
O	44	8	11	0
L	8	1	0	0
M	14	2	6	0
S	22	5	5	0

	Percentage			
	1	2	3	4
O	69.8	12.9	17.5	0
L	88.9	11.1	0	0
M	63.8	9.1	27.3	0
S	68.8	15.6	15.6	0

What was your impression of the information you received from the Federal Government concerning the operation of revenue sharing?
1. Clear and precise.
2. Broad and general.
3. Unclear.
4. No opinion.

	Number of responses			
	1	2	3	4
O	11	45	7	0
L	3	5	1	0
M	3	16	3	0
S	5	24	3	0

	Percentage			
	1	2	3	4
O	17.5	71.4	11.1	0
L	33.3	55.6	11.1	0
M	13.6	72.7	13.6	0
S	15.6	75.0	9.4	0

Do you anticipate any change in your level of authority now that revenue sharing is the law?
1. More authority.
2. No change.
3. Less authority.
4. No opinion.

	Number of responses			
	1	2	3	4
O	4	57	2	0
L	1	8	0	0
M	1	21	0	0
S	2	28	3	0

	Percentage			
	1	2	3	4
O	6.4	90.5	3.2	0
L	11.1	88.9	0	0
M	4.6	95.4	0	0
S	6.3	87.5	6.3	0

Do you anticipate any change in the level of your responsibility now that revenue sharing is the law?
1. More responsibility.
2. No change.
3. Less responsibility.
4. No opinion.

	Number of responses			
	1	2	3	4
O	36	25	2	0
L	6	3	0	0
M	12	9	1	0
S	18	13	1	0

	Percentage			
	1	2	3	4
O	57.2	39.8	3.1	0
L	66.7	33.3	0	0
M	54.5	41.0	4.5	0
S	56.1	40.6	3.1	0

Do you foresee revenue sharing regulations making any changes in the manner in which you administer your jurisdiction?
1. More difficult.
2. No change.
3. Less difficult.
4. No opinion.

	Number of responses			
	1	2	3	4
O	16	44	3	0
L	2	7	0	0
M	8	13	1	0
S	6	24	2	0

	Percentage			
	1	2	3	4
O	25.4	69.8	4.8	0
L	22.2	77.8	0	0
M	36.4	59.1	4.5	0
S	18.8	75.0	6.3	0

Do you perceive any change in the net amount of money available from the Federal Government as a result of revenue sharing?
1. More money.
2. No change.
3. Less money.
4. No opinion.

	Number of responses			
	1	2	3	4
O	12	29	21	1
L	1	5	3	0
M	6	7	9	0
S	5	17	9	1

	Percentage			
	1	2	3	4
O	19.1	46.0	33.3	1.6
L	11.1	55.6	33.3	0
M	27.3	31.8	41.0	0
S	15.6	53.1	28.1	3.1

Do you view revenue sharing as a supplement to existing Federal programs or as a replacement?
1. View as a supplement.
2. View as a replacement.
3. No opinion.

	Number of responses		
	1	2	3
O	32	29	2
L	6	3	0
M	9	12	1
S	37	14	1

	Percentage		
	1	2	3
O	50.8	46.0	3.2
L	66.7	33.3	0
M	41.0	55.5	4.5
S	53.1	43.4	3.1

Over the next 10 years, which approach would you favor to fund your jurisdiction's improvement and service needs?
1. Revenue sharing.
2. Revenue sharing and current grant programs.
3. Revenue sharing and expanded grant programs.
4. Expanded revenue sharing.
5. Increased taxation.
6. Other.
7. No opinion.

	Number of responses						
	1	2	3	4	5	6	7
O	9	14	12	18	2	4	4
L	0	1	2	5	0	0	1
M	3	5	4	4	1	3	2
S	6	8	6	9	1	1	1

	Percentage						
	1	2	3	4	5	6	7
O	14.3	22.2	19.0	28.6	3.2	6.3	6.3
L	0	11.1	22.2	55.5	0	0	11.1
M	13.6	22.7	18.2	18.2	4.5	13.6	9.1
S	18.8	25.0	18.8	28.1	3.1	3.1	3.1

Has revenue sharing altered the number of people who participate in the policymaking function in your jurisdiction?
1. Increased the number.
2. No change.
3. Lessened the number.
4. No opinion.

	Number of responses			
	1	2	3	4
O	5	57	0	1
L	1	8	0	0
M	1	21	0	0
S	3	28	0	1

	Percentage			
	1	2	3	4
O	7.9	90.5	0	1.0
L	11.1	88.9	0	0
M	4.5	95.5	0	0
S	9.4	87.5	0	3.1

Concerning the categories for which revenue sharing can be used, would you say the categories were:
1. Unrestrictive.
2. Moderately restrictive.
3. Restrictive.
4. No opinion.

	Number of responses			
	1	2	3	4
O	18	41	4	0
L	2	6	1	0
M	7	13	2	0
S	9	22	1	0

	Percentage			
	1	2	3	4
O	28.6	65.1	6.3	0
L	22.2	66.7	11.1	0
M	31.8	59.1	9.1	0
S	28.1	68.8	3.1	0

Have your constituents expressed opinions to you regarding the prospect of using federal income tax dollars for local needs?
1. Approve.
2. No comment.
3. Disapprove.
4. No opinion.

	Number of responses			
	1	2	3	4
O	25	37	0	1
L	6	2	0	1
M	9	13	0	0
S	10	22	0	0

	Percentage			
	1	2	3	4
O	39.8	58.7	0	1.6
L	66.7	22.2	0	11.1
M	40.9	59.1	0	0
S	31.2	68.8	0	0

Have constituents demonstrated a level of concern regarding the use of revenue sharing funds different than their concern over previous grant programs?
1. More enthusiasm.
2. No change.
3. Less enthusiasm.
4. No opinion.

	Number of responses			
	1	2	3	4
O	24	36	3	0
L	5	4	0	0
M	7	13	2	0
S	12	19	1	0

	Percentage			
	1	2	3	4
O	38.1	57.1	4.8	0
L	55.6	44.4	0	0
M	31.8	59.1	9.1	0
S	37.5	59.4	3.1	0

What is your overall impression of the Federal Government's grant programs?
1. Effective.
2. Moderately effective.
3. Ineffective.
4. No opinion.

	Number of responses			
	1	2	3	4
O	18	30	15	0
L	2	5	2	0
M	10	9	3	0
S	6	16	10	0

	Percentage			
	1	2	3	4
O	28.6	47.6	23.8	0
L	22.2	55.6	22.2	0
M	45.4	41.0	13.6	0
S	18.8	50.0	31.2	0

How would you describe the application procedure for a grant program?
1. Complicated.
2. Involved but comprehensible.
3. Simple.
4. No opinion.

	Number of responses			
	1	2	3	4
O	38	15	3	7
L	8	1	0	0
M	18	4	0	0
S	12	10	3	7

	Percentage			
	1	2	3	4
O	60.3	23.8	4.8	11.1
L	88.9	11.1	0	0
M	81.8	18.2	0	0
S	37.5	31.2	9.4	21.9

How would you describe the level of cooperation you receive from Federal personnel during your grant application period?
1. Very helpful.
2. Moderately helpful.
3. Not helpful.
4. Obstructive.
5. No opinion.

	Number of responses				
	1	2	3	4	5
O	21	25	6	0	11
L	4	4	1	0	0
M	7	12	2	0	1
S	10	9	3	0	10

	Percentage				
	1	2	3	4	5
O	33.3	39.8	9.5	0	17.4
L	44.4	44.4	11.2	0	0
M	31.8	54.6	9.1	0	4.5
S	31.3	28.1	9.4	0	31.2

What is the average length of time from application for a grant until the time you receive your grant?
1. 1–4 months.
2. 5–8 months.

3. 9–12 months.
4. Longer.
5. No opinion.

	Number of responses				
	1	2	3	4	5
O	12	11	8	15	17
L	3	3	1	2	0
M	2	5	4	7	4
S	7	3	3	6	13

	Percentage				
	1	2	3	4	5
O	19.1	17.5	13.0	23.8	27.0
L	33.3	33.3	11.1	22.3	0
M	9.1	22.7	18.2	31.8	18.2
S	21.9	9.4	9.4	18.7	40.6

Regarding federal grant-in-aid programs do you think their numbers should be:
1. Expanded.
2. Maintained at current levels.
3. Reduced.
4. No opinion.

	Number of responses			
	1	2	3	4
O	13	25	19	6
L	0	6	3	0
M	7	6	6	3
S	6	13	10	3

	Percentage			
	1	2	3	4
O	20.6	39.8	30.1	9.5
L	0	66.7	33.3	0
M	31.8	27.3	27.3	13.6
S	18.7	40.6	31.3	9.4

If federal grant programs are to be cut-back, should they be reduced for:
1. General domestic spending.
2. Welfare.
3. Military spending.
4. No opinion.

	Number of responses			
	1	2	3	4
O	25	21	26	5
L	5	0	3	1
M	6	6	12	2
S	14	15	11	2

	Percentage			
	1	2	3	4
O	32.5	27.2	33.8	6.5
L	55.6	0	33.3	11.1
M	23.3	23.3	46.2	7.7
S	33.3	35.7	26.2	4.8

Do you feel that the cut-back in some grant programs means that they are being—
1. Completely eliminated?
2. Consolidated under new authority?
3. No opinion?

	Number of responses		
	1	2	3
O	19	39	5
L	2	6	1
M	11	9	2
S	6	24	2

	Percentage		
	1	2	3
O	30.2	61.9	7.9
L	22.2	66.6	11.1
M	50.0	40.9	9.1
S	18.8	75.0	6.2

If certain grant-in-aid programs providing funds for functions outside purely governmental projects were suspended, what would your reaction be?
1. Assumption of responsibility by your jurisdiction.
2. Elimination of the program.
3. Seek private funding.
4. No opinion.

	Number of responses			
	1	2	3	4
O	10	31	14	8
L	1	5	2	1
M	3	13	4	2
S	6	13	8	5

	Percentage			
	1	2	3	4
O	15.9	49.2	22.2	13.0
L	11.1	55.6	22.2	11.1
M	13.6	59.1	18.2	9.1
S	18.8	40.6	25.0	15.6

In order of priority, what are the capital improvement or service projects most needed by your unit of government? (Five blanks given to fill in.)

1. SEWER AND WATER PROJECTS

Mentioned a total of 69 times and given #1 priority by 24 cities. Here is the breakdown:

Mentioned

Large community	8
Medium community	29
Small community	32

No. 1 priority

Large community	3
Medium community	11
Small community	10

2. STREET CONSTRUCTION AND IMPROVEMENTS

Mentioned a total of 46 times and given #1 priority by 10 cities. Here is the breakdown:

Mentioned

Large community	6
Medium community	19
Small community	21

No. 1 priority

Large community	0
Medium community	1
Small community	9

3. CITY BUILDING

Mentioned a total of 38 times and given #1 priority by 14 cities. Here is the breakdown:

Mentioned

Large community	7
Medium community	7
Small community	24

No. 1 priority

Large community	2
Medium community	1
Small community	11

4. CITY RECREATION AND PARKS

Mentioned a total of 22 times and given #1 priority by 1 city. Here is the breakdown:

Mentioned

Large community	2
Medium community	11
Small community	9

No. 1 priority

Large community	0
Medium community	1
Small community	0

5. CAPITAL EQUIPMENT

Mentioned a total of 21 times and given #1 priority by 3 cities. Here is the breakdown:

Mentioned

Large community	5
Medium community	9
Small community	7

No. 1 priority

Large community	0
Medium community	2
Small community	1

6. CITY SANITATION

Mentioned a total of 19 times and given #1 priority by 4 cities. Here is the breakdown:

Mentioned

Large community	5
Medium community	8
Small community	6

No. 1 priority

Large community	1
Medium community	3
Small community	0

7. HOUSING

Mentioned a total of 6 times and given #1 priority by 3 cities. Here is the breakdown:

Mentioned

Large community	2
Medium community	3
Small community	1

No. 1 priority

Large community	2
Medium community	1
Small community	0

8. MISCELLANEOUS

Mentioned a total of 18 times and given #1 priority by 2 cities. Here is the breakdown:

Mentioned

Large community	4
Medium community	8
Small community	6

No. 1 priority

Large community	0
Medium community	2
Small community	0

Of the funds assigned your jurisdiction under Federal revenue sharing, what projects do you plan? (If plans are indefinite, please list proposed plans.)

Sewer and water projects

Overall	26
Large communities	8
Medium communities	7
Small communities	11

City building and repair

Overall	24
Large communities	3
Medium communities	7
Small communities	14

Capital equipment

Overall	24
Large communities	4
Medium communities	13
Small communities	7

Street construction and improvement

Overall	23
Large communities	2
Medium communities	10
Small communities	11

City sanitation

Overall	10
Large communities	4
Medium communities	4
Small communities	2

City recreation and parks

Overall	7
Large communities	1
Medium communities	1
Small communities	5

Miscellaneous

Overall	10
Large communities	4
Medium communities	2
Small communities	4

No plans made as yet

Overall	16
Large communities	1
Medium communities	6
Small communities	9

Since January 1, 1972, under which grant programs has your jurisdiction applied for funding?

BOR

Overall	16
Large communities	7
Medium communities	4
Small communities	5

HUD

Overall	13
Large communities	3
Medium communities	6
Small communities	4

LEAA

Overall	9
Large communities	3
Medium communities	4
Small communities	2

EEA

Overall	7
Large communities	3
Medium communities	2
Small communities	2

EPA

Overall	6
Large communities	2
Medium communities	2
Small communities	1

Miscellaneous

Overall	20
Large communities	6
Medium communities	10
Small communities	4

None

Overall	24
Large communities	0
Medium communities	5
Small communities	19

Which Federal grant programs have been most frequently used by your jurisdiction?

Sewer and water projects—HUD and EPA

Overall	21
Large communities	6
Medium communities	6
Small communities	9

Parks—BOR

Overall	18
Large communities	7
Medium communities	8
Small communities	3

LEAA

Overall	9
Large communities	3
Medium communities	2
Small communities	4

Housing—HUD

Overall	7
Large communities	2
Medium communities	2
Small communities	3

Employment—EEA

Overall	6
Large communities	2
Medium communities	2
Small communities	2

Miscellaneous

Overall	18
Large communities	3
Medium communities	3
Small communities	12

None

Overall	20
Large communities	0
Medium communities	8
Small communities	12

Which Federal grant programs have been most successful in your jurisdiction?

Sewer and water projects—HUD and EPA

Overall	26
Large communities	7
Medium communities	12
Small communities	7

Parks—BOR

Overall	20
Large communities	5
Medium communities	5
Small communities	10

Housing—HUD

Overall	13
Large communities	5
Medium communities	6
Small communities	2

Omnibus crime bill—LEAA

Overall	12
Large communities	3
Medium communities	6
Small communities	3

Employment—EEA

Overall	4
Large communities	0
Medium communities	2
Small communities	2

Miscellaneous—FAA, HEW, OEO

Overall	21
Large communities	4
Medium communities	4
Small communities	13

None

Overall	16
Large communities	0
Medium communities	6
Small communities	10

RECENT STATEMENTS CONCERNING THE NATION'S NEED FOR HEALTH CARE REFORM UNDER NATIONAL HEALTH INSURANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following articles be printed in the RECORD. The first is a statement by Leonard Woodcock, president of the United Auto Workers and chairman of the Committee for National Health Insurance, concerning the need for national health insurance and the manner in which the Health Security Act of 1973, S. 3, meets these needs.

The second is an article from the Houston Chronicle, describing a statement by Dr. Michael E. De Bakey, president of Baylor College of Medicine and vice-chairman of the Committee for National Health Insurance. Dr. De Bakey describes how the health security program would be appealing to America's physicians if they better understood its intent and provisions.

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

HEALTH SECURITY—AN AMERICAN IMPERATIVE *

(By Leonard Woodcock **)

Two weeks ago the nation was saddened by the death of a man, who with the passage of time, has come to be recognized as a courageous and far-sighted American leader. Commentators on the presidency of Harry S. Truman recalled his 1957 television interview with Edward R. Murrow in which he stated his greatest disappointment was the failure of his administration to provide needed universal access to good health care for all Americans.

Today we are still trying to meet this major need which Harry Truman so perceptively recognized.

HEALTH CARE AS A RIGHT

In the last decade there has developed general acceptance of the principle that every American has the right to good health care. We are still not agreed on how to make this right a reality. I believe, however, that the 93rd Congress will give prominent attention to the issue—and move from promise to performance.

The working people of America, and the poor, and the deprived, have the same right to good health and to life itself as the affluent and the opulent. This is the fundamental principle endorsed by the five million UAW members and their families whom I represent, and by the many millions of others who support the goals and objectives of the Health Security Program. And while we're on the subject I have noted with pleasure the recent endorsement of the Health Security principles by the Inter-religious Task Force on Health Care. Every major church organization in America was represented on the Task Force.

"The pivotal issue, underlying discussions of all proposals for national health programs," the report says, "deals with an emerging social philosophy regarding health care. This philosophy affirms that the availability of good health care is a right, to be enjoyed by all citizens—rather than a privilege to be limited by considerations of race, religion, political belief, or economic or social conditions. Therefore, our goal is that each person receive sufficient health care of good quality as a right and as a recognition of the dignity of man."

The Task Force goes on to endorse the use of social insurance principles to secure the equitable system of health care called for in the report This, of course, is a key point.

The average American of today works about one month of the year to support the hospitals, doctors, and health insurance companies. Yet even with these tremendous expenditures, he has no assurance of being protected or getting the services he needs when he needs and wants them. The insurance companies compete vigorously for business, but they have not freed the American citizen from the risk of being deprived of health, life and property by the medical care system.

As for the system itself, I submit we are far from the millenium. By all the accepted indices of the health of the people, we trail other industrialized nations—life expectancy at any age is lower here than in most advanced countries, and infant mortality is higher.

MYTH AND REALITY

There are powerful interests in America which stand four-square against any basic changes in the health system. I am talking about the American Medical Association and the health insurance industry. Sometimes they express a belief in health care as a right. Sometimes they give lip service to health maintenance organizations, or comprehensive health planning, or methods of increased productivity in the delivery of services. But they don't mean it. They don't stand behind their words. They back down whenever the crunch comes.

With the help of the White House itself, the AMA and the insurance industry have successfully floated a raft of myths about health care in America and about the National Health Security Program—the Kennedy-Grif-

* Harvey Weiss Memorial Lecture, Md.-D.C.-Va.-Delaware Hospital Association Annual Meeting, Washington Hilton Hotel, Washington, D.C., January 8, 1973.

** President, International Union, United Auto Workers; Chairman, Committee for National Health Insurance.

fiths-Corman Bill. No more important domestic issue will be before this new Congress than how to deal with the health care crisis. We intend to work vigorously for enactment of Health Security. And I am glad to have this opportunity here in Washington, at the start of the 93rd Congress, to dispel several of the myths about health care and about the Health Security Program which has been carefully designed to meet the deficiencies in personal health services in this country.

MYTH NO. 1—THE SPLENDID PERFORMANCE OF THE INSURANCE INDUSTRY

The first myth, propounded by the special interests, is that only the insurance companies and not government will cherish and protect the American citizen's right to health care. The central aim of the private insurance industry is to ameliorate man's struggle for existence, and not to make money. Among the hundreds of health insurance companies and the Blue Cross and Blue Shield Plans there will be created cost control practices, quality controls and the climate for universal access to health care. So goes the myth.

Now we recognize—as I'm sure you do when you're stuck with bad debts from insured patients—that the insurance companies have great power. You try to work with them, not fight them. We in the UAW have worked with them for 30 years and have given up our members' hard earned dollars to support them. Last year alone health insurance premiums for UAW negotiated health insurance program came to over $800 million. In the past insurance companies have rendered important and needed protection to our members when we were struggling to reduce the economic impact of illness to their families.

But now, after 30 years of effort, it is clear that the health insurance industry has failed. It has failed to provide universal coverage, concealing its real performance below clouds of rhetoric about how high is the percentage of the population covered.

Some of the "coverage" can make you sick. It is filled with exclusions of pre-existing conditions, limitations, cut-offs and deceptive phrases. It is Swiss cheese coverage, full of holes.

After 30 years of effort, some 30 million Americans still have no hospitalization insurance whatsoever. Considering only the civilian population under age 65 years, this means that 16½ percent of us have no hospital coverage. Over 19 percent have no surgical coverage, and 25 percent have no in-hospital medical care coverage or coverage for diagnostic x-ray and lab services. Roughly 50 percent lack any insurance for general medical care in the office or home—I don't have to tell you how this leads to unnecessary hospitalization. Coverage for dental services is insignificant and that for nursing home care not much better.

The commercial insurance industry has deluged the American consumers with numerous figures designed to convey the notion that most people are covered by health insurance which will take care of their sickness bills. The facts reveal a very different picture. *Private health insurance covers only a fourth of personal health care expenditures.* What is happening is that the health insurance industry (profit and non-profit) underwrites the cream of the risks, leaving most of the payments to governments, federal, state and local, and to out-of-pocket payments by the consumer, when he can afford them.

Despite the good citizenship awards they give each other, the commercial health insurance companies are intensely interested in profits, and you can't fault them for that. But let's be clear about what it means in terms of people who need health care and an effective way to pay for it.

It means the insurance companies deal with people as risks. Whether the health insurance is sold to groups or individuals or families, the people are subject to the tender mercies of the insurance actuaries. The very large groups of relatively young, fully employed, healthy people are handled on a cost-plus basis since the insurer usually gets the life insurance, pension and other business in a "package" deal.

Automobile insurance companies would love to sell insurance to non-drivers. And commercial health insurance companies like to ferret out the non-users of health services and "cover" them with insurance they are not likely to use. But that leaves the high risks in a predicament and out-and-out bad risks to ferret for coverage among the drum beaters now offering mail order health insurance.

Now what makes a person a bad risk or a high risk? Is it because he's a shady character? Because he doesn't pay his bills? Because his credit rating has slipped?

Well, it may be. But in selling health insurance, the commercial insurance companies rate you as a high risk if you are laid off or terminate employment for any reason. You are a bad risk if you have a chronic illness or some kind of pre-existing condition requiring needed care. And if you have had a serious illness, the costs may well have wiped out your bank account and made you a bad credit risk. Particularly if you are a working man or woman, earning an average income.

Women are high risks, under group health insurance, if they are working. And if they are home alone, caring for children, they are high individual risks.

Farmers and fishermen are high risks, and so are hospital employees and clergymen. Apparently the health insurance companies feel that hospital employees and clergymen can get themselves admitted to hospitals, and collect benefits, when they don't need to be hospitalized.

The insurance companies have an excellent system for keeping "clunkers"—that's their word to describe people with pre-existing conditions, from cheating them. They consider it cheating when a sick person manages to get a policy. They have a tight net to catch the clunkers. It's called the Medical Information Bureau. It's a large secret data bank located in Boston. The personal medical histories of over 11 million insurance applicants have been collected there. About 760 life insurance companies have access to the case histories filed in the MIB's extensive $8 million computer system. Acting in corporate and conglomerate collusion, they keep close tabs on who is sick and who is getting sicker. And the casualty insurance companies which sell health insurance have a similar bureau and a computer system in New Jersey to identify and keep out the clunkers.

You would hardly call the MIB an instrument for assuring people equal access to health care. If experience teaches us anything at all about private health insurance, it teaches us that equal rights to health care cannot be achieved through the insurance marketplace.

MYTH NO. 2—CONTROLLING COSTS

The second myth would instill us with great confidence that the insurance companies—run by hard-nosed businessmen—will inevitably succeed in controlling excessive rises in health costs. That's what insurance companies are good at, isn't it, keeping claims under control? And when they discover more perfect ways to waste money the discoveries will be made by government bureaucrats, right?

Wrong. Those who seem determined to let the insurance industry handle the problem of cost controls completely overlook the fact that costs have skyrocketed for 20 years. The same 20 years that health insurance has enjoyed the support of labor, management and the public at large.

They also overlook the tremendous waste and duplication of administrative costs in a system involving 1,800 different sets of administrators in 1,800 different health insuring organizations. Even the Nixon Administration concedes that the Social Security Administration could administer national health insurance more economically than the insurance industry. The Social Security system, which enjoys the overwhelming trust and support of the American people, is our choice for administering national health insurance, and not the big "bloated," impersonal welfare bureaucracy the opponents try to tag us with.

And they overlook the mass of experience which clearly shows that the insurance companies are incapable or unwilling, or both, of controlling provider costs. Even as fiscal intermediaries for the government in Medicare, audit report after audit report shows that the carriers carefully avoid challenging the medical profession. Whether physician fees are reasonable or unreasonable, the public's money is freely expended by the insurance companies. They are interested in limiting their own liabilities. They are not equally concerned about what it's costing the taxpayer or the individual patient.

As for hospital costs, I know there will be less than unanimous agreement in this room when I say we must get away from paying every hospital on its own costs and letting them just run up. On the other hand, nobody wants to curtail necessary services provided by the hospital or put you on a starvation budget. As a matter of fact we believe many hospitals ought to be expanding their services, coming out from behind their curbstones to provide home health services and extended care in various forms. But at this point, who's to know—do you really know—that 16 open heart surgery facilities are actually required in the District, Virginia and Maryland? That's how many are being supported now. Are they all really necessary?

Hospitals are getting used to the idea that prospective budgeting is coming. I think most sense a growing demand for greater public accountability. The unregulated, unjustifiable "administered" price levels which permeate the entire health care industry today won't be acceptable by the public tomorrow. Duplicative but unnecessary and expensive services and beds will undergo closer scrutiny, by you, not by outsiders, but the consumer who's paying the bill is demanding to be let in. And the taxpayer wants better controls not only of costs but of conflicts of interest and abuses that reach the public print with increasing frequency these days.

Despite the myth of a business-like approach to cost controls by private insurance versus a "wasteful" bureaucracy, the public will not be fooled.

MYTH NO. 3—MEDICAL CARE DOESN'T MAKE MUCH DIFFERENCE

The third myth—and a very popular one these days with the AMA and the President of the Blue Cross Association—is that medical care really doesn't make much difference: lowered life expectancy and high infant mortality rates in this country are social and not medical problems. Besides, if people would stop smoking and eat more nutritious and less caloric foods, they would live longer.

I do not have to tell this audience that the AMA and the Blue Cross President are begging the question.

Certainly we need to encourage health education and personal health maintenance. Certainly we support programs to clean up the environment and tear down dilapidated housing and replace it with decent places for people to live. The future of America rests on solutions to the critical social problems that divide our society.

But what are you supposed to tell a mother with a sick baby who shows up at your hospital—go home and wait until they put in some insulation to close off the drafts? Feed him an improved diet? Wait until the rat eradication programs gets funded?

The Health Security Program, which I hope the 93rd Congress will pass, will do

nothing about housing or pollution or about transportation or the monotonous jobs that try men's souls. It will do nothing about eradicating rats. It is not even a panacea for all the problems of shortages and maldistributions we currently face in the health field. But it will put us on the right road to solving one of our more manageable problems, adequate health care. It will equalize access to health services, as other advanced nations have done. And, based in the hard evidence, it will help create significant improvements in life expectancy and reductions in infant mortality.

Today an American man of 40 has less chance of living to be 50 than his counterpart in other industrialized countries. Today in Shanghai, according to the American physicians who recently visited the Peoples Republic of China, the infant mortality rate is less than half that of New York or Detroit non-whites, and almost a third less than that of whites. The main cause of the low infant mortality rate in Shanghai, the doctors report, is the intensive prenatal care available there.

We ought to be able to do as well here as they are doing in China. As a matter of fact we have, when we've tried new methods and provided the financing to carry them out, instead of wringing our hands in despair.

Three years ago, Holmes County, Mississippi, had one of the highest infant mortality rates in the nation—39.1 per 1,000 live births. Last year it was down to 21.3. How did they make such a dramatic cut? Not by shoving the problem into the background until social conditions improved.

They established a health team approach. They grafted new methods of organizing services and the financing to carry them out, onto existing health care resources of the county in a way that made optimal use of what was already available.

That's how it was done in Holmes County. Doesn't it give you heart that it can be done in Mississippi, as well as in other counties? That in the health field we can provide the leadership? We can halve the infant mortality rate where it is excessively high and we can improve the life expectancy tables, if we're not restrained by the naysayers; and if we support innovative methods without waiting for every other American social problem to be cleared up in advance.

MYTH NO. 4—HEALTH SECURITY IS A "MONOLITHIC" PROGRAM

But then you come to the fourth myth—that those calling for reforms in the organization, delivery and financing of health service would burden the nation and all of its citizens with a "monolithic" program. In fact, "monolithic" has become the most used scare word of the comfortably fixed, the well-entrenched interests in the health care field.

"Monolithic" is a scary-sounding word, all right. The workers I represent might not understand what it means. But they do understand from painful experience and personal family tragedies what it means not to get decent medical care.

What has "monolithic" meant in medical research, for example? Just about all our medical research is conducted by or funded through the National Institutes of Health—a government monolith. That's the way it's been for 20 years. In those two decades American scientists have received 18 Nobel Prizes in medical research. By contrast, from 1910 to 1930, Americans won Nobel Prizes in medicine and physiology in only three of the years.

Today our *research* is the envy of the world, even though not a single nation is proposing to copy our medical care *delivery* system or to retreat to our way of financing health services.

Scientists tell us that if current scientific knowledge were applied to the maximum the present death rate for this country could be appreciably reduced—life expectancy at all ages could be lengthened. But current knowledge is not being maximally applied. There is a wide gap between promise and performance in health. Millions of Americans are denied access to health care. Millions of others receive only cursory attention. Preventive medicine is neither practiced nor sought. Only residual benefits of our scientific knowledge reach still other millions.

A quarter-century ago medical research was in the predicament that health services now finds itself—that is, in crisis.

The financing of research was primarily through private resources. Funds were laboriously collected in small amounts through philanthropy or squeezed from the overstrained budgets of academic institutions. Private commercial research was conceived and supported, not as a way of preventing sickness, but as a way of increasing business through new production and sales.

Until the establishment and development of the N.I.H., we had no massive attack through research on the causes of killer diseases. N.I.H. provided tax-based federal funding support, which some now call "monolithic", which has resulted in the most productive scientific enterprise in the world. But the monolithic financing system did not stifle individual scientific efforts. It did not create a single massive research system. Rather, it weaved together and coordinated inter-related efforts. It supported multiple private efforts and a degree of freedom for the medical-scientific community that has yielded unprecedented health benefits for our people.

Today, our nation can grasp the same opportunity for reform of health care delivery we seized for medical research with the establishment of NIH. That is, we can shift from an essentially diffuse, ineffective, noncreative financing system to a single financing system which will bring multiple new methods of delivering services to consumers. We can liberate medical and hospital care from a tyranny of wildly escalating costs and assure every family new opportunities for preventive care early diagnosis of illness and effective therapy and rehabilitation.

Or we can continue to subsidize our present medical care delivery system which has failed to bridge the gap between promise and performance.

Of those who cry "monolithic" the strategy is to leave the average American mystified, confused and dependent on the old standbys—the AMA and the insurance industry.

The "monolithic" cliche is being employed to condemn the National Health Security Plan—or any plan that does not rely on the private insurance industry. Without the insurance industry to manage it, any national health insurance plan would be rigid and not adaptable to flexibility and diversity. That is the essential position of the mythmakers.

They have, to a considerable extent, succeeded in creating confusion. But the fact is, as they well know, that while the financing under our proposed Health Security Program would be monolithic, as it is in the Social Security program, the health *services* would be provided by a system of resources for medical care which would be pluralistic. In particular, the Health Security Act would help create family health plans across the nation as alternatives to the present solo practice fee-for-service medical system. The goal that you in the American Hospital Association have proposed—the health care corporation to assume responsibility for defined population—is not dissimilar from the Health Maintenance Organization or family health plan we propose.

The two key elements of the Health Security Program are: systematic and secure national funding by the federal government and multiform delivery of medical care by private providers. The organization, delivery and financing of services would be rationalized as medical research has been.

THE FIFTH MYTH—EXCESSIVE COSTS

To make available truly comprehensive health services for all our people through a universal health insurance program like Health Security will cost too much. This country cannot afford the $77 billion, or $81 billion, or $91 billion, or apparently whatever figure comes to mind at the moment to the myth makers.

They inevitably neglect to mention that not a dime of the funds proposed for the Health Security Program is new money. It is a rechannelling of existing expenditures.

The myth makers are blind to the facts which demonstrate that this country cannot afford *not* to reorganize personal health services in this country. They conveniently forget that in 1971 the costs of the Medicaid program increased 25%. In the absence of effective methods of intervention the costs of health care continue to skyrocket at better than twice the rate of increase in the overall cost of living. Health insurance premiums charged by the inefficient, wasteful health insurance industry rise by a scandalous rate. Premiums for family coverage in Michigan Blue Cross-Blue Shield for a Chrysler worker in 1972 were 132% higher than similar coverage five years earlier. This compares with an increase in cost of living of 23% in the same period.

The myth makers worry that Health Security would cost too much but do not report to you that according to H. E. W. in 1972 this nation spent $83.4 billion for health care. In recent months numerous Administration spokesmen have been hailing the success of the wage-price controls programs. Such controls, as you well know, are in effect in health care. Despite the controls health care costs in this country last year went up 10.3%. The controls have had no discernible effect on the inflationary trend in health care. The Administration programmers fiddle with relatively inconsequential measures while the consumers' health care dollars continue to burn in the fires of inflation.

The fact is that costs under the Health Security Bill would be less, not more than under any of the alternative plans being proposed. They would be less because of the budgeting system. They would be less because the incentives and disincentives in the program would rationalize the health care system. They would be less because a month's work each year is quite enough to pay for health care.

If we choose to go the route proposed by the Nixon Administration, or the AMA, or the insurance industry, the American working man—who is already putting in far more time than any other working man to pay for medical care—would be asked to continue to subsidize a wasteful, ineffective, inefficient health care system. In another few years it might cost him two months pay a year. Will that be enough for the vested interests?

Anyone who buys the myth that our Health Security Program is more costly than the present system or than those proposed by the vested interests is closing his eyes to reality, and possibly to disaster.

THE HEALTH SECURITY PROGRAM—1973

The Health Security Program represents a major effort to reorganize both the financing and the organization of personal health services in this country. Nothing less is likely to meet the massive and complex problems this nation faces. The Bills have been reintroduced in both the House and the Senate with the same numbers as before—HR. 22 and S.3. We had sound legislation last year in the Griffiths-Corman-Kennedy Bills. It is even better now.

The Health Security Program alone fulfills the promise of health care as a right. Every American is eligible for its benefits. There

are no means tests, no work earnings tests and no bad risks. The simple eligibility and uniform benefits should free thousands of clerks in your hospitals for other duties. It is a problem I am sure you will be glad to take on.

The benefits are comprehensive and include all necessary hospital care, physicians' care and other services. Skill nursing home care is limited to 120 days per benefit period unless the skilled nursing home or extended care facility is owned or managed by a hospital, in which case the limitation may be removed. Hospitalization for mental conditions is limited to 45 days per benefit period for active treatment. All prescribed drugs are covered when institutionally provided whether to in-patients or outpatients. A limited drug benefit is also provided to non-hospital patients who require long-term, expensive drug therapy.

And even these limitations may be liberalized in organized health maintenance organizations.

Payments for services are made through a budgeting process. Hospitals will be paid on the basis of prospective budgets developed not only with respect to the individual institution but also, through the planning process, in concert with other community hospitals, so that wasteful duplication of services is minimized and eventually eliminated. Physicians will be paid by capitation, fee-for-service or other methods. The fees are expected to be reasonable, based on relative value and fee schedules.

The program will be financed through a combination of payroll taxes and general revenue taxes—50% from payroll and 50% from general revenues. Individuals would pay 1% of earned or unearned income up to $15,000 per year. Employers would pay a 3½% payroll tax; the self-employed 2½% up to $15,000 income. The proceeds of these personal and payroll taxes together with the general revenues would constitute the Health Security Trust Fund.

On a formula basis a Resources Development Fund would be established in the Trust Fund with expected income of approximately $2 billion a year to provide loans and grants to assist in the reorganization of services, the establishment of needed facilities, training of certain categories of scarce personnel and the support of new and imaginative demonstration programs better to assure that promised services will be available.

The Health Security Program also provides for consumer participation, along with professionals at all levels of development and administration and for public accountability of its workings. This urgently needed facet of the proposed program is one I hope you will examine with special interest, for meaningful consumer participation in the governance of voluntary hospitals in this country leaves a great deal to be desired.

Among the new features of the 1973 Health Security Bill are added incentives for hospitals to form health maintenance organizations. Funds for planning and development are made available, and in the new Bill the HMO's will be required to furnish or arrange for all covered services except mental health and dental services. Previously HMO's could elect not to provide institutional services; now they must.

We have prepared a booklet with rather complete information about the new Health Security Program, and perhaps that's the best way for those of you who want more details to obtain them. There are also improved dental benefits, more recognition for the professional foundations, incentives for you to retrain workers and to establish career-ladders.

A new section provides authority for pilot projects to test the feasibility of home maintenance care for chronically ill or disabled people. The home maintenance services could include homemaker care, meals on wheels, assistance with transportation and shopping, and other so-called social care services. Maybe this is one type of social problem that a concerned health care system could at least help to ameliorate.

The new Health Security Program will establish a Commission on the Quality of Care. It will assure that those standards of quality which have already been developed by the health professions—but not necessarily enforced—will be implemented on a national basis, both for institutional and non-institutional care. And it will develop new standards based on the process and outcome of health services.

Frankly, I think you recognize as well as we do that the public is becoming extremely leery, to say the least, about the ability or the desire of the medical profession to police its own members. The days when apprehensive patients and reverent families felt they could judge a good surgeon like a pelican, by his bill, are fast drawing to a close. The payment of an outrageous fee is no guarantee at all that the surgery was exceedingly well performed, or even that it was necessary. Two million unnecessary operations last year provide little reassurance that the peer review system as presently functioning serves the public's interest.

CONCLUSION

In conclusion, I want to again thank you for the opportunity to appear here today and to discuss what I have called an American imperative—Health Security. I think that many hospitals have a need to see something new—to wrestle with things they may not like . . . or think they may not like.

None of us can afford to stand still and we know that the hospitals of this nation, by and large, will be in the forefront of progress to meet the challenge of greater productivity and responsiveness to public need. We in the UAW and, I'm sure, throughout the society, will not be found wanting in helping you to meet the pressing problems that you face as administrators and trustees of a precious community asset.

Never in the history of the United States have so many diverse elements endorsed the principle of health care as a right of citizenship. We look to the leaders of the hospitals of America to give practical support now in attaining the fulfillment of this right. Let this be our final tribute to Harry S. Truman, and the average American he so well represented.

[From the Houston (Tex.) Chronicle, Dec. 31, 1972]

DEBAKEY SAYS HE CAN'T UNDERSTAND OPPOSITION TO U.S. HEALTH INSURANCE

(By Moselle Boland)

Dr. Michael E. DeBakey, famed heart surgeon and a longtime advocate of national health insurance, says he cannot understand the hostility and opposition to federally financed insurance for all Americans.

DeBakey, president of the Baylor College of Medicine, says he favors full coverage for everyone from birth to death.

As a leading spokesman for such a program, DeBakey has committed himself to an issue that is expected to touch off one of the hottest battles faced by the upcoming session of Congress.

OPPOSES WHITE HOUSE

His advocacy of a national health insurance plan also places him in opposition, on this issue, to the Nixon administration and the American Medical Assn. (AMA). Both bitterly oppose the plan, and have proposed their own.

DeBakey asks:

"Who would deny his neighbor medical care? We Americans are known the world over for our generosity to our neighbors."

National health insurance was proposed by President Harry S Truman to a Republican Congress in 1952. It was respected then.

"We have come a long way in those 20 years," DeBakey said in an exclusive interview. "We already have federally sponsored insurance for the elderly and for all federal employes. National health insurance will extend it to everyone else."

DeBakey backs the plan sponsored by Sen. Edward Kennedy, D-Mass., and Rep. Martha Griffiths, D-Mich.

The Kennedy-Griffiths bills would be compulsory for every American from birth to death. Its broad benefits would include physician services, the prevention and detection of disease, care and treatment of illness and medical rehabilitation.

Taxpayers would pay an estimated $59.4 billion for the plan.

ADMINISTRATION PLAN

The administration's proposal would require employers to offer private insurance to employees and their families. Free federal insurance would cover low-income families.

Taxpayers would pay an estimated $2.95 billion for the administration's proposal. Employers would pay 65 to 75 percent of the plan's cost.

Sen. Kennedy, however, says the administration's proposal "is not compulsory, but would only make health care available."

The administration opposes the Kennedy plan, saying that it would lead to a "federalized" system costing the average household more than $1000 a year.

The American Medical Assn. fears the Kennedy plan would lead to excessive governmental supervision of medical practice.

AMA has proposed general coverage based on private insurance.

"NOT SOCIALIZED MEDICINE"

DeBakey says it is a mistake to label the Kennedy-Griffiths proposal as "socialized medicine."

Under socialized medicine, doctors work for the government. Patients cannot choose their own physician, and doctors work where they are assigned.

National health insurance, DeBakey says, still gives the patients the right to choose their own doctors and affords doctors the right to say where they will practice.

"The government supplies the insurance to pay the bills," he says.

Just as he did when he led the successful fight for Medicare, DeBakey has testified before Congress in support of a national health insurance bill. He believes such a bill will become a reality before the President completes his second term and possibly during the 1973–74 Congress.

"Not all Americans receive the health care they need," he says. "They get adequate emergency medical care. A great number do not get total health care."

Under Kennedy's plan, "the total population supports the total population," he says.

The Kennedy plan would replace Medicare for the elderly and Medicaid for the poor. Overall cost of health care for Americans in 1971 has been put at $75 billion by some experts.

DeBakey touched on these other subjects:

Q.—What is your position today on heart transplants?

A.—We now have demonstrated that only a small number of recipients will survive for a long time. Heart transplants are costly—in time, money and energy. Finding the right donor at the right time is difficult. With this combination of factors, its use is very restricted.

Q.—On group practice: Specialists forming associations that provide over-all medical care to families. Will this supplant the general practitioner?

A.—The method of several specialists joining together to practice medicine is economical, desirable and efficient. It is not necessary for everyone to work in group practice. The general practitioner will remain as long as he has something to offer his patients, and I believe that will be for a very long time.

On the issue of prolonging life in terminal patients:

The public concept of persons being kept alive with machines is misleading. When a person reaches the terminal stage, the doctor does what is necessary to relieve his suffering, but otherwise lets nature take its course. The average doctor simply does nothing.

On doctors who prescribe drugs and medicines they may know little about:

The average doctor is conscientious and tries to do a good job. Generally, he does not prescribe medications he doesn't know about. My experience is that the great majority of doctors keep up to date with information about drugs.

Q.—On the development and marketing of drugs: Should the government take this over to eliminate the pressure of competition among drug companies?

A.—I don't believe the government should take over the drug industry. It would be even more costly (than the present system). Competition is healthy, and the majority of drug companies do a good job. There have been abuses, but in general, drug firms do a good job. The standard and quality of drugs in the United States are better than anywhere else in the world. We need to be concerned more with overregulation than underregulation.

Q.—Are medical colleges doing a good job of screening incompetents?

A.—With 45,000 applicants competing for 10,000 to 12,000 openings in medical schools the most suitable applicants are selected. At Baylor, we get 3,000 applications for 168 places in the freshman class. They go through a tough screening and very few will not do well. We constantly seek better ways to select applicants. Very few won't graduate, and only a small percentage won't do well in practice.

Q.—On medical societies and state boards of medical examiners: Are they regulating their ranks adequately?

A.—Medical societies and state boards try to do this. Peer review, however, is difficult, because a lot depends on the integrity and ethics of the individual doctor. How can one assess basic integrity unless a flagrant violation of ethics occurs? I think they do a pretty good job.

On doctors' fees:

The average worker puts in 40 hours a week. Most doctors work 60 to 80 hours. In terms of the education they must have and the service they perform, they are not overpaid. Most doctors charge what the patient can afford.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CALL OF CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the call of the calendar with respect to various committee money resolutions. The 5-minute limitation on speeches has been waived.

The clerk will report the first resolution.

ADDITIONAL STAFF MEMBERS FOR THE COMMITTEE ON FINANCE

The assistant legislative clerk read the resolution (S. Res. 40) Calendar No. 34, by title, as follows:

A resolution to provide four additional professional staff members and four additional clerical assistants for the Committee on Finance.

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished chairman of the Committee on Rules and Administration if this resolution is going to be considered at this time? I was under the impression that the Senate would begin consideration of these resolutions with Calendar Order No. 35.

Mr. CANNON. Mr. President, I may say I, myself, have no objection as to which one we begin with. If there has been some understanding that we would begin with Calendar Order No. 35, I certainly have no objection.

Mr. ROBERT C. BYRD. No; I was just under that impression. I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

RESUMPTION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS—INTRODUCTION OF PROPOSED LEGISLATION

Mr. ROBERT C. BYRD. Mr. President, there is some desire on the part of the distinguished assistant Republican leader that a Senator from his side of the aisle be on the floor before we proceed with the consideration of the money resolutions. That Senator is coming to the floor.

I wonder if in the meantime we could go back to morning business for a little while to allow the Senator from New York, who has just arrived on the floor with some morning business, to proceed for 3 minutes. The leadership did not know that any other Senator wished to bring the attention of the Senate to morning business.

So I ask unanimous consent that the Senate return to the consideration of morning business for not to exceed 10 minutes, with statements limited therein to 3 minutes.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object since this is the appropriate thing to do—although I did not have notice, I understand that there was some notice that the Senator from New York did want to get over here and participate in morning business. But beyond that, let me say that the Senator we are waiting for is the Senator from Kentucky (Mr. COOK), Rules and Administration Committee. I would like to have him here before we begin business of the Committee on Rules and Administration.

The PRESIDING OFFICER. There being no objection, the Senate will proceed with consideration of morning business, and the Senator from New York is recognized for not to exceed 10 minutes.

Mr. ROBERT C. BYRD. Mr. President, not to exceed 3 minutes.

The PRESIDING OFFICER. The Chair is sorry. He misunderstood the majority whip.

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

Mr. JAVITS. Mr. President, I thank the deputy majority leader and the deputy minority leader for their courtesy.

(The remarks Senator JAVITS made at this point on the introduction of S. 972, the Health Maintenance Assistance Act of 1973; S. 974, dealing with special medical grants and contracts; and Senate Concurrent Resolution 12, dealing with the Office of Economic Opportunity, are printed in the RECORD under "Statements on Introduced Bills and Joint Resolutions and under the appropriate heading for the concurent resolutions.)

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for the transaction of routine morning business is closed.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

PRIVILEGE OF THE FLOOR

Mr. CANNON. Mr. President, I ask unanimous consent that Mr. William M. Cochrane and Mr. John P. Coder, of the staff of the Committee on Rules and Administration, be permitted the privilege of the floor during the consideration of the resolutions.

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

DESIGNATION, ADMINISTRATION, AND EXPENSES OF THE JOINT STUDY COMMITTEE ON BUDGET CONTROL

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 47, Senate Concurrent Resolution 8.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 8) relating to the designation, administration, and expenses of the Joint Study Committee on Budget Control.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the resolution.

Mr. CANNON. Mr. President, the concurrent resolution would authorize the Joint Study Committee on Budget Control to expend not to exceed $200,000 during the next 10 months for inquiries and investigations.

During the last session of Congress the joint committee was authorized to expend not to exceed $100,000 for 4-month period for that purpose. The joint committee estimates it will return approximately $97,000 of that amount to the Treasury.

The pending request includes an increase of $100,000 over last year's authorization.

The Committee on Rules and Administration has reported Senate Concurrent Resolution 8 without amendment.

The Senator from Louisiana (Mr. LONG) and the Senator from Nebraska (Mr. HRUSKA) are co-vice-chairmen of the Joint Study Committee on Budget Control.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 8) was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the joint committee established under title III of the Act entitled "An Act to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973", approved October 27, 1972 (Public Law 92-599; 86 Stat. 1324), shall be known as the Joint Study Committee on Budget Control (hereafter referred to in this concurrent resolution as the "joint study committee").

SEC. 2. (a) During the first session of the Ninety-third Congress, the members of the joint study committee shall select two cochairmen in lieu of a chairman.

(b) The joint study committee is authorized to procure the services of individual consultants, or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946.

SEC. 3. (a) For the period from March 1, 1973, through the close of the first session of the Ninety-third Congress, the joint study committee is authorized to expend from the contingent fund of the Senate not to exceed $200,000 to carry out the provisions of such title III. Of such amount not to exceed $25,000 may be expended for the procurement of such individual consultants or organizations thereof.

(b) During the first session of the Ninety-third Congress, expenses of the joint study committee paid out of the contingent fund of the Senate shall be so paid upon vouchers approved by either of the two cochairmen of the joint study committee.

SEC. 4. The joint study committee shall submit a final report of the results of the study and review made under such title III, to the Speaker of the House of Representatives and to the President pro tempore of the Senate, not later than the close of the first session of the Ninety-third Congress.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

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

Mr. CANNON. Yes.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar.

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

SECURITIES AND EXCHANGE COMMISSION

The assistant legislative clerk proceeded to read sundry nominations to the Securities and Exchange Commission.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The assistant legislative clerk proceeded to read sundry routine nominations in the U.S. Coast Guard and the National Oceanic and Atmospheric Administration which had been placed on the Secretary's desk.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate action in connection with the several nominations.

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

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 35, Senate Resolution 43.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 43) authorizing additional expenditures by the Committee on Aeronautical and Space Sciences for inquiries and investigations, reported with an amendment.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. CANNON. This resolution would authorize the Committee on Aeronautical and Space Sciences to expend not to exceed $147,500 during the next 12 months for inquiries and investigations.

During the 92d Congress the committee did not request funds for inquiries and investigations. The committee's last previous such authorization was during the 91st Congress, 2d session, when pursuant to Senate Resolution 332 it received $40,600 for that purpose.

The Committee on Rules and Administration has amended Senate Resolution 43 by reducing the requested amount from $147,500 to $47,500, a reduction of $100,000.

Senator Moss is chairman of the Committee on Aeronautical and Space Sciences, and Senator GOLDWATER is its ranking minority member.

The PRESIDING OFFICER. The clerk will state the committee amendment.

The assistant legislative clerk read as follows:

On page 2, line 5, after the word "exceed", strike out "$147,500" and insert "$47,500"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Aeronautical and Space Sciences, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $47,500, of which amount (1) not to exceed $3,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,500 shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. ROBERT C. BYRD. Mr. President, I have just been informed that the distinguished Senator from Utah (Mr. Moss), the chairman of the committee, is not available at this time, but will be later in the day, and that he wishes action on this item to be delayed until he can be present. If the Senator has no objection, therefore, I ask unanimous consent that action on this resolution be temporarily delayed, and that the Senate proceed to the consideration of the next item on the calendar.

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

Subsequently, the following proceedings were had on this resolution.

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate return to the consideration of Calendar No. 35, Senate Resolution 43.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

S. Res. 43, authorizing additional expenditures by the Committee on Aeronautical and Space Sciences for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Aeronautical and Space Sciences to expend not to exceed $147,500 during the next 12 months for inquiries and investigations.

During the 92d Congress the committee did not request funds for inquiries and investigations. The committee's last previous such authorization was during the 91st Congress, 2d session, when pursuant to Senate Resolution 332 it received $40,600 for that purpose.

The Committee on Rules and Administration has amended Senate Resolution 43 by reducing the requested amount from $147,500 to $47,500 a reduction of $100,000.

Senator Moss is chairman of the Committee on Aeronautical and Space Sciences, and Senator GOLDWATER is its ranking minority member.

Mr. MOSS. Mr. President, I should like to speak to this matter which is now before us. As the Senator pointed out, I am the chairman of the Committee on Aeronautical and Space Sciences. As I pointed out to the Committee on Rules and Administration, that committee has been dormant. It has not done anything for about 4 years. All the work has been done on the House side and simply concurred in by the Senate. With the changes on the committee and with the work outlined, we have extensive need for staff. As a matter of fact, we have interviewed, Senator GOLDWATER and I, and have tentatively reached agreement on, two additional professional staff people.

If we need them on the committee and we are asked to begin hearings on authorizations, and we are going to begin next week with the expenditure of $3 billion requested by the administration, it seems to me it behooves us to have appropriate oversights on what the money will be spent for, whether it is being appropriately spent, and what programs, if any, could be eliminated, trimmed, or changed; otherwise the amount of money recommended by the committee becomes infeasible, and it will become a slumbering committee. I do not believe this body can afford to shirk its duties in that manner.

The Senator is correct in saying that the money has not been used in recent years. That is one reason we made a rather lengthy documentation as to the need.

I should like to request the committee at least to put back part of the money that we asked for, rather than to cut it down to the $47,500. I think that if we could get perhaps $55,000, we could get one additional professional staffman. We have no vacancies now. We have great need for this additional personnel.

The Senator from Arizona (Mr. GOLDWATER), the ranking Republican member on the committee, concurs with us fully. In fact, he appeared and spoke on behalf of this request of the committee, and he feels very strongly about it. I regret that he is not present in the city and cannot appear personally on this matter.

I had no idea that it would go this way. When the RECORD came out, after I looked at the RECORD and found that the Committee on Rules and Administration had recommended our request be cut down to $100,000, cut off by $47,000 and then I read in the RECORD this morning that the figure was changed around to cut off $100,000 and leave only $47,500, it will be so crippling to the committee that the only alternative will be to come in very shortly asking for a supplemental, and I do not think that would be the wise thing to do. It would be much better if we could proceed now and get our staff in place, in order to begin the hearings which are already scheduled to begin next week.

Mr. CANNON. Mr. President, I am somewhat knowledgeable on the committee, as I have been serving on it since January of 1959. During that period of time, we had the greatest technical buildup in the industrial complex for a particular project, the Apollo program, of any time in the history of this Nation. It was a $20 billion program and throughout all of that, a real successful program. The work of the committee was handled by the permanent committee staff. Congress did authorize one additional staffman so that instead of having 12 permanent staff, the committee actually had 13. It gets, accordingly, more than the $340,000 allocated to each committee for standing staffs in every Congress.

From the commencement of 1959, as I said, up to the present time, there has never been such an amount of money expended, even though we had the tremendously important Apollo program, where the budget was in excess of $5 billion a year compared to $3.1 billion a year now, and where we had the unfortunate fire where three astronauts lost their lives. There were some detailed and comprehensive investigations carried out. So it was the feeling of the committee that if we even left the $47,500—I am not aware of the figures the chairman was discussing as having been juggled around—this was a motion in the committee to reduce the authorization by $100,000, and that was a motion that was agreed to, simply on the basis that this was no time to build up or almost double in size the staff that had been doing such an important job in the past.

The budget proposal shows an increase of seven additional personnel spaces in addition to the 13 permanent staff positions already in existence. So I would say that my own feeling is, the Committee on Rules and Administration considered this matter very thoroughly.

Mr. GRIFFIN. Mr. President, I do not want the chairman to take all of the blame and the punishment for this particular decision because it was a committee decision, but the chairman has accurately reflected the views at least of the majority on the committee. The predominant consideration was that at a time when our space program is not expanding but is receding, and the amount of funds we are spending on the space program is being reduced rather drastically, it did not seem justifiable to have such a large increase in committee staff. Maybe there was some justification that the committee was not aware of, but that was the general rationale for the committee's decision.

Mr. MOSS. What both Senators have said is the very argument I am trying to make. When that program was being built up, and great deal of money was being appropriated, very little scrutiny was given by the Senate committee, and many now claim that much of it was extravagantly expended. In fact, we hear many Senators say, "Let us phase it down. Let us cut in half the amount for the space program."

Now is the very time we need the oversight, to look into that, to have knowledge of whether we are indeed carrying excessive equipment, for example, or installations, or whether the programs we have now are justified, and whether we can examine, from a legislative point of view, the request of the Executive to make our own determination.

I think it is more important now to have a staff than when we were going to get to the moon and we just pushed everything in, in effect, to get to the moon.

I checked through all the appropriations made for the other committees, and I find that ours, rather than being extravagant, is at the bottom end—it is the "tail end Charlie."

We are, indeed, in need of the staffing that we laid out as clearly as we could before the committee. I just ask the members of the Rules Committee to recognize the needs. In the short period of time we have had to put that staff together and try to get it on the move, we have found that we need additional professional people.

Mr. President, I offer an amendment to strike the figure "$47,500" and increase it to "$55,500." That would be on line 5, page 2.

The PRESIDING OFFICER. First, the clerk will state the committee amendment.

The assistant legislative clerk read as follows:

On page 2, line 5, strike out the numeral and insert "$47,500".

The PRESIDING OFFICER. The Senator's amendment will now be in order.

Mr. MOSS. I offer an amendment to strike the figure of $47,500, appearing on line 5, and insert in lieu thereof the figure $55,500.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah (putting the question).

The noes appear to have it.

Mr. MOSS. Mr. President, I ask for a division.

The PRESIDING OFFICER. All Senators in favor please stand and be counted.

All Senators opposed, please stand and be counted.

Mr. MOSS. Mr. President, may the record indicate the number who stood on each of those votes?

The PRESIDING OFFICER. There is no provision in the rules for recording the number. A yea-and-nay vote would show the number, but a division is not tallied and recorded.

On a division, the noes have it, and the amendment is not agreed to.

Mr. MOSS. I state for the record, Mr. President, that a total of three Senators were on the floor and voted in the last division. One voted affirmatively and two voted negatively.

The PRESIDING OFFICER. The question now occurs on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 43) as amended, was agreed to.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 36, Senate Resolution 23.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, I object temporarily.

The PRESIDING OFFICER. Objection is heard.

Mr. GRIFFIN. Let me explain that the Senator from Nebraska (Mr. CURTIS) wants to be here when that resolution is considered. He is close by, and I shall send for him, but he wanted to be present in the Chamber when that resolution came up.

Mr. COOK and Mr. ERVIN addressed the Chair.

Mr. CANNON. I yield to the Senator from North Carolina.

Subsequently, the following proceedings were had on this resolution:

Mr. CANNON. Mr. President, Calendar No. 36, I think, is probably one we could consider right now. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 36, Senate Resolution 23.

The PRESIDING OFFICER (Mr. ABOUREZK). The clerk will state the resolution.

The legislative clerk read as follows:

S. Res. 23, authorizing additional expenditures by the Committee on Agriculture and Forestry for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CURTIS. Mr. President, I rise in support of the resolution and do so on my own behalf and also on behalf of our distinguished chairman, the Senator from Georgia (Mr. TALMADGE) who operates a well-managed committee. The money is carefully handled and will not be spent unless it is necessary.

We are satisfied with the arrangement made for the committee staff. We believe that passage of the resolution is necessary in order for the Committee on Agriculture and Forestry to carry out its work. There is a great deal of work to be done this year inasmuch as most of the major farm programs expire during this calendar year.

I urge passage of the resolution.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Agriculture and Forestry to expend not to exceed $212,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress, the committee was authorized to expend not to exceed $150,000 for that purpose. The committee estimates it will return approximately $18,000 of that amount to the Treasury.

The pending request includes an increase of $62,000 over last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 23 without amendment.

Senator TALMADGE is chairman of the Committee on Agriculture and Forestry, and Senator CURTIS is its ranking minority member.

The PRESIDING OFFICER (Mr. CLARK). Without objection, the resolution (S. Res. 23) is agreed to, as follows:

Resolution authorizing additional expenditures by the Committee on Agriculture and Forestry for inquiries and investigations

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $212,000, of which amount not to exceed $50,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. ROBERT C. BYRD. Mr. President, several Senators wished to be heard before the resolution was agreed to.

Mr. COOK. Mr. President, I thought the Senator——

Mr. AIKEN. Mr. President, I have no objection to the resolution but I wanted to offer a slight explanation.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. I hope the public will not get the idea that the funds appropriated for by these resolutions are all that our committees of the Senate have to spend. I believe there is an automatic appropriation of $425,000 which is added to the amount called for in the resolution. So we cannot be too pious about holding these costs down to a lower level than is actually the case.

Mr. CANNON. Mr. President, the Senator is correct. There is an automatic appropriation for permanent staffs. Each staff under the Reorganization Act has not less than 12 permanent staff personnel. Some staffs have been added to by legislative action since that time. So the Senator is quite right that the amount we are approving here in these resolutions covers only the increase in investigations over and above the amounts providing for regular staffs—permanent staffs.

Mr. COOK. Mr. President, if the Senator will yield, I think that the public should know that, but I also think the public should know that the Committee on Agriculture and Forestry of the Senate, of which I am not a member, has a budget of $340,000 during the course of the year to look after the Department of Agriculture and try to keep up with and to legislate for the benefit of one of the largest segments of the American economy.

I might suggest that there is no piety about it in all fairness, when we visualize that we spend $340,000 of the taxpayers' money as a committee to oversee an organization that spends billions of dollars every year.

So I would suggest that is a very small amount of money for Congress and, specifically, the Senate, because obviously there is also a budget for the House Agriculture Committee. But I would suggest that this is a small sum of money for the representatives of the people of the United States to have an overview of anything as large and cumbersome as the Department of Agriculture.

SENATE RESOLUTION 70—TO PERMIT PRESENT OR FORMER SENATE EMPLOYEES TO TESTIFY IN A CRIMINAL ACTION

Mr. ERVIN. Mr. President, I send to the desk a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read the resolution (S. Res. 70) to permit present or former Senate employees to testify in a criminal action.

Mr. ERVIN. Mr. President, the resolution which I am submitting is to permit a staff employee of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations and a former staff member of the subcommittee to testify in a criminal trial pending within the U.S. District Court for the Central District of California.

I might state that this case is set for trial Monday, which creates something of an emergency.

The criminal case is a direct result of an investigation made by the subcommittee during the period 1969–71, an inquiry which examined fraud and corruption in management of military club systems and illegal currency manipulations in South Vietnam. The staff mem-

bers who may be called under subpena to testify are Assistant Counsel LaVern J. Duffy and former Investigator Carmine S. Bellino, who, because of their investigations, are knowledgeable about the matters of the indictments which have led to the criminal trial in Federal District Court in California.

Mr. President, I ask that the resolution be immediately considered and agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 70), with its preamble, is as follows:

S. RES. 70

Whereas the case of United States of America v. William O. Wooldridge, *et al.*, Criminal Docket No. 7500, is pending within the United States District Court for the Central District of California; and

Whereas the Senate Permanent Subcommittee on Investigations has certain papers and tape recordings in its possession which were secured by staff members of said Subcommittee during the course of their duties as employees of the Senate with the knowledge and permission of the individuals involved; and

Whereas Mr. LaVern J. Duffy, a present staff member of the Permanent Subcommittee on Investigations, and Carmine S. Bellino, a former employee of said Subcommittee, upon the advice of a representative of the U.S. Attorney's Office for the Central District of California, may be called as witnesses and directed to bring with them at the aforementioned trial all of the reports of interviews, recorded statements or transcriptions thereof pertaining to statements made by the defendants under indictment in the aforementioned case; and

Whereas by the privileges of the Senate of the United States and by Rule XXX of the Standing Rules of the Senate no memorial or other paper presented to the Senate shall be withdrawn from its possession except by resolution of the Senate; and

Whereas information secured by staff employees of the Senate pursuant to their official duties as employees of the Senate may not be revealed without the consent of the Senate: Therefore, be it

Resolved, That Messrs. LaVern J. Duffy and Carmine S. Bellino are authorized to appear and testify before the aforementioned court in the aforementioned criminal case, or at any continued and subsequent proceedings thereof, and to take with them such tape recordings, memorials, or papers called for by proper subpenas before said court where determined by the judge thereof to be material and relevant to the issues before him.

ORDER OF BUSINESS—RESOLUTION POSTPONED

Mr. CANNON. Mr. President, I yield now to the Senator from Kentucky.

Mr. COOK. Mr. President, I was merely going to make an inquiry. Are we going to be able to handle these resolutions now, or will we have to set them aside one by one, and really not cover a lot of legislative changes? I make this inquiry because we have been stymied on two in a row.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for an observation at that point?

Mr. COOK. I yield.

Mr. GRIFFIN. I must say it has only been within the last few minutes that copies of the resolutions themselves have been available to Senators, as well as the reports, and the Committee on Rules did make changes in most of these resolutions.

I think that ordinarily we would not even take up a resolution until the report was available for 3 days. That is the rule. We are moving rather rapidly here, and some of our Members are just catching up with developments. So I am sure that the Senator will agree with me that Members are entitled to a little consideration. That is the only thing.

Mr. COOK. Let me say—I do not have the floor; the Senator from Nevada has it—that it is not my intention to hold up any of these resolutions, because I have had my say. I have had my day, and that is the way the ball game is played, and I am perfectly willing to play it that way; but I must say, in fairness, that practically every one of these items are less than the amounts requested by the particular committee chairmen, and I know that many of those chairmen are not aware of the cuts that have been made. They are not cognizant of the fact that these budget items have in fact been cut.

We concluded committee action on them yesterday, and I only want to say that I really want to be fair to other Senators, particularly those directly involved. I know what is here, because I have been involved in it, and obviously it would be perfectly all right with me to consider them all en bloc and get them out of the way, but I do not want to get a lot of flak from fellow Members of the Senate who find there are some material cuts in some of these budget items and they have not had an opportunity to become aware of them.

Mr. GRIFFIN. I agree with the Senator. I think we might well take the position that they should not be considered today at all, but if we are going to consider them, I think we have to try to take that into account.

Mr. CANNON. Mr. President, I am simply trying to proceed with the business of the Senate.

Mr. GRIFFIN. Well, I raise the point.

Mr. CANNON. I have no objection to any of these going over that any Senator requests go over. I would say that the distinguished majority whip perhaps should be consulted on the matter, and if there is a desire that they go over, there is certainly no objection on my part.

Mr. COOK. May I say to the Senator that I have been requested to request that Calendar Order No. 37, Senate Resolution 41, authorizing additional expenditures by the Committee on Banking, Housing, and Urban Affairs for inquiries and investigations, go over until February 27th.

Mr. CANNON. Twenty-eight. I have no objection to that, Mr. President.

Mr. COOK. I call that to the attention of the Senator from Alabama. It is his resolution.

The PRESIDING OFFICER. Does the Senator from Kentucky make such a request?

Mr. COOK. I make that request for the Senator from Alabama, the chairman of the committee, unless he wishes to make it himself.

Mr. SPARKMAN. Yes, I appreciate that. To the 28th.

Mr. COOK. To the 28th of February, Mr. President.

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

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 38, Senate Resolution 37.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

S. Res. 37, authorizing additional expenditures by the Committee on the District of Columbia for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 5, after the word "exceed", strike out "$185,000" and insert "$170,000"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the District of Columbia, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $170,000, of which amount not to exceed $20,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, the resolution would authorize the Committee on the District of Columbia to expend not to exceed $185,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress the committee was authorized to expend not to exceed $150,850 for that purpose. The committee estimates it will return approximately $5,200 of that amount to the Treasury.

The pending request includes an increase of $34,150 over last year's authorization.

The Committee on Rules and Administration has amended Senate Resolution

37 by reducing the requested amount from $185,000 to $170,000, a reduction of $15,000.

Senator EAGLETON is chairman of the Committee on the District of Columbia, and Senator MATHIAS is its ranking minority member.

Mr. EAGLETON. Mr. President, may I say, as chairman of the District of Columbia Committee, that I am perfectly satisfied with the recommended cut of $15,000 as suggested by the Committee on Rules and Administration. Although the distinguished Senator from Maryland (Mr. MATHIAS), the ranking Republican Member, is not now in the Chamber, I can speak on his behalf in saying that he, too, is in full accord with this recommendation of the Committee on Rules and Administration and is fully satisfied with the procedures.

The committee amendment was agreed to.

The resolution (S. Res. 37), as amended, was agreed to.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS FOR INQUIRIES AND INVESTIGATIONS — RESOLUTION POSTPONED

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 39, Senate Resolution 46.

Mr. GRIFFIN. Mr. President, reserving the right to object, what is that one?

Mr. CANNON. On Government Operations.

Mr. COOK. Government Operations.

Mr. GRIFFIN. Would the chairman pass over that one for a moment, as the distinguished Senator from Illinois (Mr. PERCY) wanted to be on the floor when that resolution is considered, and he will be here shortly.

Mr. CANNON. Of course. Mr. President, I ask unanimous consent that Calendar No. 39, Senate Resolution 46, be temporarily laid aside.

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

Mr. COOK subsequently said: Mr. President, I have been requested that Calendar No. 39, Senate Resolution 46, affecting the Government Operations Committee, be laid over until Monday next.

Mr. CANNON. Mr. President, I have no objection.

The PRESIDING OFFICER. The resolution will go over as requested.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 40, Senate Resolution 33.

The PRESIDING OFFICER. The clerk will state the resolution.

The legislative clerk read as follows:

S. Res. 33, authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Interior and Insular Affairs to expend not to exceed $475,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress the committee was authorized to expend not to exceed $400,000 for that purpose. The committee estimates it will return approximately $7,000 of that amount to the Treasury.

The pending request includes an increase of $75,000 over last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 33 without amendment.

Senator JACKSON is chairman of the Committee on Interior and Insular Affairs, and Senator FANNIN is its ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 33) was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Interior and Insular Affairs, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to consent to the assignment of personnel of other committees of the Senate to assist in carrying out the purposes of section 3 of this resolution. Travel and other expenses, other than salary, of any personnel from other committees assigned to the committee pursuant to this paragraph for the purposes of section 3 of this resolution may be paid under this resolution.

SEC. 2. The expenses of the committee under this resolution shall not exceed $475,000, of which amount (1) not to exceed $25,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. To assist the committee in a study of national fuels and energy policy pursuant to Senate Resolution 45, agreed to May 3, 1971, the chairman and ranking minority member of each of the Committees on Commerce and Public Works, or members of such committees designated by such chairmen and ranking minority members to serve in their places, and the ranking majority and minority Senate members of the Joint Commerce on Atomic Energy, or Senate members of that committee designated by such ranking majority and minority Senate members to serve in their places, shall participate and shall serve as ex officio members of the committee for the purpose of conducting the fuels and energy policy study.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AUTHORIZATION FOR EXPENDITURES BY THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 41, Senate Resolution 52.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

Senate Resolution 52, relating to expenditures by the Committee on Post Office and Civil Service.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Post Office and Civil Service to expend not to exceed $275,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress the committee was authorized to expend not to exceed $215,000 for that purpose. The committee estimates its unobligated balance will be nil.

The pending request includes an increase of $60,000 over last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 52 without amendment.

Senator MCGEE is chairman of the Committee on Post Office and Civil Service, and Senator FONG is its ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 52) was agreed to, as follows:

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Post Office and Civil Service, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $275,000.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate pro-

ceed to the consideration of Calendar No. 48, Senate Resolution 55.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

Senate Resolution 55, authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Armed Services to expend not to exceed $520,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress the committee was authorized to expend not to exceed $455,000 for that purpose. The committee estimates it will return approximately $70,000 of that amount to the Treasury.

The pending request includes an increase of $65,000 over last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 55 without amendment.

Senator STENNIS is chairman of the Committee on Armed Services, and Senator THURMOND is its ranking minority member.

Mr. President, I ask unanimous consent to have printed in the RECORD a table containing the pertinent information concerning the multiple inquires contained in Senate Resolution 55.

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

PERTINENT INFORMATION CONCERNING THE MULTIPLE INQUIRIES CONTAINED WITHIN SENATE RESOLUTION 55

Sec. No.	Purpose	Amount			Subcommittee	
		Requested	Amendment	Approved	Chairman	Ranking minority member
2	Consultants	$30,000	0	$30,000		
4	General	337,000	0	337,000	Mr. Stennis	Mr. Thurmond
5	Preparedness	153,000	0	153,000	Mr. Stennis	Mr. Thurmond
	Total	520,000	0	520,000		

Mr. SYMINGTON. Mr. President, the Rules Committee has approved funding for the Committee on Armed Services in the amount that was requested by the Armed Services Committee for the period March 1, 1973, through February 28, 1974.

Yesterday, at the request of Senator STENNIS, I appeared before the Rules Committee and made a statement on his behalf in support of Senate Resolution 55. Likewise, at the request of Senator STENNIS, I am supporting the action of the Rules Committee with respect to Senate floor action on Senate Resolution 55.

Mr. President, before commenting on the details of the request, the record should reflect the fact that the ranking minority member, Senator THURMOND, wrote to the Rules Committee fully endorsing the funds being requested under Senate Resolution 55.

The following points might be emphasized with respect to this total request:

First, generally speaking, the proposal for 1973 is a repeat from 1972. For 1972 the request of $455,000 was approved to support a total of 16 personnel. If the number of personnel had remained the same, the amount for 1973 would be $475,000 due to pay increases and agency contributions.

Second, the amount being requested for 1973 in Senate Resolution 55 is $520,000, which will permit an increase of two in authorized personnel; one clerical and one professional.

The total of 18 authorized persons being requested will permit a slight increase in the minority staff. In addition, there is one vacancy carried over from last year, which will enable the chairman to employ an additional professional staff person if the need arises during the course of the year.

Third, it should also be pointed out that the form of Senate Resolution 55 has been changed to reflect more clearly the manner in which the personnel are utilized. Up until this year one lump sum was requested for preparedness activities known as single funding. The new resolution before you, which is patterned after that used by other Senate committees, breaks down the funding request into three categories: First, consultants; second, general studies which are used primarily to support the committee's legislation activities, and third, studies and investigations relating to preparedness, which is a function that has been carried on in the past.

The amount being requested for consultants is $30,000. The same amount was requested in 1972, although only $3,000 was spent last year. It is anticipated that additional consultants will be utilized during 1973, and, in addition, a study with an outside organization, costing $12,000, concerning the all-volunteer force, is already under contract. This cost will be paid from 1973 funds.

The second category is the request for $337,000 for general studies and investigations. This amount will support committee personnel which deal primarily with our legislation activities, including the procurement and R. & D. authorization bill. I will also point out that the committee's legislative workload will be considerably greater in 1973 with respect to personnel legislation. The committee will have before it certain far-reaching legislative proposals dealing with military retirement and the entire personnel promotion systems.

The third category deals with the requests of $153,000 for preparedness activities which will be carried on in the same manner as in the past years.

Mr. President, the foregoing statement summarizes the purpose for which the funds in Senate Resolution 55 will be utilized during the forthcoming year.

Mr. THURMOND. Mr. President, I rise in support of Senate Resolution 55 which authorizes funding for the operation of the Senate Armed Services Committee during the next year.

The Senate may wish to know that this year's resolution is more detailed than the past and explains better the requirement for the $520,000 requested.

Mr. President, I concur in this request and urge the Senate to give Resolution 55 prompt approval. In view of the large defense budget handled by the committee and the other important responsibilities, it is my view the request is fully justified.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 55) was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Armed Services, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Armed Services is authorized from March 1, 1973, through February 28, 1974, to expend not to exceed $30,000 for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The Committee on Armed Services, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, to expend not to exceed $490,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries in accordance with such succeeding sections of this resolution.

SEC. 4. Not to exceed $337,000 shall be available for a general study or investigation of—

(1) the common defense generally;

(2) the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally;

(3) soldiers' and sailors' homes;

(4) pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;

(5) selective service;

(6) the size and composition of the Army, Navy, and Air Force.

(7) forts, arsenals, military reservations, and navy yards;

(8) ammunition depots;

(9) the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone;

(10) the conservation, development, and use of naval petroleum and oil shale reserves;

(11) strategic and critical materials necessary for the common defense; and

(12) aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 5. Not to exceed $153,000 shall be available for studies and investigations pertaining to military readiness and preparedness for the common defense generally.

SEC. 6. The committee shall report its findings together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 7. Expenses of the committee under this resolution, which shall not exceed in the aggregate $520,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES FOR COMMITTEE ON VETERANS' AFFAIRS

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COOK. 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. COOK. Mr. President, I have been requested that Calendar No. 43, Senate Resolution 47, be laid over. That deals with veterans' affairs.

Mr. CANNON. I have no objection.

Subsequently, the following proceeding were had:

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 43, Senate Resolution 47.

The PRESIDING OFFICER. The resolutiton will be stated by title.

The assistant legislative clerk read as follows:

A resolution authorizing additional expenditures by the Committee on Veterans' Affairs for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 6, after the word "exceed", strike out "$200,000 and insert $100,000"; so as to make the resolution read:

S. RES. 47

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Veterans' Affairs, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $100,000, of which amount not to exceed $40,000 shall be available for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Veterans' Affairs to expend not to exceed $200,000 during the next 12 months for inquiries and investigations.

During the last session of Congress the committee was authorized to expend not to exceed $50,000 for 5½ month period for that purpose. The committee estimates it will return approximately $25,000 of that amount to the Treasury.

The pending request includes an increase of $150,000 over last year's authorization.

The Committee on Rules and Administration has amended Senate Resolution 47 by reducing the requested amount from $200,000 to $100,000, a reduction of $100,000.

I might point out that the committee does have, for permanent staff and staff personnel of 12 an appropriation of $340,000, as do other standing committees, to cover that expense.

The Senator from Indiana (Mr. HARTKE) is chairman of the Committee on Veterans' Affairs, and the Senator from Wyoming (Mr. HANSEN) is its ranking minority member.

Mr. THURMOND. Mr. President, with regard to the appropriation for the Committee on Veterans' Affairs, the Senator from South Carolina approves the amount requested. He feels it is not excessive. He is willing to cooperate with the chairman of the committee on this particular appropriation, as he feels it is reasonable and should be granted.

Mr. HARTKE. I thank the Senator.

The PRESIDING OFFICER (Mr. CLARK). The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The resolution (S. Res. 47), as amended, was agreed to.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 49, Senate Resolution 44.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 44) authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being on objection, the Senate proceeded to consider the resolution.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Labor and Public Welfare to expend not to exceed $1,700,000 during the next 12 months for inquiries and investigations.

During the last session of Congress, the committee was authorized to expend not to exceed $1,483,000 for that purpose. The committee estimates it will return approximately $76,562 of that amount to the Treasury.

The pending request includes an increase of $217,000 over last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 44 without amendment.

Senator WILLIAMS is chairman of the Committee on Labor and Public Welfare, and Senator JAVITS is its ranking minority member.

Mr. JAVITS. Mr. President, I express my appreciation to the committee for its fine consideration of our work. It is gratifying to the minority that, having joined the majority in what we feel we need, it has received approval, after very profound consideration by the Rules Committee.

I thank Senator CANNON and Senator COOK and their colleagues.

Mr. GRIFFIN. Mr. President, I wish to observe that there is a considerable increase in the amount of funds provided for the Committee on Labor and Public Welfare. The special investigation of the United Mine Workers situation has been completed—although there still are some oversight aspects to that—and some 14 employees were principally engaged in that work. As I understand it, 13 of those 14 employees—or at least a number—will continue to be serving the committee. So, in a sense, the staff of the committee is being increased.

I note that; yet, I do not object to it. I once served on the Committee on Labor and Public Welfare. I am aware of the broad jurisdiction of that committee and the complex and difficult problems with which it deals.

But, beyond that, I observe that in the case of the Committee on Labor and Public Welfare, as the Senator from New York, the distinguished ranking member, noted, provision is made for the minority to be adequately staffed. As I

understand it, out of 87 employees, some 22 of the employees of that committee are responsible to the minority. I do not know exactly what the percentage is. But, in any event, it is not 43 percent—that is certain—although 43 percent of the Senators on that committee sit on the minority side of the aisle.

In comparison with some of the other committees, the situation for the minority with regard to the Committee on Labor and Public Welfare looks pretty good. No one could deny that that committee takes up very controversial issues, that there are differences, that they should be debated, and that both sides should be adequately presented to the Senate if the Senate is to do its job effectively.

So I support the resolution and commend both the chairman and the ranking member for the arrangement they have on that committee. I wish other committees would follow the example.

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

Mr. GRIFFIN. I yield.

Mr. COOK. While we are in this discussion and the Senator from Michigan has the floor, I think we ought to make it very clear. I read an item in the Washington Evening Star that the Republicans have attempted to get increased representation on committees and have failed to do so. I think we ought to discuss this now and get into a colloquy about it, because it has been a bone of contention on the Committee on Foreign Relations.

I might note, for instance, that the Committee on Foreign Relations has 49 employees, none of whom are attributable to the minority for minority staff. The thing that amazes me is that I do not mind clout if you have more people on your side of the aisle than on this side of the aisle; I suspect if you really want to use it you can use it, and apparently it is being used. But the majority side claims a great deal of credit in social legislation that has been going on for years and years whereby they specifically request that there be minority representation on everything, and in every community throughout the United States there are minority representatives in almost every phase of social legislation we have had through the years. But there seems to be minority representation everywhere except in the Senate, which is really rather comical.

For instance, one of the committees on which I serve is the Committee on Commerce. There are 72 employees for that committee, nine of whom are assigned to the minority. We separate this body by having a central aisle and we feel there are philosophical differences, yet on the Committee on Commerce the philosophical difference is left to nine of the 72 employees while the remainder pursues the majority view. I hope people understand and realize that when they read about all this minority representation that is necessary on all of the OEO programs, and all of the other programs, and groups, and councils when it is said there has to be minority representation, and how this is insisted on by many of our colleagues on the other side of the aisle, we turn around and we find that on some very important committee such as the Committee on Foreign Relations with 48 staff members there is no minority representation at all.

This is, I believe, in violation of the spirit of the Reorganization Act of 1970. I do not think there is any question about it. We have always heard it said around here that—

If we give you minority representation, somebody may have to be removed.

Are we here to see to it that the staff stays in perpetuity while Senators come and go? Are we to say, "You have your job; do not worry that we get into a debate where a man did not want to be assigned to the majority or the minority but to the committee." We would not have a committee if we did not have a minority side or a majority side, so who is this naive individual who thinks he is a neuter, who goes down the middle? The committee system is expected to function and operate on a minority and majority basis, but the public should know there are few committees in the Senate that honestly and in fact function and operate that way.

I thank the distinguished Senator from Michigan for the opportunity to discuss this matter.

Mr. GRIFFIN. Mr. President, if I still have the floor, I will add a further observation to what the distinguished Senator from Kentucky said. I find it interesting that there is so much talk about reform of Congress these days and yet there is so little talk about this particular problem. For the life of me I cannot understand how any serious, objective person, interested in reforming Congress, the processes of Congress, would not have some concern about the matter of the minority being adequately staffed. I see little of it written in the papers; I do not see any columnists focusing on it.

I will say, though, and give him credit, that Mr. Ralph Nader has recognized this problem and has spoken out publicly about the importance of both sides being adequately staffed.

It is very interesting and, of course, the votes taken in the Committee on Rules and Administration are matters of public record, and it will be noted and known that the Republicans did make an effort in this session of the Committee on Rules and Administration dealing with these resolutions to do something about the inequity that had existed and with respect to various committees, particularly where a majority of the minority members indicated a desire and a request that they have adequate staff. A motion was made that the minority have one-third of the staff, not 43 percent. The motion was that they have only one-third. In every effort where this motion was made the minority was voted down on a strict party line vote, the majority, because they have more votes, denying the minority the opportunity to be staffed to the extent of one-third.

Mr. President, I raise this matter deliberately while the resolution for the Committee on Labor and Public Welfare is before us, because it does not exist, at least not nearly to the extent with regard to that committee, and we should talk about some of the committees that do a good job in this regard. This committee is one of them. But certainly this is a problem and I do not understand, for the life of me, how it can continue. I wonder what the Democrats would be saying if in the next election the Republicans should get a majority and we were to decide to do the same thing and not give them any staff. Mr. President, can you imagine what they would be saying and can you imagine what the press would be saying, and what other reformers would be saying about the importance of the minority being adequately staffed. I do not think we should have to wait until the day when the tables are turned in that way.

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

Mr. GRIFFIN. I yield.

Mr. COOK. I might say that obviously it is going to happen that way when the tables are turned because that is the way the game has been played up until now.

There is one committee I would like to commend and commend highly, because I want to prove that the system does work and I want to prove that it does function. The distinguished Senator from West Virginia (Mr. RANDOLPH) is the chairman of the Committee on Public Works and the distinguished Senator from Tennessee (Mr. BAKER) is the ranking Republican member. I have a letter from the Senator from Tennessee (Mr. BAKER) setting forth how well it works in the Committee on Public Works, commending the committee chairman. When I am finished with my remarks I would like to ask permission that the letter be printed in the RECORD, because the system can work and it does work and it functions to the benefit, the advice, and the ability of every member of that committee, so the majority and the minority can function at the highest and best level of efficiency. After all, that is exactly what we are here for and that is exactly what we are talking about.

Mr. President, with that in mind, I ask unanimous consent to have printed in the RECORD a letter I received from the distinguished Senator from Tennessee (Mr. BAKER), dated February 19, 1973, in relation to the distribution of staff for majority and minority on the Committee on Public Works.

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

U.S. SENATE,
February 19, 1973.

Hon. MARLOW W. COOK,
U.S. Senate,
Washington, D.C.

DEAR MARLOW: I have Senator Tower's letter of February 14, in support of your effort in the Rules Committee on the Minority Staffing of Senate Committees—and requesting information about how committee salary budgets are divided between the Majority and the Minority. I have had this information compiled, and I am glad to present it.

As Senator Randolph and I pointed out when we appeared before the Rules Committee in support of our 1973 budget request, the Public Works Committee has had a history in recent years of maintaining a fair ratio for the minority staff, and I consider that the Chairman has been very conscientious in this respect. I recall your commenting at that time, as I had pointed out earlier in our Conference, that the Public Works Committee may well be the best example of

the kind of equitable treatment and staff cooperation we would like to encourage.

The following figures have been based upon the 1973 budget rather than the December figures which would be available from the Disbursing Office, which might not accurately reflect our present arrangement and would be less representative of an entire year. They combine the staff for investigating and oversight activities requested in Senate Resolution 21 now before the Rules Committee, and the so-called statutory employees consisting of six professional positions and six clerical positions for each standing committee as authorized by the Reorganization Act. In order to make a rough division between what might be called professional and clerical employees, rather than relying on the various titles used, they have been arbitrarily divided between those having annual salaries of more than $15,000—"professional", and those at less than that amount—"clerical".

The total proposed committee staff numbers 44 persons, of which 13 are assigned to the minority. That is approximately 30% for the minority and, while slightly less than one-third, it is a division which I find quite satisfactory. The total salaries proposed for positions assigned to the minority again amounts to 30% of the total salaries budgeted for the Committee for 1973.

Of the 24 "professional" positions at the higher salaries, seven are assigned to the minority. The average majority salary in this category is $24,992, the minority $24,713.

Of the twenty "clerical" positions at the lower salaries, six are assigned to the minority. The average salary for the majority positions is $11,210, for the minority $12,286.

This summary indicates that on the Public Works Committee the minority is at no disadvantage in terms of salaries paid—and in fact enjoys a remarkable parity. While I do not think this calculation has ever been undertaken previously, I believe it reflects the good effort made by the Committee, its minority, and by the staff—and certainly testifies also to the implementation by Chairman Randolph of his stated position that the committee staff be properly representative.

I hope this information is helpful to you, and that you will call on me if I can be of any further assistance.

Sincerely,

HOWARD H. BAKER, Jr.

Mr. COOK. Mr. President, the distinguished chairman of the Committee on Public Works, the Senator from West Virginia (Mr. RANDOLPH) is in the Chamber. He should be commended as the chairman of that committee. He has seen fit to play the game fairly and equitably in regard to his committee. I have never heard it said that the chairman finds it difficult to operate his committee; on the contrary the activities of his committee, when they come to the floor of the Senate, find the greatest cooperation and commendation from both sides of the aisle.

Mr. JAVITS. Mr. President, I hope we can dispose of the resolution relating to the Committee on Labor and Public Welfare where this problem does not exist and then have the debate in some case where there is a problem. Will the Senator allow us to do that?

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Labor and Public Welfare, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,700,000, of which amount not to exceed $200,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946); as amended.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON PUBLIC WORKS

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 42, Senate Resolution 21.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read the resolution (S. Res. 21) by title, as follows:

A resolution authorizing additional expenditures by the Committee on Public Works for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 5, after the word "exceed", strike out "$665,000" and insert "$625,000"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Public Works, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent funds of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $625,000, of which amount not to exceed $9,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Public Works to expend not to exceed $665,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress the committee was authorized to expend not to exceed $625,000 for that purpose. The committee estimates it will return approximately $177,000 of that amount to the Treasury.

The pending request includes an increase of $40,000 over last year's authorization.

The Committee on Rules and Administration has amended Senate Resolution 21 by reducing the requested amount from $665,000 to $625,000, a reduction of $40,000.

Senator RANDOLPH is chairman of the Committee on Public Works, and Senator BAKER is its ranking minority member.

The amendment was agreed to.

Mr. RANDOLPH. Mr. President, will the able chairman of the Committee on Rules and Administration yield to me?

Mr. CANNON. I am delighted to yield.

Mr. RANDOLPH. Mr. President, I ask the attention, if it is convenient, of my friend and colleague from Kentucky. I did not respond to his gracious comments a few minutes ago because it was thought best to clear the Labor and Public Welfare Committee resolution, but I would be remiss if I did not express appreciation to him for the words that he has spoken in reference to the Public Works Committee.

I would like to ask Senators, if they care to, to turn to page 3 of the report filed by the Senator from Nevada (Mr. CANNON) chairman of the Committee on Rules and Administration. On page 3 they will find that in the Public Works Committee we have in the category of professional staff members, 11 for the majority and seven for the minority, and, taking all of the positions held by the capable and loyal staff members in the committee, the majority would have a total of 29 and the minority a total of 11.

I ask unanimous consent that the chart from which I have cited these figures be printed in the RECORD at this point.

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

Positions	Employed		Requested		Total
	Majority	Minority	Majority	Minority	
Professional: Legislative	11	7	2	.....	21
Administrative, calendar, and printing	3	0	0	0	3
Research and staff assistants	4	1	0	0	5
Clerical	11	3	0	1	15
Total	29	11	2	2	44

Mr. RANDOLPH. I believe that what we have done in the Public Works Committee has been helpful to understand-

ing and cooperation and that we have been able to carry out the extensive legislative program before us because of the staffing arrangements which I have just mentioned.

Mr. President, during the year 1972, the Committee on Public Works considered and reported 12 bills, in consideration of these measures, among others, the committee conducted 54 days of hearings, including 6 days of hearings in the field, and the full committee met in executive session 43 times—this exclusive of 35 executive sessions held by subcommittees.

During the first session of the 93d Congress, the Public Works Committee envisions an ambitious legislative agenda which will require approximately 85 days of public hearings in Washington and in the field. In addition to the river and harbor authorization bill which has already passed the Senate, action is being taken on S. 502, the Federal-Aid Highway Act of 1973. This measure was carried over from the 92d Congress because of the inability of the House to muster a quorum in the closing hours of the session to act on the conference report. Extension of the Public Works and Economic Development Act is being sought, and attention will be given to the formulation of new regional development legislation. Present disaster relief legislation will be examined with a view to revision, if warranted. We will review amendments to the public buildings act, placing emphasis on cost reduction and control in Federal buildings projects, and improvement of prospectuses for new Federal buildings projects. The river basin monetary authorization bill also is scheduled for consideration this session.

In the area of pollution control, extensive oversight investigations of legislation already enacted will be made. Extension of the air pollution and resource recovery programs (S. 498) already has passed this body. Both of these programs will be subjected to intensive oversight review before new authorizations are proposed to determine what, if any, changes are required. A review of the implementation of the Federal Water Pollution Control Amendments of 1972 will be made.

Perhaps the most important undertaking of the Air and Water Pollution Subcommittee during this session is a review of the air quality standards related to transportation sources and to the Nation's energy supply. This evaluation will require extensive investigative oversight and field hearings.

The membership of the full committee, in executive session on the pending resolution, agreed to the committee undertaking these actions which I have outlined.

During, the past session, as in preceding years, the legislative responsibilities of the committee were so great that it was not possible to undertake oversight activity except in direct relation to legislation under consideration. Even with the phased addition of new staff during the past session, the committee's over sight plans were restricted by lengthy executive and conference sessions on major legislative matters. Since no lessening of the legislative responsibility of the committee is anticipated, the professional staff continues to be hampered in its efforts to carry out the mandate of Congress contained in the Legislative Reorganization Act to, among other things, "Review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee."

It is the committee's intention to assign the additional four staff members requested to oversight activities, along with the professional staff recruited during the past session. This staff will function under the direction of the chairman and the ranking minority member of each legislative subcommittee and will conduct its work under the supervison of the professional staff member responsible for that subcommittee's legislative activities. In this way we will be able to focus our attention on the policy implications of agency activity, rather than to concern ourselves with day-to-day details of agency administration. This procedure, we believe, will enable us to improve and refine the legislation within the committee's jurisdiction so that the goals which the legisaltion is designed to achieve are, in fact, more readily attainable.

This oversight function accounts, in its entirety, for the increase in the funds requested for the coming year over the amount expended under Senate Resolution 249 during the last session of the 92d Congress.

Last year we also requested funds for additional staff to conduct oversight inquiries. The committee was generous in approving the funds for these personnel. Because of a number of circumstances, we were unable to carry out our plans at that time to employ additional persons for oversight work. A number of recent events, not in the least of which is the change in relationship between the Congress and the executive branch, make it more important than ever that we fully exercise our oversight responsibilities. It is for these reasons that we are again asking for funds to employ additional staff. We do so in the belief that we are now in a position to carry out these functions.

As the distinguished gentlemen in this Chamber know, there are many other items which could be listed here for which funds are needed. I believe they also know that these funds are dispensed judiciously.

Circumstances were such last year that nearly $175,000 is being returned to the contingent fund of the Senate, and I can assure the Members of this body that if we are unable to undertake, or do not have to undertake any of those projects for which funds are requested, the funds, as in the past, will not be used.

Mr. President, I urge the Senate to act favorably on Senate Resolution 21.

Mr. President, I wish to commend the chairman, the Senator from Nevada (Mr. CANNON), of the Rules and Administration Committee, and all members of the committee who have given attention to our request. We are appreciative of their careful study of that which we set forth as necessary and which they have approved and brought into this body for decision this afternoon.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to.

ADDITIONAL STAFF MEMBERS FOR THE COMMITTEE ON FINANCE

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideratoin of Calendar No. 34, Senate Resolution 40.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read the resolution (S. Res. 40) by title, as follows:

A resolution to provide four additional professional staff members and four additional clerical assistants for the Committee on Finance.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with amendments, on page 1, at the beginning of line 2, strike out "until otherwise provided by law," and insert "from March 1, 1973, through February 28, 1974,"; in line 3, after the word "employ", strike out "four" and insert "two"; and, in line 4, after the word "and", strike out "four" and insert "two"; so as to make the resolution read:

Resolved, That the Committee on Finance is authorized, from March 1, 1973, through February 28, 1974, to employ two additional professional staff members and two additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of section 105(e) of the Legislative Branch Appropriation Act, 1958, as amended.

The title was amended, so as to read: "Resolution authorizing two additional temporary professional staff members and two additional temporary clerical assistants for the Committee on Finance".

Mr. CANNON. Mr. President, this resolution requests four professionals and four clericals on a permanent basis for the Committee on Finance. The Rules and Administration Committee considered the matter and reported the resolution with an amendment, the amendment allowing two professionals and two clericals on a temporary basis.

The Senator from Louisiana (Mr. LONG) is the chairman of the committee and the Senator from Nebraska (Mr. HRUSKA) is the ranking minority member.

Mr. LONG. Mr. President, if the Senator will yield, the committee intends to establish six subcommittees, and we do not plan to ask for separate staffs for each of these separate subcommittees. We do believe these additional employees will be necessary in order to permit the

committee to handle its very heavy workload and in order to provide assistance of a staff nature to these six subcommittees which will be helping us expedite the flow of legislation. I think, from the Senate's point of view, that will still make the Finance Committee one of the least staffed committees on the Hill—a small, efficient, but very competent staff.

Mr. President, I would like to speak in support of Senate Resolution 40. As reported by the Rules Committee, this resolution would authorize the Committee on Finance to hire two additional professional staff members and two additional clerical assistants.

The Finance Committee's workload over the past 4 years has been tremendous and growing. It has strained the resources of our staff to the limit. Major domestic legislation contributing to this workload has included:

First. The Tax Reform Act of 1969, the most complex and comprehensive modification of our tax laws ever enacted.

Second. The Revenue Act of 1971, with its major provisions designed to stimulate the economy.

Third. The Employment Security Amendments of 1970, which represented the most extensive changes in the unemployment insurance program since the original Social Security Act.

Fourth. The 1971 Sugar Act amendments under which roughly $9 billion worth of sugar will be sold.

Fifth. The State and Local Fiscal Assistance Act of 1972, which provided $30 billion in revenue-sharing funds over a 5-year period.

Sixth. The Social Security Amendments of 1972, with its major modifications designed to improve the social security, medicare and medicaid programs, and establishing a new program of supplemental security income for needy aged, blind, and disabled persons.

The committee expects to be handling major legislation again in the 93d Congress. Tax reform will be a major issue with particular emphasis on improving Federal standards for private pension programs. Health legislation is shaping up as another major area for committee consideration during the 93d Congress. There are a number of new areas the committee will be looking into as well.

In view of this tremendously increased workload, it is the committee's plan to establish a number of subcommittees, whose purpose would be to bring additional information the committee and expedite the flow of legislation. We are thinking of setting up six subcommittees:

First. A Subcommittee on Trade, headed by Senator RIBICOFF, to continue the very fine work this subcommittee has done in the previous Congress;

Second. A Subcommittee on Health;

Third. A Subcommittee on Private Pension Plans;

Fourth. A Subcommittee on State Taxation of Interstate Commerce;

Fifth. A Subcommittee on Foundations; and

Sixth. A Subcommittee on International Economic Problems. This subcommittee would look into problems related to the taxation of overseas income, foreign investments, energy, the Sugar Act, and additional international matters other than trade.

To expedite the flow of legislation, and not impede it, the purpose of the subcommittees will be to gather information and conduct hearings; legislation will not be referred to the subcommittees. In order for the subcommittees to study and develop expertise in their subject areas, we will need additional professional and supportive staff to aid the subcommittees. However, the additional staff will be full committee staff, not subcommittee staff. I believe that this additional staff will ably serve their subcommittees, the full committee, and the Senate in developing and analyzing information we need in order to legislate wisely in these important areas.

The committee amendments were agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution authorizing two additional temporary professional staff members and two additional temporary clerical assistants for the Committee on Finance".

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 44, Senate Resolution 49.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read the resolution (S. Res. 49) by title, as follows:

A resolution (S. Res. 49) authorizing additional expenditures by the Select Committee on Small Business.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 18, after the word "exceed", strike out "$188,000" and insert "$160,000"; so as to make the resolution read:

Resolved, That the Select Committee on Small Business, in carrying out the duties imposed upon it by S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended and supplemented, is authorized to examine, investigate, and make a complete study of the problems of American small and independent business and to make recommendations concerning those problems to the appropriate legislative committees of the Senate.

SEC. 2. For purposes of this resolution, the committee, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, (4) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, and (5) to provide assistance for the members of its professional staff in obtaining specialized training, in the same manner and under the same conditions as any such standing committee may provide that assistance under section 202(j) of such Act.

SEC. 3. The expenses of the committee under this resolution shall not exceed $160,000, of which amount (1) not to exceed $2,500 shall be available for the procurement of the services of individual consultants, or organizations thereof, and (2) not to exceed $1,000 shall be available for the training of the professional staff of such committee.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Select Committee on Small Business to expend not to exceed $188,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress the Select Committee was authorized to expend not to exceed $158,000 for that purpose. The Select Committee estimates it will return approximately $29,480 of that amount to the Treasury.

The pending request includes an increase of $30,000 over last year's authorization.

The Committee on Rules and Administration has amended Senate Resolution 49 by reducing the requested amount from $188,000 to $160,000, a reduction of $28,000.

Senator BIBLE is chairman of the Select Committee on Small Business, and Senator JAVITS is its ranking minority member.

Mr. BIBLE. Mr. President, would the Senator yield to me so that I might ask a couple of questions?

Mr. CANNON. I yield.

Mr. BIBLE. Mr. President, would the Senator inform me how this amount compares with the amount that was added last year? He might have already mentioned it. But since I came in late, I did not hear him.

Mr. CANNON. Mr. President, the committee turned back $29,480 last year and requested $30,000 additional this year.

The amendment from the Committee on Rules and Administration would reduce the request by $28,000, which would leave the amount above the amount authorized last year, even though there was a $29,000 turnback.

Mr. BIBLE. That was my understanding. But how much more would it be?

Mr. CANNON. $31,000 more than was spent last year.

Mr. BIBLE. $31,000 more than was spent last year?

Mr. CANNON. The Senator is correct.

Mr. BIBLE. And, of course, the Senator is using actually a credit of $29,000.

Mr. CANNON. The Senator is correct.

Mr. BIBLE. The Senator adds $2,000. We asked for the higher figures and the Senator allowed $2,000.

Mr. CANNON. The Senator is correct, over and above that.

Mr. BIBLE. Mr. President, for the purpose of the record, could the Senator give me the rationale or the reason for that?

Mr. CANNON. The committee made substantial reductions in the request of most of the committees, looking at the number of personnel involved and the fact that we would have the space to house the number of additional personnel requested. And the committee in no case took action to reduce the amount approved, so that the committee would not be able to take care of the approved, requested pay raise that was provided, of 5.4 percent.

Mr. BIBLE. Mr. President, I appreciate that, and I have no great fault to find with the fine work of the committee. There was no space problem as far as the Small Business Committee was concerned. The request for one additional assistant came about because of additional duties that we think that committee will have. I said at the time that I made the presentation before the committee—I do not remember who was present that day, but I believe the Senator from Nevada was there alone as chairman. However, at that time I made it very clear that if we found we were going to be operating inefficiently because we did not have sufficient staff, I would not hesitate to come back to the Committee on Rules and Administration and make another request.

That goes to the point and to the investigation being carried on by the chairman of one of the subcommittees, the very distinguished Senator from Wisconsin (Mr. NELSON), who has been examining with great effect into this entire drug and prescription and patent medicine drug problem. The committee requires some technical advice on this and other subject areas in which the committee intends to work.

We will do our best to get along with the staff we have. However, if at some future time it proves that we need additional staff, even the single assistant requested but denied, I will not hesitate to reserve the right to come back at some time in the future.

Mr. CANNON. Mr. President, the Committee on Rules and Administration has consistently taken the position that we are not trying to set an arbitrary and fixed line. It is difficult for us to do that. However, we are trying to use our best judgment. We have taken the position in the past that if a committee just cannot get along on the amount approved, we would listen to any reasonable request. This covers this first session, and we would be glad to consider any reasonable request.

Mr. BIBLE. I appreciate that. And if I might add one other thought, I think I said at the time the argument was made before my distinguished colleague, the chairman of the Committee on Rules and Administration, that the question of proper jurisdiction of our committee activity that he raised is in fact before the Committee on Rules and Administration, and if at some time in the future there was a problem with respect to this, that the committee would, I hope, give some thought to clarifying and eliminating thoroughly the financial and jurisdictional problems.

We have some overlapping of the committees, and we all recognize that. I use the environmental impact as an illustration. I do not know how many committees have studied that. I think that I could name five or six offhand. However, I would hope that at some time in the next year—because I know the Senator's great ability as a lawyer and as a prober—he might be able to get into this matter.

Mr. CANNON. Mr. President, I would say that we have a committee appointed on the reorganization of Congress for the purpose of trying to get into the problem of jurisdiction, because there is overlapping.

We recognize the difficulty existing for the Committee on Rules and Administration to tell someone that he is exceeding his jurisdiction.

Mr. BIBLE. I recognize the difficulties.

Mr. CANNON. But there is a committee of the Congress that has been charged with that responsibility. And the matter has been discussed at some length with the chairman.

Mr. BIBLE. Mr. President, I am delighted to hear that the committee is making progress in that field. It is a troublesome one and is not easily resolved. However, when the committee comes to grips with the problem, I would like to mention to my friend, the Senator from Nevada, that at some time we would like to get an answer to this and have it gone into in depth and have serious consideration given to granting to the Small Business Committee the legislative powers that are necessary to make it a more effective instrument and more responsive to the 8½ million small businesses in this country than our present nonlegislative status permits.

I would hope that at some time in the future this might be done.

Mr. JAVITS. Mr. President, I have made inquiry as to this cut myself, because I wanted to be sure it does not affect the minority of the committee that the Senator from Nevada (Mr. BIBLE) has chaired with great equality and fair ness.

We do have an open slot on the committee for the minority, assigned to the minority. That slot has been open for a few months, which is one of the reasons the money is being turned back. I insisted on recruiting real first-rate personnel. And that is not always very easy to come by. We had a man for a number of years who was excellent for the minority. We will have a new one shortly.

I wanted to be positive and have the assurance of the chairman of the committee that this will be an effort to improve the committee, because the committee felt that another staff member was needed. However, it should not in any way reduce the number of slots to the minority.

I understand that it is not the case. Under those circumstances, I would concur with the Senator. I think the committee is doing splendid work, and when, as, and if we face the Senator from Wisconsin (Mr. NELSON), chairman of the Subcommittee on Drugs and Pharmaceuticals, as well as the chairman of a number of the other subcommittees, the Subcommittee on Welfare Assistance and many others, I would join with him in getting sufficient staff pursuant to the assurance of the chairman of the committee.

The PRESIDING OFFICER. Without objection, the amendment is agreed to; and, without objection, the resolution (S. Res. 49), as amended, is agreed to.

DEATH OF FORMER GOV. WINTHROP ROCKEFELLER OF ARKANSAS

Mr. FULBRIGHT. Mr. President, I have just learned of the death of former Gov. Winthrop Rockefeller of Arkansas. Governor Rockefeller died today in Palm Springs, Calif.

I am saddened by his death. He contributed so much to the State of Arkansas and its people, not only during his tenure as Chairman of the Arkansas Industrial Development Commission and as Governor, but as one of Arkansas' leading citizens who gave unselfishly of his time, his talents, and his resources.

He will be particularly remembered for his efforts in developing industry and tourism in the State and for his promotion of education and the arts.

Winthrop Rockefeller was an adopted son of Arkansas, who was twice elected to the highest office in the State.

I know the people of Arkansas will mourn his passing and will join with me in extending deepest sympathy to his family and friends.

Mr. JAVITS. Mr. President, if the Senator will yield, I did not know about this until this very moment.

I am very deeply shocked. Winthrop Rockefeller was a personal friend of mine and a brother of my own Governor, Nelson Rockefeller. I have seen him many times. I have been entertained by him and have, in turn, entertained him.

I know his family. He was a splendid man, dedicated to public service. He found an area of the country in the great State of Arkansas which gave him hospitality and invited him to occupy its highest office.

This was deeply gratifying to me, to his friends and family, and to his relatives in New York.

I hear this news with the deepest grief. He died so young, at a time when he might still have had many marvelous years of service remaining.

I knew of no man who was superior to him in the cause of public service, seeking always the way in which he could serve in the most effective way. It is a shocking thing, Mr. President, to see such a fine man, who has done so much, die so young.

He was a member of a family every member of which has dedicated himself or herself to the best interests of their country in every conceivable way. Many, like my own Governor, have obtained positions of great eminence as a result of their dedication to service to the people.

I, too, would like to join with Senator FULBRIGHT, who has spoken so gracious-

ly, in extending my deepest sympathy to the Rockefeller family, and to Winthrop Rockefeller's immediate family.

Mr. FULBRIGHT. I thank the Senator. He has said very well what all of his friends think.

WHY HACKWORTH WENT TO AUSTRALIA

Mr. FULBRIGHT. Mr. President, on Wednesday, February 21, 1973, the New York Times carried an article by David H. Hackworth, who is said to be one of the most decorated officers in the Vietnam conflict.

Mr. Hackworth is very eloquent in his description of recent developments in this country, and I believe it is worthy of the attention of my colleagues. I ask unanimous consent to have it inserted in the RECORD as part of my remarks.

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

[From the New York Times, Feb. 21, 1973]

YOU HAVE BECOME SOMEONE ELSE

(By David H. Hackworth)

(NOTE.—David H. Hackworth is a retired U.S. Army colonel who was one of the most decorated officers in Vietnam. He is now working as a waiter in an Australian resort.)

COOLANGATTA, AUSTRALIA.—America, what has happened to thee? Once you were morally impeccable and stanchly proud; a model republic with your citizens having unbounded power; a symbol of freedom, the hope of the downtrodden and a shelter for the world's poor and oppressed; one nation under God where free men lived in equality, peace and justice; a country not divided by hate and weakened by your citizens' apathy. Your streets were safe and rivers clean and the sky over you was pure and blue; and your mighty Constitution was a document that protected your citizens and served as a torch that illuminated bigotry and slavery in the world's dark lands.

What happened? Why have thousands of talented Americans left your shores to settle in distant lands? Why have millions of your good conscientious citizens slipped away from you and copped out in that apathetic twilight land of the Silent Majority? Why have so many of your precious youth lost faith in you and become disenchanted nomads?

Is it because you have become someone else? Is it because you have strayed from the path that your founders hacked with bare hands out of granite? Is it because you no longer have a purpose? Is it because you are now so powerful you have little respect for those lands less strong? Is it because you have become a bully who flexes his military muscles or jingles his purse at the nations that will not fall in line with your selfish programs? Is it because bumbling bureaucracies manage you rather than your citizens govern you? Is it because you have placed your foreign policy in hands of intellectuals who talk in riddles about balance of power, high risk U.S. involvement, and Cold War strategy?

America, I love you. I have repeatedly risked my life fighting your battles. I carry the heavy burden of being responsible for the death of many of your youth lost during the last two decades of sorrowful adventures I once believed that you were all the good things inscribed in marble in your capital. But I no longer have that unrequited faith. I am one of your disillusioned sons. I believe you have misplaced the virtues that made you a symbol of freedom.

I am ashamed of your military adventures. I am disgusted by your support of foreign dictators who oppress their people. I am disillusioned by your willingness to compromise your principles for the sake of expediency. I am filled with despair that you conducted the most massive bombing in world history on a small Asian nation at Christmas time as part of an insane war that ripped you asunder.

Liberty and freedom no longer seem part of you. Electronic snooping devices invade your homes. Your journalists are imprisoned for refusing to divulge their sources. A major political headquarters is ransacked and bugged by its opposition with hardly a murmur from your citizens. Sham trials have occurred to silence your dissenters and make a mockery out of your judicial system. Your citizens who loudly disagree with your ventures are maligned by your cunning character assassins, incarcerated on trumped-up charges, and cruelly set upon by your governmental agencies. Your citizens seem to have lost much of their personal liberty and privacy.

Yes, America, you have had great leaders to guide you out of the wilderness. Men whose wisdom, vision, courage, and humility made you once the richest, most powerful and respected nation in the world. But the difference between today and yesterday is that those leaders who made you great also carefully listened to your citizens and then you had a government of the people, by the people and for the people. Leaders were selected because of their ability and because they could be trusted to follow the will of the people.

God bless you, America. I hope that you can get it all together so you will again be known as the land of the free and the home of the brave. So goodbye America. I have followed the westward quest of my ancestors who many years ago left the British Isles in search of liberty, justice and freedom. I have found these qualities alive in Australia, a young vigorous country that holds these principles high and is very much like you were, America, before you shrugged.

CONTINUING, AND AUTHORIZATION FOR ADDITIONAL, EXPENDITURES BY THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 45, Senate Resolution 50.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 50) continuing, and authorizing additional expenditures by the Select Committee on Nutrition and Human Needs which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 21, after the word "exceed", strike out "$291,000" and insert "$255,000"; so as to make the resolution read:

S. RES. 50

Resolved, That the Select Committee on Nutrition and Human Needs, established by S. Res. 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended through February 28, 1974.

SEC. 2. (a) In studying matters pertaining to the lack of food, medical assistance, and other related necessities of life and health, the Select Committee on Nutrition and Human Needs is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (6) to interview employees of the Federal, State, and local governments and other individuals, and (7) to take depositions and other testimony.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 3. The expenses of the committee under this resolution shall not exceed $255,000 of which amount not to exceed $20,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Select Committee on Nutrition and Human Needs to expend not to exceed $291,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress the Select Committee was authorized to expend not to exceed $280,000 for that purpose. The Select Committee estimates it will return approximately $25,000 of that amount to the Treasury.

The pending request includes an increase of $11,000 over last years' authorization.

The Committee on Rules and Administration has amended Senate Resolution 50 by reducing the requested amount from $291,000 to $255,000, a reduction of $36,000.

Senator McGOVERN is chairman of the Select Committee on Nutrition and Human Needs and Senator PERCY is its ranking minority member.

Mr. McGOVERN. Mr. President, I appreciate the careful thought that the Rules Committee has given to all of these matters, and the desire to economize wherever possible. I understand some of the logic involved in the committee's decision to reduce our request by $25,000, which is the unexpended amount from last year, but I would like to ask the chairman if it would not have been more logical to deduct that amount from the $291,000 figure, which reflects the new pay increase.

In other words, we are operating with the same staff. This was an automatic increase that moved last year's budget from $280,000 to $291,000 simply to take care of that additional pay increase. I would have thought that the $25,000 reduction would have been made on the larger figure of $291,000.

Mr. CANNON. Mr. President, all I can say is that the motion was made by one of the members of the commit-

tee, and it was approved. I think that a part of the rationale was that the indications were that the committee would be adding one new staff member, and we have been attempting to hold the line on the addition of staff wherever possible, and that it was the feeling of the committee that if no new personnel were added, there would be adequate funding, based on last year's expenditures, to take care of the pay increase.

Mr. McGOVERN. I want to say to the Senator, that while we added a clerk at very low pay, we have absorbed that additional salary increase out of the previous salary allowance. In other words, there was no addition to the staff allowance. There was another person added, but no total increase in the budget.

But regardless of that, the committee has set a rather full schedule of hearings this year, unanimously approved by our committee, and while I am willing to do as other chairmen have, and temporarily accept the reduction that has been made here, I think it is clear that we are going to have to come back for a modest increase at some point during the year.

As matters now stand, we will be left with approximately $8,000 to cover those aspects of the committee's operations that have to do with hearings, communications, and matters of that kind. We have scheduled or are in the process of scheduling some 40 days of hearings. I do not think we can do that within the limits of this budget.

But in any event, we appreciate the consideration the committee has given to us. I just want to indicate my own judgment that we will probably have to come in for a small supplemental increase later in the year.

Mr. CANNON. I might say, my colleague will recall that that has happened since the committee has been in existence. The Rules Committee did grant additional funds, I believe it was last year if I recall correctly, or last session.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for an observation?

Mr. CANNON. I yield.

Mr. GRIFFIN. I think the chairman has been rather standing alone here defending the committee, and I want to give him support in terms of the committee's judgment, and to indicate that, at least, it was stressed in the committee's deliberation that there was some concern about how long this temporary committee would continue.

It has been noted, for example, that the temporary Committee on Equal Educational Opportunities, which was established to do a specific job, has completed its work, filed a report, and has gone out of existence.

Many, I think in this body believe that the committee of which the Senator from South Dakota (Mr. McGOVERN) is chairman is not to go on forever. After all, the interests and the concern of this committee, which are real, are already within the jurisdiction of standing committees of the Senate.

There was an inclination on the part of some members of the Committee on Rules and Administration to cut the budget much further than they did, to make it clear that they wanted this committee to be phased out. The fact that the committee budget was not reduced further than it is might be of some satisfaction to the temporary committee.

CASE FOR A SUPPLEMENTAL

Mr McGOVERN. Mr. President, I fully appreciate the position of the Committee on Rules and Administration that the committees of the Senate should operate in the most effective manner, and for that reason I can understand the action they have taken in reducing the budget request of the Select Committee on Nutrition and Human Needs from $291,000 to $255,000, or a $36,000 reduction. As I understand this action, it was taken on the basis that the Select Committee returned in unexpended funds $25,000 from its operations during the last year. This sum was deducted from the budget request of $280,000 from last year, arriving at the $255,000 figure. I would myself have thought it more logical and preferred that the $25,000 be deducted from our budget request for this year of $291,000, which would have taken into account the 5½ percent salary increase included in this year's budget request.

Mr. President, the Rules Committee's recommendation of $255,000 will, I believe, severely limit the select committee's ability to fulfill the ambitious agenda that we have proposed to undertake this year. At this point I would request that the full agenda which the committee proposed to the Senate be included as part of the record of this debate.

I would also request that a more specific outline of topics and primary concerns that the committee intended to investigate be included as part of the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, one of the most exciting aspects of the committee's plans this year is a broadening of the scope of our activities from the extremely important and continuing investigations and oversight of Federal food programs for the poor into the increasingly important and complicated area of nutritional problems of the population as a whole.

In this new area, the members of the committee are especially interested in the general subject of nutrition education. This subject includes nutrition and food advertising, nutrition as a part of higher education, nutrition education and product labeling, including the very significant steps being taken by the Food and Drug Administration, and Federal nutrition education programs as part of or related to Federal feeding programs. Another new and important subject is basic nutrition research.

It is becoming increasingly clear that one of the major problems we face in the field of nutrition is a lack of agreed upon nutritional standards. We need to investigate as carefully as possible the kinds of basic nutrition research that need to be done to develop the knowledge that will permit us to make the kinds of decisions regarding our food supply and its consumption that will lead to better nutritional health for all our people. This is an extremely important and difficult subject, but one that the committee plans to pay very close attention to. As a corollary to this, the committee plans to look into what is known about the direct or indirect relationships between nutrition and diseases. The committee believes that this subject could become a keystone in developing a national policy of preventive health care—a policy that could in the long run save the American people billions of dollars by preventing disease rather than curing it after it occurs.

All of these subjects, including the Federal food programs, really lead to one fundamental question, that being whether or not the Nation now has a national nutrition policy that deals with every aspect of our vast food industry, including production, consumption, education, and health. It is the consideration of this final question that is really at the heart of the mandate of the select committee, and why the committee has laid out such a full agenda for the coming year.

There is no question in my mind that the budget that the members of the committee agreed upon was adequate, but by no means excessive. The reduction in our budget means that the committee's total operating budget, excluding $212,000 in salaries, is now $43,000. Of this $43,000 we have allotted $20,000 for consultants and $15,000 for investigative travel. This leaves us with a total of $8,000 to cover such items as communications, hearing expenses, witness fees, and other incidental expenses. Last year the committee spent approximately $6,000 for communications, $3,600 for witness fees, and $1,800 for office supplies.

I believe these figures clearly show that $255,000 will simply not be sufficient to fund our activities in the coming year. In the spirit of the Rules Committee's effort to hold down spending and encourage efficiency, I do not intend to oppose this cut in our budget request, but I do wish to make clear that I fully expect that it will be necessary for the committee, in view of its mandate and agenda to develop a national nutritional policy, to request supplemental funds during the year and I have every hope that such a request will be acted upon in a favorable manner.

EXHIBIT 1

MEMORANDUM TO COMMITTEE ON RULES AND ADMINISTRATION ACCOMPANYING SENATE RESOLUTION EXTENDING THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS THROUGH FEBRUARY 28, 1974

INTRODUCTION

It is important to re-evaluate from year to year the efforts and the direction of the Select Committee on Nutrition and Human Needs. This re-evaluation provides us with an opportunity to examine the progress we have made in fulfilling our mandate as well as the problems and issues that remain to be dealt with. The Committee has played an important role in the past four years in insuring that many Americans, once without adequate sustenance, are now able to obtain sufficient food. With the cooperation of the Congress and the Administration, numerous programs, some old and some new, have been expanded and directed toward providing all of our citizens with an equal opportunity at a decent diet. The Committee be-

lieves we are about to embark on a new and hopefully equally fruitful direction; a direction clearly envisioned in our mandate. We were recently in receipt of a letter from the President's former nutrition advisor and chairman of the White House Conference on Food, Nutrition and Health, Dr. Jean Mayer, which succinctly outlines this most important focus of the Committee's future activities. In particular, Dr. Mayer said:

"Now more than ever, it is important to pursue the importance of proper nutrition to the nation's health. During the past three years, great strides have been made in both the public and the private sectors. The food stamp program and the school lunch program have been significantly expanded, and new programs such as school breakfasts, summer lunch and feeding for the elderly have been given new life. Only recently, the Food and Drug Administration announced sweeping changes in the regulation of food labeling and advertising to promote nutrition awareness.

"Looking toward the future, I believe the time has arrived to begin focusing on the ultimate purpose of all of these efforts, that purpose being the establishment of a National Nutrition Policy. This focus would encompass the nation's public and private efforts beginning with the production and marketing of food stuffs and including its final consumption.

"The Committee recently began sucn a focus with its hearings on Nutrition Education. These hearings established the continuing enormous cost to the nation of poor nutrition in terms of ill-health or the failure to maximize health potential. This fact was brought home to us again just last week with the report by a special committee of the American Academy of Pediatrics that found widespread malnutrition among the nation's children, poor and middle-class alike.

"In the years ahead, increasing emphasis is going to be placed on making government programs work. One of the great areas of debate is going to be in the field of health and what the government's proper role should be. I am convinced that one of the most proper roles for the government to play is to insure the basic conditions of life for all Americans that will prevent them from sickness in the first instance, rather than pay for their sickness in the second. That is why I believe the work of the Select Committee on Nutrition and Human Needs is so vital, and sincerely hope for its continuance."

We also believe the continuance of the Committee and the fulfillment of its mandate is vital and that the activities outlined in this memorandum will give us the opportunity to accomplish this.

I. ACTIVITIES DURING 1972

During 1972, the Committee held 12 days of hearings, the topics, listed below, dealt particularly with the agenda items proposed to the Committee on Rules and Administration one year ago. Hearings were also held on unexpected changes in the direction of Federal food programs.

1. April 7—The Summer Lunch Program.
2. April 10—The School Breakfast Program.
3. May 1—Child Nutrition Programs and the children of migratory laborers (a joint hearing with the Subcommittee on Migratory Labor).
4. June 7—Unused Food Assistance Funds; the Food Stamp Program.
5. June 14—Nutritional Needs of the Nation's Older Americans.
6. June 21—Section 13 Funds—Summer and Pre-School Feeding Efforts.
7. June 22—Unused Food Assistance Funds: Administration Witnesses.
8. September 19—Food Additives.
9. September 20—Food Additives.
10. September 21—Food Additives.
11. December 5—Nutrition Education.
12. December 6—Nutrition Education—the Federal Programs.

During 1972, the Committee carried on a number of activities which complement the hearings that were held. Including publication of six Committee prints and the preparation of three others that will be released shortly. Among those activities were:

1. During June, July and August, a study of Nutrition in America's nursing homes was carried out by several professional members of the staff and with the assistance of six summer interns. The report resulting from that comprehensive study, "Old Age: A Privilege, Not a Penance" is presently in draft form and will be published in early 1973 with the cooperation of the Special Committee on Aging.

2. A thorough study of the nutrtional implications of the several welfare reform alternatives was completed and circulated among the Congress. This report, we believe shed considerable new light on the welfare reform debate and served as a valuable resource tool for the Membership. It was entitled "Hunger and the Reform of Welfare: A Question of Nutritional Adequacy."

3. The Committee published a print entitled "Hunger in the Classroom: Then and Now," outlining the history, development and present status of the National School Lunch Program and making recommendations for both legislative and administrative changes in the Program. It served as a useful catalyst to some of the changes embodied in P.L. 92-433.

4. The Committee staff revised and reissued "Promises to Keep: Housing Need and Federal Failure in Rural America." That report was the result of earlier hearings on Rural Housing and Sanitation and their relationship to the Federal food efforts. The revised edition updates many of the facts and figures contained in the original print.

5. "The Elderly, Blind and Disabled under H.R. 1" is a report which details the nutrition status of millions of disadvantaged Americans in the states before and after the passage of H.R. 1.

6. The Committee issued a print entitled "Studies of Human Needs," a compilation of studies that outlines the parameters of the nutrition-related problems of poor Americans. It covers housing, school food programs, welfare reform and food stamps and the administrative problems of the Food Stamp program for newly unemployed persons.

7. The Committee staff conducted an investigation of the problems of maternal and infant malnutrition, and programs designed to ensure adequate nutrition for this vulnerable group. The staff expects to complete a report on this issue shortly.

8. The Committee was active in an advisory capacity during the deliberation of H.R. 1 (relating to welfare reform), P.L. 92-433 (relating to the school lunch and breakfast programs) and P.L. 92-399 (relating to the appropriations for the various federal food programs). Additionally, the Committee was very much involved in the development of suggestions from members to USDA regarding regulations issued pursuant to P.L. 92-433.

9. The Committee sponsored on November 29, 1972, a conference on "Child Nutrition in 1972: Where do we go from here?" attended by representatives of interested Congressional staffs, state school lunch directors, federal agency directors and over 50 different public and private organizations. Out of this conference has come a long list of recommendations that will be studied in the months ahead so that this Committee can make appropriate recommendations to the Senate.

II. PROPOSED AGENDA FOR 1973

1. Section 13 of the National School Lunch Act (relating to summer, day-care and other non-school feeding) expires at the end of June 1973. The Committee will, of course, conduct a review of the program and publish a Committee print on this subject.

2. The Food Stamp Act of 1964 also expires at the end of June 1973. This program has been the number one weapon of the anti-hunger arsenal and the time to study the operation of the program to this date is now upon us. We will, of course, be once again looking at the program as it relates to any form of welfare reform proposals that might come before the Congress during 1973. Of particular concern will be the availability of the program to America's senior citizens.

3. The Committee will follow the implementation of P.L. 92-433 particularly as it relates to the School Breakfast Program. Also of particular concern is the implementation of the Supplemental Feeding program for infants and pregnant women.

4. The Committee will be following up on the report on nutrition and our nation's nursing homes by developing a comprehensive and detailed set of recommendations for eliminating hunger among older Americans who appear to be both especially hard to reach and extraordinarily vulnerable to the consequences of hunger and malnutrition.

5. Nutrition Education. The Committee's hearings on December 5 and 6 revealed a number of areas that have been too long neglected in this area and which go to the very heart of our mandate. The Committee is in the process of preparing a comprehensive background volume on Nutrition Education and intends to study in-depth the following topics:

A. Federal Nutrition Education Efforts:
1. The Nutrition Education programs
2. The educational value of the federal food programs

B. Nutrition Education in higher education including:
1. medical schools
2. medical schools
3. nursing schools
4. teachers' colleges

C. The role of private industry through advertising and labeling.

D. The relationship of nutrition ignorance and ill-health.

E. Problems of fad diets and special diets (e.g. heart patients).

6. The value of proper nutrition for non-poor children. The Committee plans to study the educational, health, social, economic and related consequences of proper diets for children. Such a study would include a look at the relationship between mental retardation and nutrition and is in order in light of increased demands for a universal-type school lunch program.

7. The Committee is compiling a report updating Hunger, USA, the 1968 analysis of poverty and hunger county-by-county for the entire nation. It will show how the pattern of hunger has changed in the last five years and will detail the gap that still remains between the poor and the available federal food programs. The report will be published early in 1973.

8. Continuing Oversight Activities. The Select Committee should continue and expand its oversight of federal food assistance and food service programs. The Committee has provided a valuable and necessary service over the last several years to the Department of Agriculture in its administration of the food stamp program, the food distribution program, and the range of child and elderly nutrition programs. The result has been a tremendous expansion of these programs in terms of both participation of the child nutrition amendments of 1972 and its development of legislative proposals amending the year-round and summer non-school feeding program (section 13 program) and the food stamp program.

In the coming year, the Select Committee plans to focus more clearly on the general questions of a National Nutrition Policy and how the various program components fit into

that policy, as well as the present administrative arrangements of the Federal Government. The pursuit of this general question may involve the convening of experts for a conference on the subject of a National Nutrition Policy, as well as the commissioning of selected consultant studies following the practice of other Congressional Committees.

CONCLUSION

Considerable progress, of which we may all be proud, has taken place since 1969. We believe much of this is attributable to the undiminished investigative activities of this Committee.

In recent weeks two reports have been issued evaluating the progress that has been made with the federal food assistance programs. They indicate there is still much for the Committee to do. "Hunger U.S.A. Revisited" was issued by the Citizens Board of Inquiry into Hunger and Malnutrition, the same body that published "Hunger U.S.A." over four years ago. A study of the same nature has been issued by Food for All, an OEO-funded organization.

Both studies merit our serious considerations. In the last four years, we have intensified federal food program efforts: the number of people receiving food stamps has gone from about 2.5 million to nearly 12 million and the participation rate for free and reduced price school lunches has more than tripled, from 2.3 million to about 7.6 million.

Yet, only 43% of eligible families are receiving some form of federal food assistance, and as many as 12 million children are eligible for a free or reduced price lunch.

This effort cannot, of course, be separated from welfare reform—but until nutritionally adequate welfare reform is assured, I think it fair to say that this Committee is pledged to the availability of federal food assistance for all of America's 27 million poor.

Thus, we urgently need to look at why only 43% of America's poor families are being reached—are these outreach failures, cost problems, red-tape delays, insufficient appropriations or are there more fundamental problems with the approach (i.e., stamps, not money) itself.

STAFF MEMORANDUM, SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS, FEBRUARY 5, 1973

The following is a general outline of the topics which will be the principal concerns of the Committee during 1973. For all of these, we will be doing some combination of hearings (including field hearings), staff studies, legislation, consultant studies, and investigations into the relevant overseas experiences.

1. Family food programs
a. Food stamps
b. Commodities
c. Welfare reform
2. Child nutrition
a. School lunch
b. School breakfast
c. Summer lunch
3. Maternal, infant and preschool nutrition
a. Supplemental and special supplemental feeding programs
b. Day care and Head Start feeding
c. Maternal and infant centers and well-baby clinics
4. Nutrition and the elderly
a. The nutrition program for the elderly (the Kennedy program)
b. Special health problems and special diets among the elderly
c. Institutions (including nursing homes)

All of the topics for the elderly will be done in cooperation with the Special Committee on the Aging.

5. Nutrition education
a. Nutrition and food advertising (especially advertising that is aimed at children)
b. Nutrition education and higher education, including that available to medical, dental, nursing and elementary-teacher students
c. Nutrition education and product labeling, including the effect of the recent FDA regulations
d. Federal nutrition education programs
(1) Education programs (EFNEP and Office of Education programs, etc.
(2) The educational component of federal food programs
6. Basic nutrition research
a. Survey and evaluation of nutrition standards across the country
b. Research in the area of the health-nutrition relationship
7. Nurition and diseases; preventive health care
a. Obesity and fad diets
b. Other diseases
8. Food technology
a. Food additives
b. Macrobiotic, organic and other cultural diets
9. National Nutrition Policy Conference—December, 1973.

TENTATIVE HEARING SCHEDULE

Nutrition advertising, March 5, 3 days.
Nutrition advertising, March 12, 2 days.
Family food programs, March 26, 2 to 3 days.
Child nutrition, April 2, 3 days.
Obesity and fad diets, April 16, 3 to 4 days.
Nutrition and the elderly, May 7, 3 days.
Maternal, infant, preschool, May 21, 3 days.
Nutrition labeling and standards, June 4, 3 days.
Nutrition educational and higher education, June 18, 2 to 3 days.
Nutrition and basic research, September, 2 to 3 days.
Total days, 26 to 30.

The committee amendment was agreed to.

The concurrent resolution (S. Res. 50), as amended, was agreed to.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 50, Senate Resolution 54.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 54) authorizing additional expenditures by the Committee on Armed Services for routine purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CANNON. Mr. President, this resolution requests $60,000 in addition to the $10,000 per Congress for routine purposes provided for the Committee on Armed Services. Last year it was necessary for the Committee on Armed Services to come back to the committee and get additional moneys appropriated for the operation of the committee. This is in a like manner, and the committee reported the resolution favorably, without amendment.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the Committee on Armed Services is authorized to expend from the contingent fund of the Senate, during the Ninety-third Congress, $60,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

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

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

CONTINUING, AND AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 46, Senate Resolution 51.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 51) continuing, and authorizing additional expenditures by the Special Committee on Aging.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with an amendment on page 3, line 11, after the word "exceed", strike out "$404,362" and insert "$375,000"; so as to make the resolution read:

S. RES. 51

Resolved, That the Special Committee on Aging, established by S. Res. 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, is hereby extended through February 28, 1974.

SEC. 2. (a) The committee shall make a full and complete study and investigation of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and, when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(b) A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose fo taking sworn testimony.

SEC. 3. (a) For purposes of this resolution, the committee is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate, (4) to require by subpena or otherwise the attendance of witnesses and the production of correspondence, books, papers, and documents, (5) to administer oaths, (6) to take testimony orally or by deposition, (7) to employ personnel, (8) with the prior consent of the

Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, and (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 4. The expenses of the committee under this resolution shall not exceed $375,000, of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

SEC. 5. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974. The committee shall cease to exist at the close of business on February 28, 1974.

SEC. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Special Committee on Aging to expend not to exceed $404,362 during the next 12 months for inquiries and investigations.

During the last session of the Congress the Special Committee was authorized to expend not to exceed $375,000 for that purpose. The Special Committee estimates it will return approximately $24,900 of that amount to the Treasury.

The pending request includes an increase of $29,362 over last year's authorization.

The Committee on Rules and Administration has amended Senate Resolution 51 by reducing the requested amount from $404,362 to $375,000, a reduction of $29,362.

Senator CHURCH is chairman of the Special Committee on Aging, and Senator FONG is its ranking minority member.

Mr. CHURCH. Mr. President, I note that the Rules Committee has made a reduction in the budget request of the Committee on Aging, to reduce the level of projected expenditure for the coming year to approximately the same level as the committee had last year.

I take no exception to this action, and I assure the chairman of the Rules Committee that we will undertake as best we can to live within the limitations of the budget as prescribed.

However, I think it should be noted for the RECORD that the return of $24,000 to the Treasury out of last year's budget occurred because a minority staff position remained unfilled last year and the number of field hearings was limited because it was a major political year.

I think that should be noted, together with a summation of the workload of the committee that we anticipate in 1973, the achievements of the committee in 1972, and a general statement relating to the need for continuing the committee. I ask unanimous consent that this summary be printed at this point in the RECORD.

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

U.S. SENATE SPECIAL COMMITTEE ON AGING

Work load in 1973:

1. Hearings on "Future Directions in Social Security" to continue: a look at the *total* economic security of the elderly, in the light of the 1972 historic enactments.

2. Hearings on "Barriers to Health Care for Older Americans" to open March 5, 6, and 7.

3. Next week: hearings on the high-rise fire in Atlanta last November.

4. Hearings on a large number of subjects under consideration.

5. But a major task is to keep watch over cutbacks threatened or actual, in worthwhile projects that serve older Americans.

Achievements in 1972:

1. A year of major legislative accomplishment. The Committee played a role in 16 enactments, including the 20 percent Social Security increase successfuly sought by the Committee Chairman.

2. Issued five reports and conducted numerous hearings.

Need for continuing the committee:

1. Aging falls under no one Committee jurisdiction; it is a dynamic field in constant change.

2. Indication of Senate interest: membership increased from 20 to 22. It is second largest Senate Committee.

Reasons for return of $24,000 from 1972 budget:

1. Minority staff position remained unfilled last year; also the number of field hearings were llimted because it was a major political year.

Mr. CANNON. I simply point out to the Senator that we certainly were not trying to penalize the committee for the fact that they did not use some of their money. What did concern us was that last year 18 employees were included in the budget. The proposed budget this year shows 20 employees, an increase of two.

I am sure that the Senator knows the problems we are having with regard to space. We have been trying to look at every committee that has requested additional employees and to cut back their requests wherever we can, because we simply do not have the space to put them; and we will not have the space until we are able to acquire more office space.

I have already discussed with the Senator the very serious space problem in connection with one of his other subcommittees. I assure him that we are not trying to penalize his committee because they turned back money, but we are trying to limit to some degree, through the money process, the addition of employees to the staff.

Mr. CHURCH. I understand the dilemma that faces the distinguished chairman of the Committee on Rules and Administration. I take this occasion to express the hope that he is successful in finding space for the special committee which is currently without any space at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution, as amended, was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, that completes action on the calendar as of today, as I understand it. I wish to ask the chairman of the Committee on Rules and Administration to confirm that Calendar Order No. 37 has gone over until February 28; and that Calendar Order No. 39 will go over until Monday.

Mr. CANNON. That is correct.

Mr. ROBERT C. BYRD. Calendar Order No. 51 will go over to Tuesday.

Mr. CANNON. That is correct.

Authorization for Committee on Rules and Administration to file reports until Midnight.

Mr. ROBERT C. BYRD. I thank the distinguished chairman. I wish also to ask whether the remaining resolutions with respect to moneys for committees will be reported today.

Mr. CANNON. We do expect to report the resolutions. We would like to have permission to do so.

Mr. President, I ask unanimous consent that we be permitted to file up until midnight tonight, whether or not the Senate is in session, so the reports will be available tomorrow.

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

Mr. ROBERT C. BYRD. I now wish to ask the distinguished Senator if he would state for the RECORD what the remaining resolutions are.

Mr. CANNON. The remaining resolutions cover the Committee on Foreign Relations, the Committee on the Judiciary; the resolution for the Committee on Commerce will not be ready to report tonight and will not be ready to report until some time next week. So two would be filed tonight.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 3 p.m., with the understanding that the Chair may call the Senate into session in the meantime.

The motion was agreed to; and at 2:23 p.m. the Senate took a recess until 3 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. SAXBE).

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders under the standing order, the able senior Senator from Virginia (Mr. HARRY F. BYRD, JR.), be recognized for not to exceed 15 minutes, and that he be followed by the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes.

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 11:30 a.m. tomorrow.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

(Subsequently, this order was changed to provide for the Senate to adjourn until 11:30 a.m. on Monday, February 26, 1973.)

TRANSACTION OF FURTHER ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now resume the transaction of routine morning business for a period of not to exceed 45 minutes, with statements therein limited to 15 minutes each.

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

VIRGINIA LEGISLATURE'S PROPOSAL FOR AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO ATTENDANCE IN PUBLIC SCHOOLS

Mr. HARRY F. BYRD, JR. Mr. President, the Senate of Virginia, meeting in Richmond, and the house of delegates, meeting in Richmond, both have passed a joint resolution which states:

> No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color, or national origin.

This proposal, which is in the nature of a constitutional amendment, was adopted by the Senate on a voice vote, with only one audible dissent. It was approved by the House of Delegates by a vote of 66 to 5. Its purpose, of course, is to outlaw by a constitutional amendment the compulsory busing of schoolchildren in order to achieve an artificial racial balance in the schools.

I think this action of the Virginia Legislature typifies the feeling of the people of Virginia. Senate Joint Resolution No. 109, to which I have just referred, was introduced in the Virginia senate by the Senator from Henrico County, Senator William Parkerson. Cosponsors of the joint resolution were Senator Gray, of Chesterfield; Senator Campbell, of Hanover; Senator Anderson, of Halifax; Senator E. T. Gray, of Sussex; Senator Warren, of Bristol; Senator Buchanan, from the southwest, a coal mining region; Senator Willey, of Richmond; Senator Manns, of Caroline County; Senator Smith; Senator McNamara, of the city of Norfolk; Senator Stone, of the city of Martinsville; Senator Bendheim, of the city of Alexandria; Senator Bateman, of the city of Newport News; Senator Burruss, of the city of Lynchburg; Senator Walker, of the city of Norfolk; Senator Canada, of Virginia Beach, and Senator Dalton, representing the county of Montgomery and the city of Radford.

I have read these names and the areas which those Senators serve to show that this was a Statewide endeavor.

The people all over Virginia, and their representatives in the legislature, are vitally concerned about the matter of compulsory busing of schoolchildren for the purpose of creating an artificial balance in the schools. I commend the Virginia Legislature.

I have introduced in the Senate of the United States, together with many other Senators—the Senator from Michigan (Mr. GRIFFIN), the Senator from Tennessee (Mr. BROCK), the Senator from Tennessee (Mr. BAKER), and other Senators—a similar resolution calling for a constitutional amendment to outlaw compulsory busing.

I am pleased to have read to the Senate today the action taken by the Virginia Legislature. I commend those members of the Virginia Legislature whose names I have just read.

U.S. RELATIONS WITH CHINA

Mr. HARRY F. BYRD, JR. Mr. President, the President's national security adviser, Dr. Henry Kissinger, in a news conference today reported on the meeting which he had held in China with Chairman Mao and with Premier Chou En-lai. The information which I have been able to obtain only from the news reports coming over the ticker tape indicate that agreement has been made to open liaison offices in the two countries. It seems to me that such an agreement has a great deal of merit.

I would hope that in reading the full text of the news conference one would find that provision has also been made for American newsmen to be able to go to China and for Chinese newsmen to come to the United States. I should like to see more people-to-people contact between these two great countries. I think the more the Chinese can learn about the United States and the more the Americans can learn about China, the better off all of us will be.

China has some 800 million population, the largest population in the world; and the United States, we feel, is the major country of the world. It is important that there be greater contact between these two great countries. I think that Dr. Kissinger's trip to China and his meeting with Chairman Mao and with Premier Chou En-lai should be essential to the creation of a better atmosphere between our two countries. I would hope that in their discussions agreement was reached whereby there might be a freer interchange of citizenry and news personnel.

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

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

(The remarks Senator JAVITS made at this point when he introduced S. 980 and the remarks Senator Bellmon made when he introduced S. 981 are printed earlier in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. JAVITS. 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.

REFERRAL OF THIRD SECTION OF THE PRESIDENT'S STATE OF THE UNION MESSAGE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message from the President of the United States—which constitutes the third section of his 1973 state of the Union message—be jointly referred to the following committees: The Committee on Banking, Housing and Urban Affairs; the Committee on Finance; and the Committee on Labor and Public Welfare.

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

The message from the President is as follows:

To the Congress of the United States:

Today, in this third section of my 1973 State of the Union Message, I wish to report on the state of our economy and to urge the Congress to join with me in building the foundations for a new era of prosperity in the United States.

The state of our Union depends fundamentally on the state of our economy. I am pleased to report that our economic prospects are very bright. For the first time in nearly 20 years, we can look forward to a period of genuine prosperity in a time of peace. We can, in fact, achieve the most bountiful prosperity that this Nation has ever known.

That goal can only be attained, however, if we discipline ourselves and unite on certain basic policies:

—We must be restrained in Federal spending.

—We must show reasonableness in labor-management relations.

—We must comply fully with the new Phase III requirements of our economic stabilization program.

—We must continue our battle to hold down the price of food.

—And we must vigorously meet the challenge of foreign trading competition.

It is clear to me that the American people stand firmly together in support of these policies. Their President stands with them. And as Members of the 93rd Congress consider the alternatives before us this year, I am confident that they, too, will join in this great endeavor.

IMPACT OF THE ECONOMY ON PEOPLE'S LIVES

This message will present my basic economic recommendations and priorities and will indicate some areas in which further detailed plans will be submitted later.

But I also want to discuss our economic situation in less formal terms: how do statistical measurements, comparisons and projections affect the daily lives of

individual Americans and their families?

We build our economy, after all, not to create cold, impersonal statistics for the record books but to better the lives of our people.

Basically, the economy affects people in three ways.

First, it affects their jobs—how plentiful they are, how secure they are, how good they are.

Second, it affects what people are paid on their jobs—and how much they can buy with that income.

Finally, it affects how much people have to pay back to the Government in taxes.

JOB PICTURE ENCOURAGING

To begin with, the job picture today is very encouraging.

The number of people at work in this country rose by 2.3 million during 1972—the largest increase in 25 years. Unemployment fell from the 6 percent level in 1971 to 5 percent last month.

The reason jobs have grown so rapidly is that the economy grew in real terms by 6½ percent last year, one of the best performances in the past quarter century. Our economic advisers expect a growth rate of nearly 7 percent in 1973. That would bring unemployment down to around the 4½ percent level by the end of the year.

Five percent unemployment is too high. Nevertheless, it is instructive to examine that 5 percent figure more closely.

For example:

—Only 40 percent of those now counted as unemployed are in that status because they lost their last job. The rate of layoffs at the end of last year was lower than it has been since the Korean War.

—The other 60 percent either left their last job voluntarily, are seeking jobs for the first time or are re-entering the labor force after being out of it for a period of time.

—About 45 percent of the unemployed have been unemployed for less than five weeks.

—As compared with earlier periods when the overall unemployment rate was about what it is now, the unemployment rate is significantly lower for adult males, household heads and married men. Among married men it is only 2.4 percent. Unemployment among these groups should decline even further during 1973.

This employment gain is even more remarkable since so many more people have been seeking jobs than usual. For example, nearly three million Americans have been released from defense-related jobs since 1969—including over one million veterans.

The unemployment rate for veterans of the Vietnam War now stands at 5.9 percent, above the general rate of unemployment but slightly below the rate for other males in the 20-to-29-year-old age bracket. While much better than the 8.5 percent of a year ago, this 5.9 percent rate is still too high. The employment problems of veterans, who have given so much for their country, will remain high on my list of concerns for the coming year.

Women and young people have also been seeking work in record numbers. Yet, as in the case of veterans, jobs for these groups have been increasing even faster. Unemployment among women and young people has thus declined—but it is also much too high and constitutes a great waste for our Nation.

As we move into a new era of peacetime prosperity, our economic system is going to have room—indeed, is going to have need—for nearly every available hand.

The role of women in our economy thus is bound to grow. And it should—not only because the expansion of opportunities for women is right, but also because America will not be able to achieve its full economic potential unless every woman who wants to work can find a job that provides fair compensation and equal opportunity for advancement.

This administration is committed to the promotion of this goal. We support the Equal Rights Amendment. We have opened the doors of employment to qualified women in the Federal service. We have called for similar efforts in businesses and institutions which receive Federal contracts or assistance.

Just last year, we established the Advisory Committee on the Economic Role of Women. This Committee will provide leadership in helping to identify economic problems facing women and helping to change the attitudes which create unjust and illogical barriers to their employment.

PAY AND PURCHASING POWER

The second great question is what people are paid on their jobs and how much it will buy for them.

Here the news is also good. Not only are more people working, but they are getting more for their work. Average per capita income rose by 7.7 percent during 1972, well above the average gain during the previous ten years.

The most important thing, however, is that these gains were not wiped out by rising prices—as they often were in the 1960's. The Federal Government spent too much, too fast in that period and the result was runaway inflation.

While wages may have climbed very rapidly during those years, purchasing power did not. Instead, purchasing power stalled, or even moved backward. Inflation created an economic treadmill that sometimes required a person to achieve a 6 percent salary increase every year just to stay even.

Now that has changed. The inflation rate last year was cut nearly in half from what it was four years ago. The purchasing power of the average worker's take-home pay rose more last year than in any year since 1955; it went up by 4.3 percent—the equivalent of two extra weekly paychecks.

We expect inflation to be reduced even further in 1973—for several reasons.

A fundamental reason is the Nation's growing opposition to runaway Federal spending. The public increasingly perceives what such spending does to prices and taxes. As a result, we have a good chance now, the best in years, to curb the growth of the Federal budget. That will do more than anything else to protect the family budget.

Other forces are working for us too.

Productivity increased sharply last year—which means the average worker is producing more and can therefore earn more without driving prices higher. In addition, the fact that real spendable earnings rose so substantially last year will encourage reasonable wage demands this year. Workers will not have to catch up from an earlier slump in earnings.

Finally, we now have a new system of wage and price controls—one that is the right kind of system for 1973.

FIRM CONTROLS IN FORCE; FOOD PRICES FOUGHT

Any idea that controls have virtually been ended is totally wrong. We still have firm controls. We are still enforcing them firmly. All that has changed is our method of enforcing them.

The old system depended on a Washington bureaucracy to approve major wage and price increases in advance. Although it was effective while it lasted, this system was beginning to produce inequities and to get tangled in redtape. The new system will avoid these dangers. Like most of our laws, it relies largely on self-administration, on the voluntary cooperation of the American people.

But if some people should fail to cooperate, we still have the will and means to crack down on them.

To any economic interests which might feel that the new system will permit them, openly or covertly, to achieve gains beyond the safety limits we shall prescribe, let me deliver this message in clear and unmistakable terms:

We will regard any flouting of our anti-inflationary rules and standards as nothing less than attempted economic arson threatening our national economic stability—and we shall act accordingly.

We would like Phase III to be as voluntary as possible. But we will make it as mandatory as necessary.

Our new system of controls has broad support from business and labor—the keystone for any successful program. It will prepare us for the day when we no longer need controls. It will allow us to concentrate on those areas where inflation has been most troublesome—construction, health care and especially food prices.

We are focusing particular attention and action on the tough problem of food prices. These prices have risen sharply at the wholesale level in recent months, so that figures for retail prices in January and February will inevitably show sharp increases. In fact, we will probably see increases in food prices for some months to come.

The underlying cause of this problem is that food supplies have not risen fast enough to keep up with the rapidly rising demand.

But we must not accept rising food prices as a permanent feature of American life. We must halt this inflationary spiral by attacking the causes of rising food prices on all fronts. Our first priority must be to increase supplies of food to meet the increasing demand.

We are moving vigorously to expand our food supplies:

—We are encouraging farmers to put more acreage into production of both crops and livestock.
—We are allowing more meat and dried milk to come in from abroad.
—We have ended subsidies for agricultural exports.
—And we are reducing the Government's agricultural stockpiles and encouraging farmers to sell the stock they own.

Measures such as these will stop the rise of wholesale food prices and will slow the rise of retail food prices. Unfortunately, nothing we can do will have a decisive effect in the next few months. But the steps I have taken will have a powerful effect in the second half of the year.

These steps will also help our farmers to improve their incomes by producing more without corresponding price increases. We anticipate that farm prices will be no higher at the end of this year than they were at the beginning.

For all of these reasons, we have a good chance to reduce the overall inflation rate to 2½ percent by the end of 1973.

HOLDING THE LINE ON TAXES

The third important economic question concerns how much money people pay out in taxes and how much they have left to control themselves. Here, too, the picture is promising.

Since 1950, the share of the average family's income taken for taxes in the United States has nearly doubled—to more than 20 percent. The average person worked less than one hour out of each eight-hour day to pay his taxes in 1950; today he works nearly 2 hours each day for the tax collector.

In fact, if tax cut proposals had not been adopted during our first term, the average worker's pay increase last year would have been wiped out completely by increased taxes and the taxpayers would have to pay out an additional $25 billion in personal income taxes this year.

The only way to hold the line on taxes is to hold the line on Federal spending.

This is why we are cutting back, eliminating or reforming Federal programs that waste the taxpayers' money.

My Administration has now had four years of experience with all of our Federal programs. We have conducted detailed studies comparing their costs and results. On the basis of that experience, I am convinced that the cost of many Federal programs can no longer be justified. Among them are:

—housing programs that benefit the well-to-do but short-change the poor;
—health programs that build more hospitals when hospital beds are now in surplus;
—educational fellowships designed to attract more people into teaching when tens of thousands of teachers already cannot find teaching jobs;
—programs that subsidize education for the children of Federal employees who already pay enough local taxes to support their local schools;
—programs that blindly continue welfare payments to those who are ineligible or overpaid.

Such programs may have appealing names; they may sound like good causes. But behind a fancy label can lie a dismal failure. And unless we cut back now on the programs that have failed, we will soon run out of money for the programs that succeed.

It has been charged that our budget cuts show a lack of compassion for the disadvantaged. The best answer to this charge is to look at the facts. We are budgeting 66 percent more to help the poor next year than was the case four years ago; 67 percent more to help the sick; 71 percent more to help older Americans and 242 percent more to help the hungry and malnourished. Altogether, our human resources budget is a record $125 billion—nearly double that of four years ago when I came into office.

We have already shifted our spending priorities from defense programs to human resource programs. Now we must also switch our spending priorities from programs which give us a bad return on the dollar to programs that pay off. That is how to show we truly care about the needy.

The question is not whether we help but how we help. By eliminating programs that are wasteful, we can concentrate on programs that work.

Our recent round of budget cuts can save $11 billion in this fiscal year, $19 billion next fiscal year, and $24 billion the year after. That means an average saving of $700 over the next 3 years for each of America's 75 million taxpayers.

Without the savings I have achieved through program reductions and reforms, those spending totals respectively would be $261 billion, $288 billion and $312 billion—figures which would spell either higher taxes, a new surge of crippling inflation, or both.

To hold the line on Federal spending, it is absolutely vital that we have the full cooperation of the Congress. I urge the Congress, as one of its most pressing responsibilities, to adopt an overall spending ceiling for each fiscal year. I also ask that it establish a regular procedure for ensuring that the ceiling is maintained.

THE INTERNATIONAL CHALLENGE

In recent years, the attention of Americans has increasingly turned to the serious questions confronting us in international trade and in the monetary arena.

This is no longer the era in which the United States, preeminent in science, marketing and services, can dominate world markets with the advanced products of our technology and our advanced means of production.

This is no longer the era in which the United States can automatically sell more abroad than we purchase from foreign countries.

We face new challenges in international competition and are thus in a period of substantial adjustment in our relations with our trading partners.

One consequence of these developments was the step we took last week to change the relative value of the dollar in trading abroad.

We took this step because of a serious trade imbalance which could threaten the mounting prosperity of our people. America has been buying more from other countries than they have been buying from us. And just as a family or a company cannot go on indefinitely buying more than it sells, neither can a country.

Changing the exchange rates will help us change this picture. It means our exports will be priced more competitively in the international marketplace and should therefore sell better. Our imports, on the other hand, will not grow as fast.

But this step must now be followed by reforms which are more basic.

First, we need a more flexible international monetary system, one that will lead to balance without crisis. The United States set forth fundamental proposals for such a system last September. It is time for other nations to join us in getting action on these proposals.

Secondly, American products must get a fairer shake in a more open world trading system—so that we can extend American markets and expand American jobs. If other countries make it harder for our products to be sold abroad, then our trade imbalance can only grow worse.

RESPONSIBILITY OF THE CONGRESS

America is assuredly on the road to a new era of prosperity. The roadsigns are clear, and we are gathering more momentum with each passing month. But we can easily lose our way unless the Congress is on board, helping to steer the course.

As we face 1973, in fact, we may be sure that the state of our economy in the future will very much depend upon the decisions made this year on Capitol Hill.

Over the course of the next few months, I will urge prompt Congressional action on a variety of economic proposals. Together, these proposals will constitute one of the most important packages of economic initiatives ever considered by any Congress in our history. I hope—as do all of our people—that the Congress will act with both discipline and dispatch.

Among the items included in my 1973 economic package are:

—*Extension of the Economic Stabilization Program.* Present authority will soon expire, and I have asked the Congress to extend the law for one year to April 30, 1974. I hope this will be done without adding general mandatory standards or prescribing rigid advance decisions—steps that would only hamper sound administration of the program. A highly complex economy simply cannot be regulated effectively for extended periods in that way.
—*Tax Program.* I shall recommend a tax program that builds further reforms on those we achieved in 1969 and 1971.
—*Property Tax Relief.* I shall also submit recommendations for alleviating the crushing burdens which property taxes now create for older Americans.
—*Tax Credit for Nonpublic Schools.* I shall propose legislation which would provide for income tax credit for tuition paid to nonpublic elementary and secondary schools. These institutions are a valuable national re-

source, relieving the public school system of enrollment pressures, injecting a welcome variety into our educational process, and expanding the options of millions of parents.

—*Trade Legislation.* Another item high on our agenda will be new trade proposals which I will soon send to the Congress. They would make it easier for us not only to lower our trade barriers when other countries lower theirs but also to raise our barriers when that is necessary to keep things fair.

—*Other Reforms.* To modernize and make them more equitable and beneficial, I shall also later submit recommendations for improving the performance of our private pension system, our unemployment compensation program, our minimum wage laws and the manner in which we deal with our transportation systems.

—*Spending Limits.* Finally, but most importantly, I ask the Congress to act this year to impose strict limits on Federal spending.

The cuts I have suggested in this year's budget did not come easily. Thus I can well understand that it may not be easy for the Congress to sustain them, as every special interest group lobbies with its own special Congressional committees for its own special legislation. But the Congress should serve more than the special interest; its first allegiance must always be to the public interest.

We must also recognize that no one in the Congress is now charged with adding all of our Federal expenditures together—and considering their total impact on taxes and prices. It is as if each member of a family went shopping on his own, without knowing how much money was available in the overall family budget or how much other members of the family were spending or charging on various credit accounts.

To overcome these problems, I urge prompt adoption by the Congress of an overall spending ceiling for each fiscal year. This action would allow the Congress to work jointly with me in holding spending to $250 billion in the current fiscal year, $269 billion next year, and $288 billion in fiscal year 1975. Beyond the adoption of an annual ceiling, I also recommend that the Congress consider internal reforms which would establish a regular mechanism for deciding how to maintain the ceiling.

I have no economic recommendation to make to the Congress which is more important to the economic well-being of our people.

I believe that most members of the House and Senate want to hold down spending. Most Congressmen voted for a spending ceiling in principle when the Senate and House approved a ceiling last fall. Unfortunately the two bodies could not get together on a final version. I believe they must get together soon—so that the Congress can proceed this year with a firm sense of budget discipline.

The stakes are high. If we do not restrain spending and if my recommended cuts are reversed, it would take a 15-percent increase in income taxes to pay for the additional expenditures.

The separation of powers between the President and the Congress has become a favorite topic of discussion in recent weeks. We should never, of course, lose our sharp concern for maintaining Constitutional balances.

But we should never overlook the fact we have joint responsibilities as well as separate powers.

There are many areas in which the President and the Congress should and must work together in behalf of all the people—and the level of spending, since it directly affects the pocketbooks of every family in the land, is one of the most critical.

I have fulfilled my pledge that I would not recommend any programs that would require a general tax increase or would create inflationary pressures.

Now it is up to the Congress to match these efforts with a spending ceiling of its own.

MAKING A CHOICE

We stand on the threshold of a new era of prolonged and growing prosperity for the United States.

Unlike past booms, this new prosperity will not depend on the stimulus of war.

It will not be eaten away by the blight of inflation.

It will be solid; it will be steady; and it will be sustainable.

If we act responsibly, this new prosperity can be ours for many years to come. If we don't, then, as Franklin Roosevelt once warned, we could be "wrecked on the rocks of loose fiscal policy."

The choice is ours. Let us choose responsible prosperity.

RICHARD NIXON.

THE WHITE HOUSE, *February 22, 1973.*

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD AND SENATOR PROXMIRE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow immediately following the statement of the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.), the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes and that he be followed by the distinguished Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes.

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

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators tomorrow there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATORS McINTYRE, HATHAWAY, PASTORE, AND ROBERT C. BYRD ON TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, following the recognition of the two leaders or their designees under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Mr. McINTYRE, Mr. HATHAWAY, Mr. PASTORE, and Mr. ROBERT C. BYRD.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11:30 A.M., MONDAY, FEBRUARY 26, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11:30 a.m. on Monday next.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., ON MONDAY

Mr. ROBERT C. BYRD. I ask unanimous consent that on Monday next, immediately after the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD ON MONDAY

Mr. ROBERT C. BYRD. I ask unanimous consent that following the remarks of the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) on Monday, his would-be cousin, Mr. ROBERT C. BYRD, the junior Senator from West Virginia, the neighboring State just over the mountains, be recognized for not to exceed 15 minutes.

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

TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the junior Senator from West Virginia on Monday next, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

ORDER FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 345, MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1973, ON MONDAY, FEBRUARY 26

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, at the conclusion of routine morning business, the Senate proceed to the consideration of House Joint Resolution 345, the continuing resolution.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday next is as follows:

The Senate will convene at 11:30 a.m.

After the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) will be recognized for not to exceed 15 minutes, to be followed by his would-be cousin, the junior Senator from West Virginia (Mr. ROBERT C. BYRD), for a period of not to exceed 15 minutes; to be followed by a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate will proceed to the consideration of House Joint Resolution 345, the continuing resolution.

I would anticipate that there would likely be a rollcall vote—or rollcall votes—in connection with that resolution, but as to whether or not the Senate will complete its consideration of that resolution on Monday, I cannot say. Senators may be alerted, however, I repeat, to the likelihood of rollcall votes on Monday.

Following the disposition of the continuing resolution on Monday or Tuesday—whenever it may be—the Senate will return to the consideration of those committee money resolutions which are on the calendar, but which were carried over today by unanimous consent, together with other committee money resolutions which are to be reported today from the Committee on Rules and Administration, they being the resolutions dealing with moneys for the Committee on Foreign Relations and the Committee on the Judiciary.

So that is about it, Mr. President. Again I say I expect rollcall votes on Monday, and I expect rollcall votes on Tuesday.

ADJOURNMENT UNTIL MONDAY AT 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. on Monday next.

The motion was agreed to; and at 3:56 p.m. the Senate adjourned until Monday, February 26, 1973, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 22, 1973:

DEPARTMENT OF JUSTICE

James N. Gabriel, of Massachusetts, to be U.S. attorney for the district of Massachusetts for the term of 4 years, vice Joseph L. Tauro.

James F. Companion, of West Virginia, to be U.S. attorney for the northern district of West Virginia for the term of 4 years, vice Paul C. Camilletti, resigning.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general:

Kenneth J. Houghton
Frank C. Lang
Robert D. Bohn
Edward J. Miller
James R. Jones
Charles D. Mize
Norman W. Gourley

CONFIRMATIONS

Executive nominations confirmed by the Senate February 22, 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.

Philip A. Loomis, Jr., of California, for the remainder of the term expiring June 5, 1974.

G. Bradford Cook, of Illinois, for the term expiring June 5, 1977.

U.S. COAST GUARD

Coast Guard nominations beginning Leon A. Murphy, to be captain, and ending Thomas L. O'Hara, Jr., to be captain, which nominations were received by the Senate and appeared in the Congressional Record on January 12, 1973; and

Coast Guard nominations beginning William D. Harvey, to be captain, and ending Stanley H. Zukowski, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 1973.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Oceanic and Atmospheric Administration nominations beginning David J. Goehler, to be lieutenant, and ending Jan W. McCabe, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 1973.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

NICOLAUS COPERNICUS, GIANT OF HISTORY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. KEMP. Mr. Speaker, this month we pause to pay tribute to two great leaders of our Nation, George Washington and Abraham Lincoln, but February also marks the birthday of another giant of history—Nicolaus Copernicus of Poland.

Fourteen hundred years before Copernicus' birth in 1473, the astronomer Ptolemy had formulated the theory that the earth stood unmoving as the center of the universe. Nicolaus Copernicus boldly challenged this theory and through his studies provided the foundation for modern astronomy and our present day explorations of space.

Copernicus was born in Torun, Poland, on February 19, 1473 and studied mathematics, law, medicine, and astronomy at Cracow, Bologna and Padua. Early in his career, Copernicus noticed what he considered to be serious defects in the Ptolemaic astronomical system which he had been taught. Unlike those who had gone before him, Copernicus challenged 1,400 years of tradition and dared to formulate his own astronomical theory. In direct contradiction to Ptolemy's teachings, Copernicus believed that the earth hurtles rapidly through space and that man does not see this motion because he travels with the earth.

In pointing out Ptolemy's error, Copernicus quoted an ancient poet to the effect that the shore and the port move away from the departing ship, or so it seems to the passenger on the deck of the vessel. The passenger is unaware of the ship's motion which is carrying him away and therefore comes to the conclusion that the land is receding from him.

In his book written in 1543, "Concerning the Revolutions of the Celestial Spheres," Copernicus demonstrated how the earth's motions could be used to explain the motions of other heavenly