United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Monday, December 28, 1970*

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

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

Eternal Father, as the shepherds of old returned from the manger-crib and the star-guided night "glorifying and praising God for all the things that they had seen and heard," so may we return to our tasks with lives illumined by the poetry, the mystery, and the wisdom of Christmas. Spare us from life on the lower levels, but keep our focus upon the things above. When the road is hard and the sky is starless, still lead us by a heavenly illumination.

Deliver us, O Lord, from the temptation to self-will when we need to discover Thy will. Emancipate us now from any sense of frustration, futility, or impotence. In the spirit of the reconciling Lord of Life, enable Thy servants here to complete their labors for the welfare of the people and the advancement of Thy kingdom.

May the spirit of Him who was born to be king of the moral and spiritual realm reign in this Chamber and rule over the Nation.

We pray in His name. Amen.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of December 22, 1970, the Secretary of the Senate, on December 23, 1970, received the following message from the House of Representatives:

That the House had passed, without amendment, the bill (S. 2984) to permit certain Federal employment to be counted toward retirement.

That the House had severally agreed to the amendment of the Senate to the following bills of the House:

H.R. 4605. An act to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception;

H.R. 7311. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes; and

H.R. 10517. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes.

That the House had agreed to the amendments of the Senate to the bill (H.R. 16745) to exempt shrimp vessels from the duty imposed on repairs made to, and repair parts and equipment purchased for, U.S. vessels in foreign countries, and for other purposes.

That the House had agreed to the amendment of the Senate to the bill (H.R. 17068) to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond, with an amendment, in which it requested the concurrence of the Senate; and that the House had concurred in the amendment of the Senate to the title of the bill.

That the House insisted on its disagreement to the amendments of the Senate to the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes; that the House insisted on its amendments to the amendments of the Senate numbered 6, 17, and 24 to the bill; agreed to the further conference asked by the Senate, and that Mr. PASSMAN, Mr. NATCHER, Mrs. HANSEN of Washington, Mr. COHELAN, Mr. LONG of Maryland, Mr. MCFALL, Mr. MAHON, Mr. SHRIVER, Mr. CONTE, Mrs. REID of Illinois, Mr. RIEGLE, and Mr. BOW were appointed managers on the part of the House at the further conference.

That the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes.

That the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes.

That the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 6, 7, 9, 10, 12, 13, 18, 27, 34, 45, 48, 50, 52, 59, 60, 61, and 81 to the bill, and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 8, 11, 16, 22, 29, 44, 53, 58, 62, 71, and 84 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate; and that the Houses insisted on its disagreement to the amendment of the Senate numbered 15 to the bill.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, on December 23, 1970, and they were signed by the Vice President on December 24, 1970:

S. 11. An act to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government and State and local governments, and for other purposes;

S. 2984. An act to permit certain Federal employment to be counted toward retirement;

H.R. 7311. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes;

H.R. 14645. An act to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President, and to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes;

H.R. 17473. An act to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, and for other purposes;

H.R. 17901. An act to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit;

H.R. 18306. An act to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes;

H.R. 19333. An act to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges;

H.R. 19857. An act to name certain Federal buildings;

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H.R. 19885. An act to provide additional revenue for the District of Columbia, and for other purposes;

H.R. 19911. An act to provide additional foreign assistance authorizations, and for other purposes; and

H.J. Res. 1420. Joint resolution authorizing the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives, to accept and wear the Cavaliere di Gran Croce, of the Order Al Merito della Repubblica, an award conferred by the Government of the Republic of Italy.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On December 22, 1970:

S. 3431. An act to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors.

On December 24, 1970:

S. 368. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes;

S. 528. An act to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservoir;

S. 1079. An act consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party, making certain reservations on behalf of the United States, and for related purposes;

S. 1100. An act to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program;

S. 1499. An act to name the authorized lock and dam number 17 on the Verdigris River in Oklahoma for the Chouteau family;

S. 1500. An act to name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham;

S. 2108. An act to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes;

S. 2336. An act relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia;

S. 3070. An act to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest;

S. 3192. An act to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock;

S. 3479. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands;

S. 3785. An act to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power; and to further amend certain educational sections of title 38, United States Code;

S. 4083. An act to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes;

S. 4557. An act to amend Public Law 91-273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

S.J. Res. 236. Joint resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—analysis and interpretation, of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions.

EXECUTIVE MESSAGES REFERRED

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

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, December 22, 1970, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. 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.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the conclusion of the period set aside for paying tributes to the distinguished Senator from Ohio (Mr. YOUNG), there be a brief period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

ASSISTANCE TO SCHOOL DISTRICTS

Mr. KENNEDY. Mr. President, I ask unanimous consent for the second reading of H.R. 19446.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate H.R. 19446, which the clerk will read the second time.

The ASSISTANT LEGISLATIVE CLERK. H.R. 19446, to assist school districts to meet special problems incident to desegregration, and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes.

Mr. SCOTT. Mr. President, I object to any further consideration after the second reading of this bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MONDALE. Mr. President, will the Senator from Pennsylvania yield?

Mr. ALLEN. Mr. President, I object.

Mr. SCOTT. Mr. President, I reserve the right to object.

The ACTING PRESIDENT pro tempore. Under rule XIV, objection having been heard to further proceedings on the bill at this time, the bill will be placed on the Calendar.

Mr. MONDALE. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. MONDALE. Mr. President, permit me to say to the distinguished minority leader that I believe a faster and more responsible action could be taken on this measure, and might even present a hope for its adoption, if it could be referred to the Committee on Labor and Public Welfare at this time.

It was received by the Senate last Tuesday. We had scheduled a meeting of the full committee to act upon the recommendations of the Education Subcommittee that afternoon. Because of the objection, that meeting was canceled. I wish the minority leader to know that the Education Subcommittee, under the chairmanship of the Senator from Rhode Island (Mr. PELL), held extensive hearings on this proposal, and the Equal Education Committee, which I am privileged to chair, also held wide and broad hearings on the proposal. The Education Subcommittee has spent considerable time marking up the measure. It has recommended a specific measure which is now before the full committee.

It would seem to me that the most responsible way to handle this matter and the one way which seemed to me would offer hope for this measure in this session, would be to refer it to the Committee on Labor and Public Welfare which is anxious to deal with it.

I wish the minority leader to know, and the administration to know, that I have cooperated fully and intend to cooperate fully in that effort. I find that there are many aspects of the House bill that I cannot agree with and which are in conflict with the measure reported by the Senate Education Subcommittee. It would seem to me that a quick referral to the Committee on Labor and Public Welfare might be the most hopeful way to proceed.

Mr. SCOTT. I thank the distinguished Senator from Minnesota. I am sure he knows that he and I share precisely the same objectives in this matter; namely, to provide funds for the desegregation of the schools. Our views on this subject have been many times similarly expressed. But this motion, at this time,

is made for various considerations—some of them technical and parliamentary. I would hope that the Senator from Minnesota and I and others could discuss it, to see whether action would be better expedited by referring it to the committee, or whether I would have to maintain the same position I have taken here.

The bill from the other body is, in my opinion, in many ways an imperfect piece of legislation. I am not sure what will come out of the Senate committee but I would presume something like the Senate version of the bill. I would rather get three-fourths of a loaf of bread here than no bread at all. But certainly we should try to find a way to come to an accord on it.

Mr. MONDALE. If the Senator will yield further, the distinguished chairman of the Education Subcommittee, the Senator from Texas (Mr. YARBOROUGH), is in the Chamber and has tried very hard to accommodate the administration to get this measure passed at this session of Congress. We have held several intensive executive sessions by the subcommittee in order to be prepared, in the event the House adopted the measure. The subcommittee of the Senate made its recommendations of a full proposal which is before the full committee and I know the chairman of the subcommittee and the chairman of the full committee are very anxious to act on this and report it back to the committee. Unfortunately, as long as it remains blocked at the desk in line with existing differences, I think that the strategy imperils any action on that measure in this session.

Mr. SCOTT. I hope that this is not the case because the great objective is to get the funds to the schools. Therefore, I would be delighted to discuss it further with the Senator and others to see whether my obligation to the Senate could be met in the way it has been suggested. At the moment, I am obliged to do this. I am sure that the Senator knows why I have to do it. Let us hope that we can achieve what we are trying to get at, which is to get money to the schools, which the President is very anxious to have done.

Mr. KENNEDY. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. KENNEDY. I would like to associate myself with the remarks of the distinguished Senator from Minnesota. As a member of the Education Subcommittee I participated in its deliberations. A great deal of time has been given to many of these needs. I see the distinguished Senator from New York (Mr. JAVITS) in the Chamber, who has also been extremely active on this subject.

Mr. President, the Senator from Minnesota has borne a very heavy responsibility in chairing extensive hearings on this whole matter, and he considers this obligation seriously. He has taken a very responsible and thoughtful attitude on the matter. As a member of the committee with legislative jurisdiction, and knowing the frequent meetings and deliberations that have been held, I must say that I agree with the Senator from Minnesota, and I want to identify myself with his reasoning and logic as the best way to proceed to consider the legislation.

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

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, I think that in the last days of the session, the minority leader has tried the only thing which could possibly raise the issue. I appreciate the solicitude of the White House about the matter. It is one of the really fine initiatives of the President. It is rather sad that it has come to this pass.

It is a fact that we should try to build upon the House's approval of the bill. It is a fact that our subcommittee—and I associate myself solidly with this work—has come up with a bill which has somewhat of a different concept in part and in part goes very much with the House bill. The other concept is the concept of excellence in schools as being a way out of the dilemma.

I would like to submit this suggestion publicly to the minority leader because I think it is important. In view of the fact that we wanted the best bill we could secure, and in view of the complaints made in open hearings about how some of the money we appropriated was spent—and it was I who fought for this money along with the Senator from Minnesota, and the House and Senate went along—we thought that further interim financing with very careful administration in consulation with the chairman of the subcommittee, the Senator from Massachusetts, and the chairman of the full committee, the Senator from Texas, would be the best plan.

I thought it had a certain appeal to the White House.

I would like publicly—because it is something we want everyone to know about—to suggest that the way to resolve this dilemma would be by having a provision for $100 million to take us into the first couple of months of next year, knowing that a better job of administration will be done than has been done.

This should be a matter of deep concern to those Members who are interested in the basic proposal.

I hope that a better job can be done on this very profound and substantive question involving the best way in which to use the $1.5 billion provided by this bill.

We should wrestle with this matter. We might succeed in affecting some compromise so that this initiative and ingenuity will not be suffocated. This matter is important. I submit this possibility to the Senator.

Mr. SCOTT. Mr. President, I appreciate the very helpful suggestion of the distinguished senior Senator from New York. The reason for the present action is primarily the concern that an entirely different measure might be considered. If this bill were to be sent to committee, an entirely different measure might emerge. That would make it extremely difficult for any action in this session.

I want action and I want action on part of this if we cannot get it all. It may be that such perfecting language could be worked out on top of the House bill that we could possibly come to some solution which is agreeable to the administration. And here I speak for the administration.

I would like very much to see this done, because they want the funds and they want the funds under adequate provision to enable them properly to implement the funds.

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

Mr. SCOTT. I yield.

Mr. ALLEN. Mr. President, I would like to ask the distinguished Senator from Pennsylvania if it will not be possible for the Senate committee to use the same bill that it has within its breast as a vehicle for holding hearings and coming up with the suggestions that they wish to make and then possibly offering that bill as a substitute to the House bill when it comes up.

As I understand the action that the Senator from Pennsylvania has taken in objecting to further proceedings on the bill, the bill would automatically go to the calendar. Could hearings not be held on the Senate bill and thereby no time be lost?

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

Mr. SCOTT. I yield.

Mr. JAVITS. Mr. President, the difficulty with that situation is that hearings have been held on the Senate bill. The Senate bill has been reported from the subcommittee to the full committee. It could be reported from the full committee. It could indeed be made a substitute.

We are concerned that in the last days of the session we will have another welfare bill, another trade bill, another medicare bill on the calendar.

This is a very critically important and very complex subject. If we add this matter we might as well forget about any action in this session.

I, therefore, suggest this further possibility as an alternative. Personally, I think that the Senator from Pennsylvania has chosen the right way to raise this issue to try to reach some constructive solution to the problem in the next few days by putting this bill on the calendar.

We have our bill in the committee. Then we can confer in the hope of getting somewhere.

The Senator's suggestion is a proper one. That could be done. The committee could report the whole bill or part of it and that bill could be offered as a substitute.

The other suggestion is the possibility of reporting the measure with a short limitation, as little as 24 hours. That I believe is also possible under the rule.

UNANIMOUS-CONSENT AGREEMENT

Mr. KENNEDY. Mr. President, under the previous order, the period of 1 hour was allocated to the paying of tributes to the distinguished Senator from Ohio.

I ask unanimous consent that 10 additional minutes be provided for the discussion of this matter and that at the end of that time the Senator proceed in accordance with the previous order and that none of this time be charged against the time allocated for paying tributes to the Senator from Ohio.

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. ALLEN. Mr. President, as I understand the situation, objection has been made to the further consideration of the bill at this time and the Chair has ordered the bill to be placed on the calendar.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ALLEN. The colloquy taking place will not in any sense affect the status of the bill, it having already gone to the calendar.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Is there objection to the unanimous-consent request of the Senator from Massachusetts?

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. YARBOROUGH. Mr. President, what was the unanimous-consent request?

The ACTING PRESIDENT pro tempore. The unanimous-consent request was that there be an additional 10 minutes of discussion of this matter and that then the Senator turn to the special order for 1 hour in which to pay tributes to the Senator from Ohio, and that the time not be charged against the time for tributes to the Senator from Ohio.

Is there objection to the unanimous consent request?

The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, we have the House bill before us. If this went to committee, all we would get out of it is the Senate bill. By this particular move, we may get a compromise, and that is the reason for my action.

I yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, the Senator from Pennsylvania indicated he might be willing to make a motion to refer the matter to the Committee on Labor and Public Welfare with instructions to report it back within 24 hours. He does not need to give instructions for our committee to act.

Our committee has laid on the desks of Senators the great manpower training bill, which was vetoed by the President, and the occupational health and safety bill, which was designed to protect 80 million workers in America. That bill is languishing at the White House. Hopefully there will be a signature on that bill shortly. We also reported the family practice of medicine bill to meet the shortage of 50,000 doctors. That bill has been given a pocket veto.

Our committee does not need a time limitation because we could have a bill back here, Mr. President, before you had time to comb your hair. I am also a member of the subcommittee which is involved. We act expeditiously and I say again we do not need a time limitation.

In the manpower training bill, day after day I went to committee meetings as the chairman, but I could not get a quorum. For 2 days I sat there from 10 a.m. until 11:45 a.m., but we could not get a quorum. Finally, we were able to get the legislation out and most of it is on the books. There have been 14 medical bills to help the American people, including the one where we had to override a presidential veto on the $2.75 billion hospital bill.

Mr. President, give us a chance, and we will get action.

Mr. SCOTT. All I could say nunc pro tunc is that this could have been done months ago. Mr. President, I will suggest to the Office of Health, Education, and Welfare that they consult with interested members of the Committee on Labor and Public Welfare and perhaps some adjustment may come out of this matter.

I yield the floor.

DEATH OF REPRESENTATIVE L. MENDEL RIVERS

Mr. THURMOND. Mr. President, I deeply regret to announce to the Senate the passing of the distinguished chairman of the House Armed Services Committee, the Honorable L. MENDEL RIVERS of the First District of South Carolina.

Upon hearing of his death this morning, I issued the following statement:

The passing today of Congressman L. Mendel Rivers is a national tragedy. The whole Nation mourns his death. The people of South Carolina, and especially those in his district, have suffered a great loss.

No man in America, including our Presidents, has done more for our national defense than Mendel Rivers. He has stood watch for these past three decades at the frontiers of our national security. His accomplishments were great, and our Nation is poorer by reason of his death.

Mendel and I were close friends, and I feel a deep personal loss in his passing. He was a devoted husband and worthy father, and his beloved wife and children have my heartfelt sympathy.

Mr. President, in a day when our Defense Establishment is under attack from all sides, we desperately need more men of the caliber, dedication, and determination of MENDEL RIVERS. He was a leader and a fighter. He was a champion of the man in uniform. The soldier, sailor, and airman knew they had a friend in the Congress who would see that they received the best this country could provide. He was truly the minuteman of the 20th century. He was the Mark Twain of the Congress, the Paul Revere of our Defense Establishment, and the John Paul Jones of our 20th-century Navy. He died without satisfying one of his fiercest convictions—that of modernizing the American Navy. I hope and pray that the Congress, as a memorial to this truly unique man, will build a modern navy in the decade of the seventies. This was his goal; let us make it our goal.

Mr. President, he faithfully followed the challenge laid down for us all by Daniel Webster who said:

Let our object be our country, our whole country and nothing but our country.

His life style, his flamboyance, his wit, his intelligence, his personality were to be greatly admired. One of the rarest things a man ever does is do the best he can. MENDEL RIVERS always met that test.

Mr. President, I ask unanimous consent to have printed in the RECORD remarks that I made before the Capital chapter of the Air Force Association honoring L. MENDEL RIVERS at the Washington Hilton Hotel on August 12, 1970, the Vice President's speech at the Air Force Association luncheon, and a document entitled "Nixon Tribute," which was a tribute by President Nixon to Representative L. MENDEL RIVERS on that occasion.

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

REMARKS BY SENATOR STROM THURMOND

Mr. Vice President, Chairman Rivers, President Schissell of the District Air Force Association, Members of the Senate and House Armed Services Committees, Distinguished Guests, Ladies and Gentlemen.

This is "Speedy" Strom, and I have come to hail *"Caesar."*

That is what my colleague, Senator Bill Fulbright, calls our distinguished guest of honor, and I kind of like it. What this country needs is more Caesars and fewer Chamberlains.

Last Monday when I thought I might need a lawyer to help with a traffic ticket, the first name that crossed my mind was Mendel Rivers—*symbol of power.*

Back during the first decade of this century in a community called Gumvil, South Carolina, situated in an area also known as Hell Hole Swamp, the man being honored here today began the great adventure called life.

It was not an easy life, for at the age of eight, his father passed away and responsibilities far beyond his years were thrust upon his shoulders. Before attending school each day he milked cows and delivered newspapers. This habit of being an early riser has carried over to his work in the Congress today.

This restlessness to get with the work at hand and get things done personally—has characterized a life of public service. He was elected to the House of Representatives of South Carolina in 1932, the same year I was elected a State Senator in that Body. This state-wide public service first brought us together and we have been good friends since that time.

One of the first impressions I received of our honored guest back in those early days was that he possessed a deep sense of loyalty. He was not only loyal to his friends but to any organization to which he belonged.

I recall an incident during our first year in the State Legislature. The City of Columbia, our capital city, gave a barbecue for the lawmakers, and the legislator with whom Mendel was rooming ate too much hash on this occasion. During the night he began to have nightmares and awoke shouting, "There are Robbers in the House. There are Robbers in the House!" Hardly awake, but preserving that keen sense of loyalty I have just mentioned, Mendel turned over and said, "Oh, no, there may be Robbers in the Senate, but not in the House."

It was in these early days in the South Carolina House of Representatives that Mendel first exhibited that immensity of energy, devotion to a cause, scorn for those who despaired, and an abiding faith in America—those qualities that have made Mendel's name a beacon of strength in these troubled times.

During that time, and to this day, he has been an admirer of another great South Carolinian, John C. Calhoun. He has lived by Calhoun's admonition: "The very essence of a free government consists of considering public office as a public trust, bestowed for the good of the country and not for the benefit of an individual."

He has also faithfully followed the challenge laid down for us all by Daniel Webster who said: "Let our object be our country, our whole country, and nothing but our country."

Over the years I have worked with Mendel on many matters. During this time he has been a source of inspiration, of wisdom, and above all, of faith that right and justice firmly maintained will triumph. His life style, his flamboyance, his wit, his intelligence, his personality are all unique in the annals of American politics.

One of the rarest things a man ever does is to do the best he can. Chairman Rivers has always met that test. In my studied opinion, I can say that no man in America, including our Presidents, has done more for our national defense than L. Mendel Rivers.

This man has ably applied his qualities of leadership and determination to his role as Chairman of the Armed Services Committee of the U.S. House of Representatives. In this role, and before as a Committee member under the Chairmanship of Carl Vinson, he has clearly left his mark on our defense establishment. He has fought long for a modern Navy; he is the father of the unchallenged airlift capability of our Air Force; he has fought harder for increased pay of our servicemen than any previous Chairman; and he is a strong advocate of providing the most modern tools for our foot soldiers.

Many defense programs which have become reality were brought to fruition under his leadership. He championed the nuclear submarine when the Navy itself was full of doubters; he pushed forward with the C–130, the C–141 and the C–5A when the need for these aircraft was not recognized by many. He dedicated himself to a tremendous increase in the nation's military airlift capability; and today men and equipment can be quickly deployed anywhere in the world to aid our allies and preserve our national security.

The B–1 bomber, the Navy's all purpose F–14, the Air Force's F–15 superiority fighter, and the Marine's vertical takeoff fighter, the Harrier, have all received his special attention.

All of these accomplishments, and many more, were possible because L. Mendel Rivers is a man of exceptional personal qualities. He is a man of courage, a man of action, and a true espouser of Americanism.

Mendel is also a devoted family man. His wife, Margaret, a dedicated and intelligent lady, who understands Communism even better than her husband, has shared with him the demands of high office. They have reared three handsome children: Two daughters, Margaret Middleton Eastman, the mother of their two grandchildren; Lois Marion Rivers, a ladies' fashion designer in London; and a son, L. Mendel Rivers, Jr., a Phi Beta Kappa student, who is now working on his law degree at Georgetown University.

I am pleased that the Capital Air Force Association has seen fit to recognize Mendel Rivers on this occasion. It is rare that a man is properly recognized in his own time. The accomplishments of my distinguished colleague from South Carolina are such that his name has already been inscribed across the nation and the world. His portrait hangs in the House Armed Services Committee Room, a rare tribute for a man who still sits in the Chairman's seat. A bronze bust has been erected in his honor by his hometown of Charleston. In North Charleston there is a Rivers Avenue and the Rivers Postal Annex. A high school in Altus, Oklahoma bears his name. In Vietnam there is Rivers Boulevard. There is also a Rivers Gate, Men-Rivers Park, and so-on.

A distinguished colleague, Rep. Philip J. Philbin of Massachusetts, has described Mendel Rivers as one who "never falters, never hesitates, never draws back, once he is sure he is right." It is that sense of duty—duty understood and faithfully discharged—which our Nation urgently needs in these tension filled times.

Some years ago, the title of a popular play summoned men to "Watch on the Rhine." It has been the singular achievement of L. Mendel Rivers to summon his fellow citizens for the past three decades to stand watch at the frontiers of national security on the land, on the sea, and in the air. The American people have reason to be grateful for his steadfast leadership.

America draws its real strength from men such as Mendel Rivers. The Poet Laureate of South Carolina, Archibald Rutledge, wrote a poem entitled "Our Land" which makes this point. He penned these words:

"We do not love our land because,
Her might can mold all human fate.
Her power has its source in us.
It is our love that makes her great."

The life of Chairman Rivers has been guided by a deep and abiding love for his country. His life brings to mind the words of the great Winston Churchill as recited recently by the Rev. Dr. Billy Graham: "Never give in!" But Dr. Graham did not complete the statement made by that wise, old British Statesman, and I offer it to you now, as it expresses better than I can, the philosophy of L. Mendel Rivers:

"Never give in! Never give in! Never, Never, Never, Never—in nothing great or small, large or petty. Never give in except to convictions of honor and good sense."

Ladies and gentlemen, that is the philosophy of a fighter. That is the philosophy of L. Mendel Rivers.

[From the CONGRESSIONAL RECORD, Aug. 12, 1970]

THE VICE PRESIDENT'S SPEECH AT THE AIR FORCE ASSOCIATION LUNCHEON—REMARKS BY THE VICE PRESIDENT

I am proud and honored to take part today in this salute to the distinguished and incomparable Chairman of the House Armed Services Committee, L. Mendel Rivers. From personal observation, I can say that he is hardly effete.

I commend all of you who have come here today to honor Chairman Rivers. I don't know how they got a hall big enough for the occasion, because if they just invited one representative of all of the organizations of which he is an honorary member, we could fill the biggest hotel in town. He is the only man I know who has an honorary degree from the International College of Dentistry.

I told him one time, "You're never going to practice dentisty on me."

And he replied, "That's all right. I'm never going to play golf with you."

But the Chairman and I do have a common interest in the press. In fact, we both have to stay in public office for the sake of the national economy. The country could not afford the unemployment that would result among columnists and editorial writers if Mr. Rivers and I both left Washington.

Before proceeding any further, I would like to lay to rest the ugly, vicious, dastardly rumor that he is trying to move the Pentagon piecemeal to South Carolina. I have been to Charleston several times, and I have had it clearly explained to me that the military facilities so evident in that area are a testament of Mendel Rivers' unselfish willingness to allow his own First District of South Carolina to accept in the national interest military installations which just had to be put someplace. If there are any parochial interests involved, at least they do not encourage the North Vietnamese to continue their fruitless aggression.

When the Navy was desperate to find some place to put a Polaris repair facility, I am told, Mendel Rivers stepped forth and graciously volunteered Charleston, South Carolina.

When the Air Force simply had to find a place to put some of its C–141 airlift airplanes, Mendel Rivers again volunteered his home area.

When a home port was needed for the Atlantic Mine Force, again he came forward. While other Congressmen were fighting behind the scenes to prevent Congressional committees from cluttering up their districts with military installations, Mendel Rivers refused to lift a finger to block the construction of additional facilities in Charleston.

Even when it looked like Charleston might sink into the sea from the burden, Mendel Rivers' patriotic response was: "I regret that I have but one Congressional district to give my country to—I mean to give to my country."

Now who can ask more of a Congressman than that?

On the serious side, the Chairman has even been credited by some commentators with getting the Navy shipyard established at Charleston and with having the Marine Corps Recruit Depot placed at Parris Island, South Carolina. I'm sure this doesn't bother him—especially around election time—but historically accuracy requires us to note that the Navy Shipyard was established in 1901, four years before Mendel Rivers was born. Parris Island was established in 1891, 14 years before he burst upon the southern scene. I have great faith in the Navy and the Marine Corps, but I don't think they were clairvoyant about the birth of the future Chairman of the House Armed Services Committee.

And in fairness to the Chairman, who has heard many jokes about his alleged aggressive attention to his home district, a check of the records will reveal that there are other congressional districts in the U.S. with more and larger facilities. The stories just read better when they're about a chairman. It is of such stuff that myths are made.

What is not a myth about this man we are honoring today is his deep sense of patriotism his sincere dedication to the national defense of this country. I know of no one who stands more firmly behind the need for a strong American defense establishment or who is more determined to see that the guard we now maintain will not be dropped.

This is particularly important at a time when we are disengaging from a war in Southeast Asia and attempting to adjust our defense budget to a peacetime economy without sacrificing the ability to meet our worldwide obligations. We *must* strike a reasonable balance of requirements for our national security, pressing domestic needs, and the tolerance of our taxpayers in shouldering both burdens The assistance of Mendel Rivers and those who follow his leadership in the Congress, is essential to the solution of this delicate problem.

Although the non-defense growth of our budget for the current fiscal year amounts to a 55 per cent increase since 1964—compared with a mere 7 per cent growth in the defense budget over 1964—there are sizeable and influential elements in both houses of Congress who feel we have not gone far enough in reordering priorities. Fortunately, we have leaders like Mendel Rivers in the House and John Stennis in the Senate who will stand with the Administration and declare, "That's as far as we go. America's security demands we do no less."

Mendel Rivers has worked tirelessly, since coming to the Congress in 1940 to make the world a more peaceful place. For example, he has supported every effort to get Communism out of Southeast Asia, to get Russia out of the Middle East, and to get Senator Fulbright out of Washington. Many of the defense problems his committee copes with result from policies that came out of the Senate Foreign Relations Committee.

Chairman Rivers is accused of being a hawk on Vietnam and he doesn't deny it. He is always referred to as the "powerful" chairman of the House Armed Services Committee. It's not an inappropriate adjective, but his committee members say he runs a democratic organization—with a small "d" of course.

Mr. Rivers is one who invariably watches the sunrise from his desk in the Rayburn Building, and, by the time he gets home in the evening, the lights are on.

As a committee chairman, he sometimes drives aircraft technicians crazy. Airplanes are his hobby and when the Chairman starts talking about engine designations, thrust, aerodynamics, ranges, speed, lift capability, and drag effects, the witnesses who appear before his committee quickly realize they had better know the facts. The air mobility of our Armed Forces today is a living memorial to the efforts of Mendel Rivers.

Mendel Rivers knows that legislation is the art of compromise, and we in the Nixon Administration have sometimes felt the pressure of his bargaining. He has been well trained. He traces his training to three great universities—the College of Charleston, the University of South Carolina, and Vinson College. He served on the House Armed Services Committee with the late Carl Vinson, along with a number of others who later achieved varying degrees of national prominence.

One of the names I recall is Lyndon Johnson, who was elected to a high office. At least, I think he was elected to high office. If I read a few more memoirs of Kennedy aides, I may find out he never existed at all.

One of the things that I admire so much about Mendel Rivers is his willingness to go to bat for the so-called Military-Industrial Complex. He has always had the courage to remind people that defense-oriented industry helped win World War II and that without it we would be in a real pickle today.

No man in Congress has done more to improve the Defense establishment and the people in it. Improved food, pay, clothing, shelter, medical care, promotions, equipment and bases have all received his personal attention. Every man in the armed forces is obligated to him for the automatic pay raises he receives.

Undoubtedly, of all the titles and honors he has received in a distinguished career, the one of which he is most proud is "Champion of the GI." And the GI's know he deserves it.

I will close with a true story that illustrates the point. Some of the troops returning from Vietnam recently under the Nixon Administration's withdrawal program were being interviewed.

"What did you pray for most when you were in Vietnam?" a young man was asked.

"I prayed that Mendel Rivers would live to be 150 years old because he is the one who really cares about us," said the GI.

Chairman Rivers, it sort of sums up a feeling of the 2,000 of us in this room. We salute you, Sir.

NIXON TRIBUTE

The Distinguished American Award presented to the Honorable L. Mendel Rivers by the National Capital Chapter of the Air Force Association of the United States represents a salute to a great American. By every word, deed and action Congressman Rivers has supported those protectors of America's traditions and freedom, the men of the Armed Services. Believing that the men and women of our military forces should be first class citizens, he has continually sponsored and supported legislation to improve their status as Americans. Extremely knowledgeable and continually interested in the importance of "balance of power" he has concerned himself foremost with the essential provisions of the Congress to continually enforce a constructive, modern Army, Navy and Air Force.

He has served more than 30 years on United States House of Representatives' Armed Services Committee, the last 6 years as its Chairman. Representing the First District, South Carolina since the 77th Congress (1940), he has continually taken a positive stand on the need for a strong defense for world freedom. It is fitting that the Honorable L. Mendel Rivers be honored with this first Distinguished American Award.

Mr. COOPER. Mr. President, I heard with sorrow the remarks of the distinguished Senator from South Carolina (Mr. THURMOND) announcing the death of Representative L. MENDEL RIVERS of South Carolina. I have known Representative RIVERS as a fellow member of the American delegation to the North Atlantic Treaty Parliamentarians Organization, now called the Atlantic Assembly. We served together on the Military Committee, he as vice chairman, and I as reporter, for 3 years. He rendered a great service to the committee.

The resolution adopted by the Atlantic Assembly this year calling upon European members to make larger contributions to NATO was drawn by Representative RIVERS. In past years, many similar resolutions had been adopted but Congressman RIVER'S resolution was unique because it provided for a number of ways in which NATO countries could meet their obligations to NATO—by force increases, by contributions to infrastructure, and financial contributions.

Those meetings lasted from 1 week to 10 days. Congressman MENDEL RIVERS gave to those meetings the full scope of his powers, and he was uniformly helpful and curteous to all members of the delegation and to the members of the military committee from other countries. He was always thoughtful and considerate of his staff.

Congressman RIVERS was a fine Representative of South Carolina and of our country. He was a patriot who loved our country.

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

Mr. SCOTT. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, on the passing of Representative L. MENDEL RIVERS, I wish to say I served with him in the House for years. I knew him very well. He was one of the delegates on a number of occasions to the North Atlantic Assembly, where I am chairman of the political committee.

He was a remarkable man; he was very much more conservative in his views than I am in mine, but he always had a lively and interesting mind.

I wish to join the Senator from South Carolina (Mr. THURMOND) and the Senator from Kentucky (Mr. COOPER) in extending my profound sympathy. He died at a young age, as things are today. His passing is a matter of sorrow to me, and I hope the things we say in this Chamber today and which will be said in the other Chamber will bring some solace to his family. He was a man who had much understanding and he had a warm personality.

Mr. SCOTT. Mr. President, I wish to join in these tributes. I shall say more later.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6742. An act to amend the Internal Revenue Code of 1954 to provide a longer period of time for disposition of certain assets in the case of regulated investment companies furnishing capital to development companies;

H.R. 7626. An act to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes;

H.R. 10875. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty;

H.R. 14995. An act to provide for the free entry of a carillon for the use of the University of California at Santa Barbara;

H.R. 17658. An act to provide floor stock refunds in the case of cement mixers;

H.R. 17917. An act to amend the Tax Reform Act of 1969;

H.R. 17984. An act to amend section 905 of the Tax Reform Act of 1969;

H.R. 18251. An act to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber;

H.R. 18693. An act to amend section 165 (i) of the Internal Revenue Code of 1954;

H.R. 19113. An act to provide for the free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind.;

H.R. 19242. An act to amend section 278 of the Internal Revenue Code of 1954 to extend its applications from citrus groves to almond groves;

H.R. 19369. An act to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities;

H.R. 19391. An act to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs recisions;

H.R. 19470. An act to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic insofar as they apply to smaller institutions;

H.R. 19526. An act to eliminate the duty on natural rubber containing fillers, extenders, pigments, or rubber-processing chemicals;

H.R. 19562. An act to amend the Internal Revenue Code of 1954 with respect to certain statutory mergers;

H.R. 19566. An act relating to the interest rate under the Renegotiation Act of 1951;

H.R. 19670. An act to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973;

H.R. 19686. An act to amend section 367 of the Internal Revenue Code of 1954;

H.R. 19774. An act to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return;

H.R. 19881. An act, consolidated returns of life insurance companies;

H.R. 19915. An act to make permanent the existing temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance; and

H.R. 19953. An act to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 797) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4605, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 6742. An act to amend the Internal Revenue Code of 1954 to provide a longer period of time for disposition of certain assets in the case of regulated investment companies furnishing capital to development companies;

H.R. 7626. An act to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes;

H.R. 10875. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty;

H.R. 14995. An act to provide for the free entry of a carillon for the use of the University of California at Santa Barbara;

H.R. 17658. An act to provide floor stock refunds in the case of cement mixers;

H.R. 17917. An act to amend the Tax Reform Act of 1969;

H.R. 17984. An act to amend section 905 of the Tax Reform Act of 1969;

H.R. 18251. An act to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber;

H.R. 18693. An act to amend section 165 (i) of the Internal Revenue Code of 1954;

H.R. 19113. An act to provide for the free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind.;

H.R. 19242. An act to amend section 278 of the Internal Revenue Code of 1954 to extend its applications from citrus groves to almond groves;

H.R. 19369. An act to amend section 165 (g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities;

H.R. 19391. An act to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions;

H.R. 19470. An act to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic insofar as they apply to smaller institutions;

H.R. 19526. An act to eliminate the duty on natural rubber containing fillers, extenders, pigments, or rubber-processing chemicals;

H.R. 19562. An act to amend the Internal Revenue Code of 1954 with respect to certain statutory mergers;

H.R. 19566. An act relating to the interest rate under the Renegotiation Act of 1951;

H.R. 19670. An act to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973;

H.R. 19686. An act to amend section 367 of the Internal Revenue Code of 1954;

H.R. 19774. An act to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return; and

H.R. 19881. An act, consolidated returns of life insurance companies; and

H.R. 19915. An act to make permanent the existing temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance; to the Committee on Finance.

H.R. 19953. An act to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes; placed on the calendar.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, 1 hour is set aside for tributes to the Senator from Ohio (Mr. YOUNG).

TRIBUTES TO SENATOR YOUNG OF OHIO

Mr. KENNEDY. Mr. President, this day marks the beginning of the last week of service to the U.S. Senate of STEPHEN YOUNG. When this man from Ohio leaves the Senate floor, we will lose a free spirit, a voice of total independence, a man who said the things that had to be said. He spoke not when the time was expedient, not when the theme would be most acceptable, but in the tradition of men from Ohio, he spoke when it was right.

It has often been observed that the history of the strength of this Nation consists partly in our good fortune in having the right men in the right place at the right time. STEPHEN YOUNG came to the Senate shortly before the beginning of a most tumultuous decade. It was during the 1960's that we came close to a great division among our people—division among the races, but especially division among men of good will over an ill-fated war. During the years of that decade, not many men spoke out, a few perhaps because they lacked courage, but most because they failed to foresee the tragic end results of our policies.

This cannot be said of STEPHEN YOUNG. For sometime, his was a lone voice in this Chamber speaking against the war. Along with his beloved colleague, Wayne Morse, he spoke day in and day out to bring the folly of the action in Southeast Asia to our attention and to the attention of the country.

Now most men agree with STEPHEN YOUNG, now most say the things he long said about the war, about the priorities of our Nation, about equity and justice for all. We are indebted to STEPHEN YOUNG for that—and he should leave this Chamber with that knowledge.

When John Kennedy campaigned for the Presidency in Ohio with STEPHEN YOUNG at his side, he said:

> You cannot be a citizen of Ohio, you cannot be a citizen of the United States, without realizing that this state and this country is going to have to do better.

Our colleague, STEPHEN YOUNG lived with that realization—it was the motivating force in his public life. That force, that dedication, the strength of that voice will be missed in the U.S. Senate.

Mr. CANNON. Mr. President, I rise at this time to pay tribute to one of my closest friends in the Senate, the senior Senator from Ohio, STEPHEN M. YOUNG. It has been my privilege to be intimately associated with the Senator from Ohio for some 12 years here in the Senate. We were both elected to the Senate in 1958 and entered the Senate together, and my respect and admiration have grown steadily since that time. Having served with Senator YOUNG on the Armed Services Committee and the Aeronautical and Space Sciences Committee, I know first hand of his hard work and great dedication to committee assignments.

Senator YOUNG has worked long hours in the Senate, often taking home a bulging briefcase. He has always been involved in the issues that are of vital concern to the people of Ohio and the country. Be it the war in Vietnam or campus violence in Ohio, Senator YOUNG has always taken an active and effective part in debate and legislative proposals. The Senator's conception of what is best for our country has changed throughout his 20 years of service in the Congress. I know that he feels change is essential and would be the first to admit that some of his earlier opinions do not stand up today. This kind of flexibility, often in the face of conflicting pressures from his Ohio constituency, has been respected by all, for no one has ever doubted his devotion and love to this country.

We have certainly disagreed, but we have never been disagreeable to each other. The Senator's delightful and lively wit will certainly be missed here. In a personal sense, his retirement will be a great loss to me. I shall miss him very much on the Senate floor and in our committee deliberations. As life goes on and we grow older, we develop a keener sense of friends whom we trust and love. STEPHEN YOUNG is such a friend. I want to wish the Senator and his wife, Rachel, and their charming daughter, Soon-Hie, continued success and happiness as they embark upon another new and rewarding experience.

I ask unanimous consent that an article by Frank Kane of the Blade Washington bureau be inserted in the RECORD at this point.

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

[From the Blade, Dec. 6, 1970]

POSTSCRIPT FOR SENATOR YOUNG—PEPPERY OHIOAN PRODUCED A PICTURESQUE CAREER

(By Frank Kane)

WASHINGTON.—"I said to myself that I'm going to walk out of here with my regimentals still on, my back straight, and my head up. I've seen too many of them go out of here defeated."

Stephen M. Young of Ohio, with 20 years of service in Congress, including 12 in the U.S. Senate, plans to do just that in a few weeks—leave the Senate undefeated, with his head high.

There is no doubt that Ohio and the Senate will miss him, for this peppery little man has never been afraid to take a stand and announce it loudly, sometimes in blistering language. On the eve of his retirement from the Senate, at age 81, he is still perennially young at heart.

The other day, Mr. Young, sitting in his fourth-floor office in the old Senate Office Building, reminisced about his political career with this reporter. He also talked about his future.

"My way of life has been to work, so I'm going to practice law in Washington. I may have a desk in Cleveland (his home town) but I'll live in Washington and do most of my work here."

Recalling his younger days as a successful trial lawyer, much of it handling criminal cases, he mentioned that a Cuyahoga County common pleas judge already has offered to name him as defense counsel in the next first-degree murder case that comes his way.

"But trying criminal cases is hard work and I try my cases to the hilt. If my defendant was convicted on a murder charge, I'd want to appeal it all the way. So I turned him down."

But he did indicate that if something exceptional came along in the criminal field—"like defending Kent State students"—he'd probably take it.

He is proud of his role in the controversy over the May 4 shootings at Kent State University.

"Right from the start, I was on the side of the kids, and it had me coming out smelling like a rose." (Others, who take the position that the Ohio National Guard was justified in the action taken at Kent State, disagree vehemently.)

The senator related that he was invited to speak last summer at Marietta College of Ohio and that supporters of Howard Metzenbaum, the long-time friend he was backing to succeed him in the Senate, urged him not to mention Kent State because it might hurt the Metzenbaum campaign.

"I said it was impossible not to mention Kent State. I talked about Kent at Marietta, and I never got such an ovation in my life as I did from those 2,000 kids down there."

He went on to accuse Governor Rhodes of having made an "abominable blunder" by sending "that tired-out guard unit" to Kent State, but the senator added that the students who burned down the ROTC building at Kent "should be punished" even though the mayor of Kent himself had said that the building was an eyesore.

Discussing his own upset victory over incumbent John Bricker in 1958, which first brought him to the Senate, Mr. Young recalled how former President Truman volunteered to campaign for him in Ohio.

"I went right over to Ray Miller (then the powerful Democratic boss in Cleveland) and said this would be a wonderful thing. No one else thinks I can be elected. I guess you don't either, Ray. He just looked at me and didn't say anything.

"Anyway, I proposed to Ray that we hold a $100 a plate dinner, with Truman speaking, and split the profits 50–50 between my campaign and Ray's county Democratic organization. Ray said, 'not on your life; and funds raised in this country go strictly to the organization.'

"So I went to Akron in the next county and rented a hall myself. We jammed them in with 3,000 people yelling, 'Give 'em hell, Harry,' and he did.

"After I was elected, the first request for a federal judgeship came from Ray Miller, who wanted one for his brother. Ray Miller's brother is still not a federal judge in Cleveland."

After Mr. Truman had made five speeches for him in Ohio, Mr. Young took him to the airport where the former president spotted a plane "with a number something like 90,000 on it and said, 'Steve, that's how much you're going to win by.' On election night I called him and said, 'You underrated me—I won by 150,000.' "

Then there was 1964, when he beat Robert Taft, Jr., by a very narrow margin, and a Cincinnati political columnist wrote that God must be Steve Young's precinct worker.

"I said that I've done a lot of fantastic bragging in my life but I never went that far."

Speaking of those past elections, Senator Young reached in his desk and pulled out a little rhyme that he had penned for a party given recently by Sen. Edmund Muskie of Maine for Mr. Young and the other Democratic senators who were first elected in 1958. Here's one stanza:

"The economy had grown sour
But them were the days of Eisenhower.
They did what they could to patch the crack
And everybody waited for Joe's son, Jack.
That class of '58."

He also found a file of those famous letters to constituents that he has written over the years. He laughed over some of them.

For example, there was a postcard from a Lima man who said that "Only a low-down, destructive pro-commie skunk like you would call the Chicago police 'Fascists' for trying to maintain law and order during the Chicago convention."

In typical Young style, the senator replied, "If you really wrote that insulting postcard signed with your name and address, I denounce you as a skunk and a liar." Then he added a typical postscript, "It may be that some stupid crackbrain wrote this postcard and used your name and address. If so, you'll probably wish to take action to protect your name."

And there was the letter from a Cleveland suburbanite complaining that Jacqueline Kennedy's horse had been given free transportation from overseas by the Army and asking if he could get the same free transportation if he purchased a horse abroad.

Senator Young replied: "Acknowledging your letter wherein you insult the wife of our president, I am wondering why you need a horse when there is already one jackass at your address." This brought him a telephone call from President Kennedy, who said that his wife had "got a big kick out of what you wrote."

Senator Young got a call from another president, Dwight Eisenhower, shortly after the Ohioan arrived in Washington in 1959.

"He got on the line and he started talking very fast about some farm project in North Dakota that he was sure we could reach agreement on.

"I finally managed to break in, and I told him that he wasn't talking to Sen. Milton Young (North Dakota Republican) but Sen. Stephen Young of Ohio.

"There was a silence and then he said, 'God damn.'

"That was the only time President Eisenhower ever talked with me."

Switching to a more serious topic, he discussed his career in the Senate.

He has never faced what he regards as a really tough vote, although his was the deciding one in some close and important ones, because "I vote in accord with my conscience and my judgment. I don't count to see if there is a majority in favor or against when they come to my name."

He reiterated his belief that the most important vote he ever cast in the Senate was in favor of the U.S.-USSR nuclear test ban treaty because it was "the first step on the long journey toward peace."

He takes pride in his service on the Aeronautical and Space Sciences and the Armed Services committees, although for years, he has been a minority voice on the Armed Services Committee because of his intense opposition to the Vietnam war.

One thing that came out of the space committee work was an accord with the Soviet Union for joint scientific work in Antarctica, and he hopes that this principle can be applied to joint exploration of outer space, with American and the Soviet Union sharing costs. This would greatly reduce the financial burden on American taxpayers, Senator Young adds.

He feels that he saved the taxpayers a lot of money also through his battle against civil defense.

Mr. Young was one of the first senators to oppose the Vietnam war "after having been a little hawkish on it." He did so, he said, because he believed that President Johnson had "changed the character of the war by putting American combat troops into a situation where his predecessors had been employing U.S. military men only as advisers."

How has Senator Young labeled himself in his years in the Senate?

"Every now and then I'm referred to as a liberal. That doesn't give me high blood pressure."

"But I'm simply an unhyphenated Democrat, without prefix or suffix."

Mr. SPARKMAN. Mr. President, I have known STEVE YOUNG for a good, long time. In fact, when I entered Congress in January 1937, I found STEVE YOUNG here. I do not know how long he had been here before that, but he was here.

The first campaign speech I ever made in behalf of the national ticket was in 1938. I went out to Ohio, and STEVE YOUNG was one of the candidates on his own ticket. I enjoyed very much my first experience. I may say, as he probably remembers, that we had a dinner in a hotel and then went next door to a moving picture house and had the meeting and had the speeches. I felt rather good and felt important, being sent there by the National Democratic Committee in a national campaign.

A rule was set up that the local candidates would have 3 minutes and then the others would be heard from. Well, you know what happened. Finally, when they got around to me, I pulled out my watch and I said, "I have to catch a train" 30 or 40 miles away; I do not remember exactly where it was—"to be back in Washington overnight and I have to leave here around 11:15 in order to make that train. So I have 12 minutes to talk."

I thought it was a terrible thing to have only 12 minutes, even though in the House I was accustomed to 5-minute speeches. But I talked and then left immediately. I felt rather bad going all the way from Washington to Ohio and then having only 12 minutes. But then I had this thought, and I have felt that way ever since—that it was not my talk that was important for the Democrats running in Ohio, but it was the fact that the National Democratic Committee had enough interest in them that they would send someone out there to represent them at that meeting. Ever since then it has been a great help to me, because, regardless of which meeting it is, whenever they ask me how much time I want, I always say, "You set the time and I will stay within it."

STEVE was a Congressman at Large. Every few years, it would swing back and forth, but STEVE came back when his time came, just like the pendulum of a clock. So he has had a long and varied service in both Houses of Congress, and I have known him well and favorably all that time. I have never had the pleasure of serving on a committee with STEVE, but I have watched his work, and it has been dedicated. He is a man of great conviction, great integrity, and wonderful expressiveness. As a matter of fact, I

understand STEVE has a book coming out—I do not believe it has come off the press yet—on how Senators should answer letters. I know we all look forward to the opportunity of reading that book.

I want to say to STEVE that I hate to see him leave the Senate. I know that he decided to do so on his own.

There is one other experience that I am sure all of us know about, but it might be well to recall it at the present time. Six years ago STEVE thought he was defeated, and he wrote out a telegram congratulating his opponent upon winning the election. He left his home early. The Western Union office was not open, and he thought he would send the telegram at a station a little way down the road. He had the telegram with him. He heard over the radio that, although he had been trailing by a big vote the night before, that deficit had been cut down considerably. So he did not send that telegram at the first station. He went on to the next station. The deficit in the meantime had been cut down appreciably. So he still did not send it. Of course, STEVE won that election.

I asked him recently if he still had that telegram, and he said he did.

We are all going to miss STEVE here in the Senate. Mrs. Sparkman and I both wish for him and his charming wife and daughter great happiness over a long period of years in his retirement.

Mr. HOLLAND. Mr. President, I want to pay my tribute to Senator STEVE YOUNG, who has been one of my dear friends in the Senate for 12 years, and whose voting record is about as different from mine as I think can be found in the Senate. I know that our long friendship has been a warm one, and I think that friendship that does exist and will ever exist between Senator YOUNG and myself is but an illustration of the fact that it is not upon party lines or philosophical lines or ideological lines that we base our close friendships in the Senate. STEVE and I, I am happy and proud to say, are warm friends.

STEVE is not one to talk much about his past, but I want the RECORD to show that he is the only Member of the Senate who served in the active military forces of the Nation in both World War I and World War II, which I think is a notable part of his record. He was in combat in World War II on two or more fronts. He served, after the armistice, as military governor of an Italian Province, and he endeared himself to the people there. Among the many decorations he received, including those from his own Government for bravery, are decorations from the Italian Government for the kind and useful service which he rendered as military governor of the Province over which he presided.

It is hard to describe STEVE YOUNG. One has to look back at his earlier record, I think, to understand more completely about him.

For a long time, he was a prosecutor in the courts of Cuyahoga County, Ohio, the county in which Cleveland is located, where he lived so long. I think that in coming to the House of Representatives for his many years of service there, and in coming to the Senate for these 12 years of fine service here, he brought with him some of the feeling that when things went wrong, in his opinion, it was his duty to explore them and expose them, just as he had as prosecuting attorney learned to expose wrongdoing in the criminal courts of his county and State. Yet, he did it in a way never bitter, and always with a bit of humor, never with any undercurrent of resentment against Senators who might take a different position.

I remember, for instance, that STEVE and I have always been on opposite sides of the question of the value of the civil defense activities of our Nation. Maybe he was right, and maybe he was not; but as a former Governor who had seen civil defense in my own State do an enormous service for our State and the Nation during World War II, I felt one way about the matter, and he obviously felt very differently about it.

With all of our differences in that long combat—because that is what it was—there was never a bitter nor a mean word spoken by STEVE YOUNG about any of us who differed with him, and who, I am happy to say, proved to be a majority, though a lessening majority as time went along, because STEVE's eloquence, or maybe that merits of the program as he saw them, or its demerits, brought about an ever-lessening majority in support of the civil defense effort.

I cite that only as one illustration. I have listened to him with great pleasure—sometimes with amusement and sometimes with extreme disagreement, but always with pleasure, because there is no Senator who has had a finer command of the English language, particularly in the employment of adjectives to describe activities which to him were not to be admired, but instead condemned. In my opinion, no Senator since I have been here, in these 24 years plus, has enjoyed a better command of the language which we all speak in varying ways than has STEVE YOUNG.

During his political career, he not only was Representative at Large from Ohio for several terms, but he became twice a giant-killer in connection with his coming to the Senate; and I wish to pay him tribute on that account. Senator Bricker was a great Senator and a great Governor of his State. He was Governor of his State when I served as Governor of Florida. My warm friendship with Senator Bricker began then, and still exists. Yet, STEVE YOUNG disposed politically of John Bricker, who had served his State and his Nation so well. Then in his next race for the Senate, he prevailed over the younger Bob Taft. So I know of no Senator, in my experience in the Senate, who better deserves the description "giant killer," unless it was Olin Johnston, of South Carolina, about whom I have spoken in the past.

STEVE YOUNG is a Senator the like of whom has not been seen here in the Senate, either before his coming or since, and who I know will be missed greatly. I am sorry I shall not be here to miss him, but the years have caught up with both STEVE and me, and so we leave the Senate at the same time. I am happy to say that he comes to Florida frequently, and I hope he will come more frequently now that he will have the opportunity. He is even a taxpayer in my State, and we welcome Senators and everyone else in that capacity.

STEVE is a Senator whom everyone can admire and respect and have affection for, even when we do not agree with him; and I have no warmer friend in the Senate than good old STEVE.

So I wanted to say this word of appreciation of STEVE, pay my tribute to him, and wish him and his lovely wife every possible happiness in life, some of which happiness I hope will come to him in my State, and some of which I hope will come to him in his own great State of Ohio.

STEVE YOUNG, as I say, will be greatly missed in the Senate. I am glad that our friendship does not end here, but will continue so long as we both shall live.

Mr. RANDOLPH. Mr. President, our beloved colleague who has just spoken, the senior Senator from Florida, has inadvertently made a remark about which I know he will not feel I am disagreeing with him. He mentioned that age had caught up with him and with STEVE YOUNG. I would not say that this is a fact. It was all right for him to say it, perhaps, but I subscribe more to the words of Longfellow, who wrote:

Age is opportunity no less
Than youth itself, though in another dress.

I could not even say that Steve has slowed down from the pace that he used 10, 20, or 30 years ago in walking, because he moves with alertness and alacrity; and those are characteristics not only of his body, but also of his mind.

If we may indulge in nostalgia—which I shall do very briefly, though I hesitate to do it—I remind STEVE that we stood with raised hands in the House of Representatives on March 4, 1933, and were sworn in as Members of that body. He, of course, had been elected by the people of the State of Ohio, because he came as the Representative at Large of that State. He was to serve two terms in that capacity, and then he was to serve, after a lapse of time, other district terms in the House, accounting for a total of 8 years on the other side of the Capitol. Those were challenging years, with pressing problems at the legislative doorstep. But President Franklin Roosevelt had helping hands in Congress, and STEVE YOUNG was on the job.

Now he has served in this forum for 12 years—years also filled with new challenges and many problems, and he was again on the job.

Someone might remark, "Why, he is the person in the Senate who gives the most cryptic reply to a letter," or "He is the person who has the most prickly answer for a constituent."

I would only say that whatever a letter written by STEVE YOUNG to a constituent has contained, it has been what he thought, as of the moment, its receiver at the other end of the mail route should have.

Men on the Hill have developed certain traits of temperament. I think the real spirit of spontaneity which has characterized STEVE YOUNG for many, many

years of productive public life has been refreshing.

I tell my colleagues in the Senate of the service—a service not flamboyant in nature; it does not receive headlines of any of the media—but the very important service which STEVE YOUNG gave to his constituents in the State of Ohio generally and in the districts he has served in that State, not only in the House of Representatives, but particularly the service here, with which I am intimately familiar, as chairman of the Public Works Committee.

STEVE YOUNG is the ranking majority member of our committee. Ofttimes there are those who dig in, who sit patiently for long, long hours in subcommittee hearings, and who make the record, who document the projects that are later to have the approval of, in this instance, the full Public Works Committee and, hopefully, the Senate and the other body and be signed into law by the President of the United States.

STEVE YOUNG became a member of the Senate Public Works Committee in 1959. He has served with diligence and devotion on two of our subcommittees that are of significant importance to the country. We may not hear about their value, day by day, but they are important to States and communities and to millions and millions of people. I speak of his service on our Public Buildings and Grounds Subcommittee. He became the chairman of that subcommittee in 1963. In 1967, he became the chairman of the Subcommittee on Rivers and Harbors and Flood Control.

I have a working knowledge of the labors of STEVE YOUNG on the two subcommittees. During the time that he has been the chairman of the Subcommittee on Rivers and Harbors and Flood Control, he has brought to the Senate more than 100 projects that deal with water resource development of one type or another, improved navigation, and the protection of lives and property. We will not forget these efforts that people ofttimes overlook. He has given many contributions to this body and to his State and to the Republic.

We realize the growing awareness of our water resources. I have read, not in a cursory fashion but very carefully, the essay which STEVE YOUNG published in 1969 entitled "A Water Development Program for America's Future." A water program for America's future—a developmental program. Yes, STEVE was again thinking of the future, rather than the past or even the present.

STEVE'S life has been one of action on developmental projects, projects that were to benefit millions of persons and thousands of communities, in a type of legislative endeavor that at times people might call routine and drab but which has to be done in this body; and it has been done very, very well by STEVE.

And now STEVE, I want you and Rachel to understand that before I left my residence this morning to come to the Hill, Mrs. Randolph knew that I was going to have the privilege of making these remarks of tribute to you. She said, "You know, I don't think it is best to include the wife in Senate comment, but break over today and say that Mary joins in the feeling of friendship" for you and your lovely wife, Rachel. So I am doing that on this occasion and we both mean our words.

I think of these lines in tribute to you, STEVE:

From quiet homes and first beginnings
Out to the undiscovered ends,
There is nothing worth the wear of winning
But loyalty and the love of friends.

Your loyalty to this Senate is known by your colleagues, on both sides of the aisle. We have been benefited by your life. Personal good wishes to you in the days and months and years ahead. Happy contentment, and yet a continuing busy life, will be the blessing I cherish for you as you depart this Senate.

Mr. YARBOROUGH. Mr. President, it is an honor to participate in paying tribute today to one of America's truly great individualists and individuals, Senator STEPHEN M. YOUNG. Not only do I admire STEPHEN YOUNG as a Senator, but also, I cherish him as a dear friend, and a Senate neighbor on the fourth floor of the Old Senate Office Building. Throughout the 12 years that STEPHEN YOUNG and I have served together in the Senate, he and his lovely wife, Rachel, have rejoiced with my family and me in our moments of victory, and stood by us in times of defeat. Words are inadequate to describe how I feel about this man.

STEPHEN YOUNG is, however, more than just a great legislator; he is a model of individual courage and conviction. He began his lifelong fight for justice as a trial lawyer in Cleveland, Ohio. He served the people of that area as chief criminal prosecutor, and as a member of the Ohio Assembly for two terms. Cuyahoga County, however, could not hold STEPHEN YOUNG for long. He was soon called to serve all the people of Ohio, first as Congressman at Large for four terms, and finally as U.S. Senator for 12 years.

STEPHEN YOUNG'S devotion to the ideals of democracy led him twice to put on the uniform of his country and defend those ideals in both World War I and World War II. His personal bravery won for him the Bronze Star and the Order of the Crown of Italy, among other decorations and commendations. I believe that those decorations and commendations include four that are not decorations but are indicia of what one has done—four battle stars in four combat periods. The courage STEPHEN YOUNG demonstrated on the battlefield was carried forward into his service in the Senate.

In the Senate, STEPHEN YOUNG has served with great distinction as a member of the Armed Services Committee, the Public Works Committee, the Aeronautical and Space Sciences Committee, and the Special Committee on Aging, on which I have the privilege of serving with him. As chairman of the Subcommittee on Rivers and Harbors, STEPHEN YOUNG was especially helpful to the people of Texas through his work in establishing flood control and watershed projects. On behalf of the people who have benefited from your diligent work, Senator STEPHEN YOUNG, I thank you for the consideration you gave to our 11 million people and their problems with severe floods and long droughts.

The approach that STEPHEN YOUNG has taken in representing the people of Ohio and the Nation can best be described in the words of Edmund Burke, who, in discussing the duties of an elected representative, said:

> Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

STEVE YOUNG has not sacrificed his judgment. He has given the people of Ohio and this Nation his industry and his judgment, and the Nation benefited from them.

STEPHEN YOUNG, as a member of the Armed Services Committee, was one of the first to see the tragic mistake our Nation was making in Southeast Asia, when it tried to obliterate people until they are subservient to our ideals. He spoke out in clear and firm voice against this cruel and senseless conflict. He did so at a time when it was unpopular to do so, but that did not deter him from saying what was right. While others took the cautious and careful path, STEPHEN YOUNG took a firm stand, and history has proved that he was and is right.

At the end of this session, STEPHEN YOUNG will physically leave the U.S. Senate, but the spirit of courage and public service which have characterized his career will endure as a model for others who come after him. I know that he has no intention of retiring to a rocking chair at the end of his term. I know that he does not plan to enter a comfortable retirement. Although he is 80 years old, he will not be tied to a chair, he will be on the road between Ohio and Washington, still full of life, and I am confident that he will continue to fight for a better America as a private citizen. I pledge to him my help in this fight.

On behalf of my wife, Opal, and all the members of my family, I wish STEPHEN YOUNG and his family every success in life. He has already had two or three lives of success, as a Congressman at large, and as the well-known giant killer, and his service in the Senate.

History will never forget you, STEPHEN YOUNG.

Let me mention one incident, if I may be pardoned a personal note. In 1964, a national survey printed in the press anticipated that STEPHEN YOUNG and I would both be defeated for reelection and that we would not be back here after the 1964 race. Well, of course, each of us won and the next morning, a voice came along the long distance telephone to me, not so strong a voice as normally, but it was from Harry Truman, calling from Independence, Mo., who was recuperating from a very bad accident when he had slipped in the bathtub and broken some ribs and was in the hospital. He said:

> This accident has got me all taped up and the doctor told me that I could not make any long distance calls. I asked for only two. I called you and STEPHEN YOUNG, just to say congratulations on winning.

I might add, Harry Truman called STEPHEN YOUNG first.

Congratulations, STEPHEN, on a wonderful record in the Senate.

Mr. PROXMIRE. Mr. President, the distinguished Senator from Ohio (Mr. YOUNG) has a number of endearing characteristics but the one most significant is his dedication to the truth—the blunt, bare, and brutal truth.

All of us are familiar with his responses to abusive constituents. We all have envied his courage and honesty when he writes back to that kind of constituent, telling them in no uncertain words what he thinks of them. That is an amusing aspect of STEPHEN YOUNG's handling of the truth; but we are also very much impressed by his willingness to puncture the phony superpatriotism of those who, in many cases hypocritically and in most cases without regard for the full consequences of the real meaning of patriotism, attack or demean the patriotism of others.

We are familiar with the crusade of Senator YOUNG against the corruption of the Saigon government in Vietnam, his crusade against the Vietnam war, and his compassionate concern for the poor, the hungry, and the ill.

Many Senators have remarked on the unusual, youthful zest of Senator YOUNG. He came to this body when he was nearly 70 years old, but throughout his career in the Senate his attitude and demeanor have always been characterized by extraordinarily youthful zest.

We all know STEVE YOUNG as the political giant killer of this body, that he has taken on and trounced the biggest names in his State when necessary, as well as names that were big names nationally. Senator John Bricker was considered as unbeatable as a Senator ever gets, yet STEVE beat him. The name of Taft is as powerful a political name as anyone can have and in Ohio it is particularly potent, but young BOB TAFT was defeated by STEVE YOUNG.

In addition to his youthfulness and his remarkable commitment to the truth, his continuing concern for the unfortunate who need help, STEVE has been a good and dear friend of mine, and I know of many other Senators.

We will miss STEVE YOUNG, but are most encouraged by the fact that he will continue to live in Washington as well as in Ohio. We expect to see him often.

Mr. FULBRIGHT. Mr. President, it is with a special sadness that I join my colleagues today in bidding farewell to STEVE YOUNG, for at the end of the session the Senate and the Nation will lose an advocate in the finest and most spirited sense of that word. He has been ever vigilant in fighting for the causes he believed to be right—and equally as active in protesting the injustices in our society.

In his 12 years in this body STEVE YOUNG never approached an issue in terms of its popularity. His concern was rather directed to the deeper meaning of the issue and how its resolution would affect our people. He has never lost sight of the fact that democracy is one of the most difficult forms of government to keep viable. Accordingly, he never resorted to appealing or simplistic answers to the complex problems which confront us in the Senate. This required an uncommon courage, a quality for which he was never wanting. I believe that STEVE YOUNG has shown in public life an unerring eye for what our Constitution really means and the role that it must play during this, perhaps the most critical time in our Republic's history. As a Senator, he has taken the long view and for this we are all beneficiaries.

Mr. President, I would be remiss if I failed to mention the important role STEVE YOUNG has played in awakening our Nation to the tragic course we have pursued in Southeast Asia. He was among the earliest to recognize our mistaken policy about this war, and he was most vigorous in his efforts to do something about it. STEVE YOUNG was one of the first to recognize that this war was weakening our country and endangering our security, rather than strengthening as its propenents alleged. I shall always remember the inspiration he gave those of us who shared the unpopular view that we should speak out against our military involvement in Asia—an involvement we believed to be not in the best interest of the United States.

I wish STEVE YOUNG and his family a very happy and active return to private life. His courage, his dedication, and his foresight will be sorely missed.

Mr. JAVITS. Mr. President, I join my colleagues in saying "au revoir" but not goodbye to STEPHEN YOUNG. I hope very much that we shall see him often as he continues to keep offices in Washington and Ohio.

The fact that so many have referred to his sprightly life is just the kind of tribute which is most richly deserved by him. He has never allowed us for one moment to doubt his willingness to be judged with all the rest of us, without any indulgence for the fact that he has lived a life longer than most of us, which is so typical of him.

I have also appreciated his deeply held liberal views: that the Government is the instrument of the people, to provide them with greater security, and greater economic and social justice as well as peace and tranquility; that the public servant who is doing what he thinks is right is doing so only because that is his duty. That is one reason STEVE YOUNG has been able to tell unruly constituents of his where to get off when that became necessary.

Senator YOUNG has displayed a real depth of conscience where the people are concerned. He has been especially sprightly in both physically and in ideas, which have been an inspiration to those of us here in the Senate as well as in the rest of the country.

I also admire him for the toughness of his ideas, for his convictions which are deeply and profoundly held. I shall never forget the constancy of his ideas—although I did not agree with him on many of those occasions, especially the one he pursued on the civil defense issue, which he said was a boondoggle and a waste. But I feel that his very persistency, and the profundity of his convictions, had a material effect in rationalizing that policy. He has lived to see the day when it is more rationalized than when he first took up the matter.

Similarly, as the Senator from Arkansas has said with relation to the war in Vietnam, he first conceived the truth of this matter and pursued it indefatigably, knowing its effect upon his fellow countrymen.

I join with the other Senators in wishing Senator YOUNG continued health and a sprightly, long, and happy life.

Mr. MONDALE. Mr. President, I am pleased to join with many of my colleagues in honoring one of America's greatest, STEVE YOUNG of Ohio.

Although I came to the Senate long after STEVE YOUNG, I have considered it an enormous privilege to have been permitted to serve with him and to watch this man of uncommon courage serve in the Senate. I think more than any other word, courage best exemplifies his magnificent service to the American people.

STEVE YOUNG has often stood for unpopular causes, whether he was ahead of his time in proposing social and economic legislation or whether he was one of the first to speak out against the tragic war in Vietnam.

Many have commented about his many years of service in the Congress, he initially having become a Member of Congress in 1933. To those of us who are somewhat younger in years, it is also true that he has remained young in mind and young in spirit, and not just "Young" in name. He has always been a friend and supporter of each of us as we seek to establish our identity in Congress.

None of us can help feeling richer because of his friendship and counsel. Carl Sandburg once said of Lincoln that—

> You couldn't quite tell where the people left off and where Abe Lincoln began.

STEVE YOUNG in the same sense is one and inseparable with the people of his State and with the people of his country.

I am grateful and proud to have served with him.

Mr. WILLIAMS of New Jersey. Mr. President, tolerance is, I am sure, one of the hallmarks of politicians. We had better have it because we live in a life of slings and arrows and outrageous charges and an abundance of distortion.

We are, most of us, content to reply to these only when they become unbearably unjust and most egregious. Following periods of intense campaigns, we tend to have short memories. I suppose that one of the reasons for that is that we hope to have long lives as politicians.

It impresses me that STEVE YOUNG's tolerance factor is lower than that possessed by most of us. I submit to the Senate that this, we have discovered, is all to the good. I think that the Nation has discovered it, too.

It is to STEVE YOUNG's credit that he is intolerant of some of the shabbiest factors in life. Certainly he is intolerant of hyprocrisy. Some of his expressions concerning his intolerance will go down as classics in senatorial history. Many of them have been referred to already this afternoon.

Certainly, he is intolerant of anything that is shoddy, pompous, or unjust. That is, in my judgment, a mark of greatness.

We all ponder what is described as the gulf between the young and the old these days. I imagine this is true for most of us. It impresses me that, if anything will fill the gulf between those of later years and those of younger years, STEVE YOUNG's kind of intolerance of hypocrisy will do it.

Mr. President, frequently, it is my pleasure to join with the Senator from Ohio as the hour gets close to 6 or 6:30 p.m. in an informal caucus in a place that is shrouded in some mystery, the Senate baths. After STEVE YOUNG has finished hitting a tennis ball against the wall, he joins us in our less ambitious endeavor in the steamroom. There I have had the pleasure of sitting and absorbing his wise counsel.

With our knowledge that Senator YOUNG is not leaving Washington, it is indeed reassuring to know that that counsel will continue when the hour reaches 6:30 in the evening and we have a moment of rest from our arduous duties here on the floor or in the office.

STEVE YOUNG has honored this Chamber by his presence and the people of Ohio by his representation. I wish him well in retirement and I hope that we will continue to hear his voice on important issues.

The Senator from Ohio retires, in the judgment of all of us and of the Nation, as the undefeated champ.

Mr. COOPER. Mr. President, as a Member of the Senate I shall miss STEVE YOUNG very much. It has been my privilege to serve with him for about 10 years on the Senate Public Works Committee. His contributions to the matters which are under the jurisdiction of that committee have been great. I refer to programs involving the Federal highway system, rivers and harbors, and lately practically all of the environmental issues.

STEVE YOUNG's influence in the Senate and in the country goes far beyond the specific work of any committee.

His speeches in the Senate are unique. They are erudite, possess humor, and have style. They have been devastating against humbug. I think he hates humbug more than anything else. He speaks with passion against injustice and for peace.

It is a great loss for STEVE YOUNG to leave the Senate. It is a great loss for the country.

We all hold toward him a special affection which he deserves because he is warm and kind and a noble human being. We pay our respects also to his great wife and helpmate.

Mr. ALLEN. Mr. President, it is a real pleasure, an honor, and a privilege to participate in this tribute which the Senate is paying to the distinguished senior Senator from Ohio (Mr. YOUNG), who was not a candidate for reelection to the 92d Congress and who will not be with us at that time.

I have not known the distinguished Senator from Ohio (Mr. YOUNG) as long as those of my colleagues who have spoken, because it was only when I came to the Senate in January of last year that I had the privilege of meeting this distinguished Member of this body. That does not mean that I admire him any less, or that I respect him any less, or love him any less than my colleagues. I have had the privilege of presiding over this body for more than 200 hours since coming to the Senate. On many occasions while I have been presiding over the Senate the distinguished Senator from Ohio has addressed the Senate and I have had the pleasure of hearing his expressions of his views on the great issues that face our Nation and on the current events in this world upon which he wished to comment.

Far from the popular conception of an officeholder who does not wish to take a stand, or a public official who wants to straddle the fence and not make his views known, Senator YOUNG, has been exactly the opposite of this popular conception of the attitude of a public official. There is never any doubt about where STEVE YOUNG stands on any public issue. He speaks out in unmistakable language where his meaning could not possibly be misinterpreted. I have admired him, although I have not always agreed with his expressions. I have admired the courage he has displayed, his sincerity, and his dedication. There is not a more dedicated Member of the Senate than STEVE YOUNG from Ohio.

Since he made his declaration that he was not going to seek reelection to the Senate, far from slowing down as a Member of the Senate he has redoubled his efforts. This trait is most admirable.

He has tirelessly dedicated himself to service to our Nation and to the State of Ohio, as a soldier in two great world wars, as a prosecuting attorney in Ohio, and as a Member of both Chambers of the Congress of the United States. In each facet of his public life STEVE YOUNG has been dedicated, devoted, and courageous.

In the Senate he has always deemed it his duty to represent the people of Ohio as vigorously as he could and many times I have marveled at his seemingly endless energy in expounding his views on the important and critical issues of the day. Some of his political positions were unpopular, but STEVE YOUNG advanced them because he honestly and sincerely believed that they were right.

STEVE YOUNG's political career, and he has had several careers, should be an inspiration to all who wish to seek public elective office. At the time he ran for the Senate the first time in 1958 he had reached an age at which many men are looking around for a place to retire, not to start a brandnew public career. But it is a great tribute to Senator YOUNG that he sought election to the Senate, defeating in the election in 1958 an outstanding Senator, nationally known. He worked against overwhelming odds and surprised many citizens in Ohio and throughout the country by his victory.

His reelection in 1964 was against almost insurmountable odds, and these two victories rank among the most remarkable political victories of recent times. Those elections show what a man with courage, forthrightness, and dogged determination can do if he sets his mind to it.

Although my views and those of STEVE YOUNG on general political philosophy differ considerably, I have always enjoyed a very warm personal friendship with him. It was Ralph Waldo Emerson who wrote that "a friend is the masterpiece of nature." Such has been the quality of the friendship which STEVE YOUNG has given me—friendship flowing pure and sweet from the wellsprings of his joyful mind, his bright spirit, and his warm heart.

If a man could be said to be as young as he feels or as young as he acts, by either criterion STEVE YOUNG is yet a young man. He departs the Senate at the height of his usefulness, at the height of his influence, and at the height of his career.

I think it is another tribute to STEVE YOUNG that he had the wisdom and the judgment voluntarily to retire from the Senate when he was and is at the very height of his career.

No one will miss STEVE YOUNG more than I. Mrs. Allen and I wish for him and Mrs. Young many years of good health and continued happiness.

It is an honor to salute you, Senator YOUNG.

Mr. BAYH. Mr. President, in a few days one of our most distinguished colleagues will take his leave of us, retiring after a public career that spans nearly 60 years of service. I speak of the senior Senator from Ohio, Senator STEPHEN YOUNG, whose leaving will be a great loss for the Senate, for Ohio, and for the Nation. We have come to appreciate his sharp wit and outspoken candor, as well as his commitment to individual rights, his defense of often unpopular causes, and his efforts to extend the American dream to all Americans.

As one who has worked with STEVE YOUNG in the Senate for 8 years, I shall miss his uncanny ability to cut through the rhetoric surrounding an issue and get right to the heart of the matter. He has never minced words, and the Senate will be the poorer for the loss of his plain speaking. Like the late Adlai Stevenson, STEVE YOUNG has been guided in his public life by "talking sense to the American people."

The country as a whole will be the poorer, too, for his leaving the Senate. STEVE YOUNG has been an outstanding public servant for over half a century. As a Representative in four Congresses and a Senator in six, and before that a member of the Ohio General Assembly, the chief criminal prosecuting attorney of his home county, and a highly decorated member of the Armed Forces during both World Wars, STEVE YOUNG has given more of himself to his country than we have a right to ask of anyone. A man who has consistently done what he believed right, rather than what was politically expedient, Senator YOUNG has, indeed, served the public interest well. I am sure I speak for other Members of this body in expressing the hope STEVE YOUNG will continue to speak out on the issues facing our Nation in the days ahead.

Mr. BOGGS. Mr. President, it is my great pleasure to join with my colleagues today in paying tribute to the retiring senior Senator from Ohio (Mr. YOUNG) and to congratulate him on his many years of outstanding service to the Senate.

In the 12 years that Senator YOUNG has served in this body he has left his mark on all who have known him and all who have sought his wise counsel. I have come to know and respect him personally for our work together on the Public Works Committee.

Senator YOUNG's retirement from the Senate caps the long and distinguished career of an American who has devoted his life to the service of his country—as a soldier in World War I, as a war hero in World War II, as a member of the Ohio General Assembly, and as U.S. Senator.

It has been my pleasure to be associated with Senator YOUNG. I wish him every happiness in his retirement.

Mr. JORDAN of North Carolina. Mr. President, there will be some longtime friends and colleagues absent from this Chamber when the next Senate term begins next month.

And one of the familiar faces that I personally am going to greatly miss is that of STEVE YOUNG.

It has been my pleasure to serve with him throughout all but a few months of the time I have been in the Senate and to work closely with him during most of those years as a fellow member of the Public Works Committee.

I have enjoyed that relationship immensely and have come to admire STEVE for what he is—a determined, independent-thinking man always ready to defend his convictions and to fight for the causes in which he believes, regardless of the odds or consequences.

Those things have made STEVE something of a Senate legend in his own time and he is going to be long remembered for them by those of us who have shared his Washington years with him.

We are going to miss his wide range of legislative experience, his knowledge of law, and his grasp of world affairs.

He will be missed for his traits as an individual, too, as well as a lawmaker, and I, for one, hope that even in his retirement he will come back to spend some time with us when the chance presents itself.

Mr. SAXBE. Mr. President, I took the floor last week to pay tribute to the senior Senator from Ohio. Briefly, I should like at this time to repeat the remarks I made then. We are going to miss my colleague, in many ways. He has certainly been a tower of strength to me; he has helped me in every way that he could. We have not always agreed, but we have agreed to the point where it is sometimes a bit embarrassing—since the distinguished senior Senator sits on the opposite side of the aisle. So be it.

I wish to say that my first contact with Senator YOUNG was when we were opponents in a statewide race—my first statewide race—in 1956. Our contact then was pleasant, and it has continued that way to this time, and I know it will continue for a long time.

So as a tribute to Senator YOUNG, I want to say that my whole family and I appreciate his help in getting me started here. I also want to say that Senator YOUNG's friendship is valued and I hope it will continue. I submit that the Senate of the United States has benefited from his having passed this way. May he return to visit us, so that we all may share in his wisdom and counsel.

Mr. PEARSON. Mr. President, I am pleased to join my colleagues in expressing my regard for the most distinguished senior Senator from Ohio, STEPHEN YOUNG.

Mr. President, STEPHEN YOUNG has long been one of the most outspoken Members of the Senate. He has been a vigorous and unflagging champion of numerous unpopular causes. He has spoken out when others have remained silent—even when it was politically hazardous to do so. A thoroughly democratic and properly irreverent man he has deflated inflated egos and ridiculed the pompous posturing of high public officials.

I have not always agreed with STEPHEN YOUNG, but I have never doubted his sincerity, honesty, and dedication. He has been a tenacious and formidable opponent at times; a trusted and valuable ally at others.

Senator STEPHEN YOUNG has charted his own course and in so doing he has served Ohio well. He has served his country well. His presence in the Senate will be missed. His unique contribution is not likely to be duplicated. He leaves this institution knowing that he has made a lasting imprint.

Mr. President, I wish him nothing but success in the years to come.

Mr. McGOVERN. Mr. President, it is a high privilege to join my colleagues in the Senate in paying tribute to a great U.S. Senator—STEVE YOUNG of Ohio. His decision to retire from the Senate deprives us of the most colorful and, indeed, one of the strongest individuals in the Senate.

He is a unique, marvelous human being who has never permitted political considerations to mar his dignity, his integrity, and his absolute intellectual honesty. I shall especially miss his salty, blunt indictments of hypocritical individuals and foolish public policies.

In recent months, he has especially placed the Nation in his debt by his scorching and forthright revelations of the Kent State tragedy. In earlier years, he exposed much of the sham in an ill-conceived civil defense program. But most of all, I admire his frankness in helping to spotlight the folly of our Vietnam venture.

I salute the senior Senator from Ohio as a warm friend, an admired colleague, and an indomitable American. I wish him and his lovely wife many happy years together.

Mr. HUGHES. Mr. President, one of the great privileges of my first 2 years in the Senate has been to serve with Senator STEPHEN YOUNG of Ohio to whom we pay tribute today on the eve of his retirement.

To borrow the phrase from Stevenson's "Kidnaped," we will always remember STEVE YOUNG as a "bonnie fighter." In the course of his Senate career, many found it possible to disagree with the doughty Ohioan. I doubt if anyone found it possible to doubt his courage or the strength of his conviction.

As you measure his career, you will find also that he generally fought for the right causes, the good causes, the people causes. Frequently, these were unpopular issues from a political standpoint, but I doubt if anyone ever gave this consideration less concern than Senator YOUNG.

In his own special way, STEVE YOUNG has been a healthy and constructive influence on the course of public affairs in this country.

No one who has ever known him or heard him speak is likely to forget his rapier wit. It is the kind of wit that instantly cuts down pretentiousness and deflates pomposity. It is the kind of wit that will never cease to be needed in this democratic society.

For a sense of humor denotes a sense of proportion, the ability to tell the difference between the important and the trivial, the true and the false, and to see ourselves as others see us. If we were ever to lose this kind of humor, our freedoms would not be far behind.

The retiring Senator from Ohio has been in public life for a long time, but he is young in heart as well as YOUNG in name. He is one of the unconquerables—a unique American who will be long remembered and esteemed.

Mr. MANSFIELD. Mr. President, as the next session of the Senate convenes, the senior Senator from Ohio (Mr. YOUNG) will not be returning to take the seat he has occupied with such distinction for the past 12 years. Without STEVE YOUNG, may I say, the Senate will be without one of its most diligent and able Members. His fine example of hard work and dedication to public service have been an inspiration for us all. At all times has he adhered to the highest principles while laboring in behalf of just causes. He has spoken with fervor, with effectiveness, and with the deepest sincerity on the important issues facing this Nation today; issues of excess spending, excessive military influence and national priorities.

We shall miss STEVE YOUNG. We shall miss him deeply. We shall miss his fine work within the committees he has served so well. It was there, for example, that he demonstrated the outstanding expertise in such varied areas as Aeronautical and Space Sciences, Armed Services, and Public Works that could only be obtained by one who had been an indefatigable investigator and prosecutor—which STEVE YOUNG had been.

It was STEVE YOUNG's own decision to retire from the Senate and the people of Ohio will sorely miss him just as deeply as will the Senate. He has been called the "giant killer" and the name fits. He has courage; he has enthusiasm, stamina, and interest. We all envy these qualities. We will miss them as he has applied them in this Chamber.

As for the future, we know that STEVE YOUNG will continue his interest in and love for his country. It will never diminish. He will continue also to make great contributions to this land in the years ahead; and may I say with confidence, they will be many.

Mr. PELL. Mr. President, I shall deeply regret the departure from our midst of the senior Senator from Ohio (Mr. YOUNG). His freshness, vitality, frankness, and bulldog tenacity are all qualities that have marked him through life. These are qualities that have enlightened and added to our body's deliberations. I wish he had not decided to retire. But,

since he has, I wish him and Mrs. Young a full and happy life.

TO SENATOR YOUNG

Mr. MILLER. Mr. President:

Steve Young, a fighter he;
Always—so kind to me.
Young in name and young at heart;
I feel a loss as we part.

Mr. METCALF subsequently said: Mr. President, it was my opportunity and privilege to be presiding over the Senate when my colleagues were paying tribute to STEVE YOUNG. It was a moving and inspirational occasion to see and hear men of all sides stand up and testify to their friendship and accord with Senator YOUNG.

I was a Member of the House of Representatives when I attended a small gathering in honor of Senator YOUNG at the Cosmos Club sponsored by Jim Patton, then president of the Farmers Union. Mrs. Metcalf and I both commented on our way home that here was a Senator that was forthright, informed, and dedicated.

Senator YOUNG and I share several common interests. We were both Members of the House of Representatives before we came to the Senate; we both served on the Public Works Committee of the Senate; we were both officers in military government in World War II, he in Italy, I in Germany. We are both inclined to give short shrift to those who ask stupid questions. He has a better command of invective than I; his responses are better phrased and more biting than those I can conjure.

But Senator YOUNG has been a spokesman for the people who seldom have had one speaking for them. He was an early advocate for the withdrawal from Vietnam. He was then speaking for the GI in combat there. He has spoken out for the poor, the disadvantaged, the unfortunate. He spoke for them as forthrightly as he did against the uninformed people who criticize him.

His political career is remarkable. I think of his campaigns in the context of a cartoon of Senator YOUNG, very small, leading two elephants labeled Bricker and Taft, the mahout that beat both of these giants.

I have voted with Senator YOUNG a majority of the time. Some of the times that I have voted in opposition to his vote I have regretted it as the history of legislation swept by. He has been right more than I. I shall miss his frankness, his integrity, his honesty. Mrs. Metcalf and I shall miss STEVE and Rachel as colleagues and friends.

Mr. MOSS. Mr. President, I rise in the Senate today to pay the warmest of tributes to my good friend, Senator STEPHEN M. YOUNG.

STEVE YOUNG and I came to the Senate 12 years ago as Members of the class of 1958. That class has remained largely intact, and it is with a tug at the heart that I watch some of its Members now departing from the Senate. From the very beginning of our Senate service, STEVE YOUNG and I have been devoted friends.

STEVE was one of the oldest Members of the class of 1958, but none of us have ever outdone him in peppery vigor, firm resolution or constant ebullience. He has been fearless in speaking out, and working for, the things he felt should be done.

He called events and issues as he saw them. We all will miss his pungent observations on the Senate floor and in his newsletter to his constituents. We will miss, also, the occasional examples he shares with us of derogatory letters he receives from his constituents, and of his unrestrained replies to them.

I have served with Senator YOUNG on two committees—Public Works and Aging. His contributions to the work of both have been substantial. On these committees he will be missed.

STEVE YOUNG leaves many good friends and a legacy of good legislation behind him in the U.S. Senate. We shall miss him on the floor in the years ahead, but I rejoice to know that he and his lovely wife Rachel will be here in Washington where we hope to see them often. They are choice people.

So much could be said of STEVE and Rachel. I wish that I could do them justice.

Mr. YOUNG of Ohio. Mr. President, the 12 years I have served as a U.S. Senator have been golden years. They have formed a moving and thrilling chapter in my life.

I shall take with me into the future and into private life pleasant thoughts and recollections of these satisfying and happy years that shall never fade and cannot be destroyed. The reality of age and nothing else caused me to announce my retirement from the Senate.

Representing a State in the U.S. Senate as its public servant is a priceless experience enjoyed by comparatively few men. In this rather small rectangular room, which is the hall of the States, though usually referred to as the Senate Chamber, are the desks of 100 Senators, and it is here that each Senator strives to represent his State and his Nation with fidelity, zeal, and to the best of his ability.

I am very grateful to Ohio citizens, who have been good and generous to me. They gave me the opportunity to serve for 12 years as one of 100 Senators who make the laws of our country.

I think I am a better American and a better person in every respect due to the friendship of my colleagues on both sides of the aisle and to what I have learned while serving with them. Throughout 12 years my Senate colleagues have been generous, friendly and helpful to me. I held all of them in the highest admiration.

I recall, Mr. President, when Harold Macmillan, Prime Minister of the United Kingdom, was in Washington as a guest of President Kennedy some 10 years back. In an address in this Chamber he said that his mother told him to regard a Senator of the United States as having achieved the highest possible point in human achievement and dignity. The then Prime Minister said that as a young man he was uncertain that his mother's view was correct, but that by the time of this his second visit, as Prime Minister, with U.S. Senators, he had concluded that his mother was wise and correct in her statement regarding the U.S. Senate.

Now, may I thank my colleagues—thank you very much. Also may I tell you again I am retiring from the Senate, but, hopefully, for some years to come, not from the activities and joys of life. I cherish the friendship of my colleagues. It was with a feeling of sadness that I made my decision many months ago not to seek reelection to a third term. I look forward with pleasure to talking with you my colleagues personally in future years or writing you as one of your millions of constituents.

Godspeed and happy landings to all of you.

Mr. KENNEDY. Mr. President, I ask uanimous consent that the RECORD remain open and that Senators who were unable to participate in these tributes have an opportunity to file statements and that those statements be printed in the RECORD as if delivered; that the RECORD remain open until the end of the the congressional session; and, furthermore, that the speeches be printed as a separate Senate document.

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

Mr. KENNEDY. Mr. President, I make the same request with regard to the distinguished Senator from Florida (Mr. HOLLAND); that the same privileges be available for Senators who wish to pay tribute to the Senator from Florida; and that they be printed as a separate Senate document as well.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I understand that we are now in the period of the morning hour. Is that correct?

The PRESIDING OFFICER. The Senate is now in the period for the transaction of routine morning business.

PRESIDENT NIXON'S VETO OF THE FAMILY PRACTICE OF MEDICINE ACT

Mr. KENNEDY. Mr. President, President Nixon's veto of the Family Practice of Medicine Act shows a shocking disregard for the serious health needs faced by millions of Americans in all sections of the Nation. Because of the veto, hundreds of thousands of families in the United States over the next few years will be denied access to general practitioners. A constructive solution to one of our most pressing health needs—the shortage of family doctors—will be postponed.

President Nixon has now vetoed nine bills passed by Congress since he took office 23 months ago. Tragically, most of the bills vetoed by the President have been in areas of the greatest social and domestic need—health, education, urban renewal, and manpower training and job development.

The American people have a right to know where the obstruction lies to the solution of many of these domestic prob-

lems. Congress has acted time and again. The President—and the President alone—has thwarted the will of Congress and vetoed many of the necessary programs.

The family practice bill which he vetoed over the weekend authorized $225 million over the next 3 years for special grants to hospitals and medical schools to train general practitioners and help ease the family doctor shortage.

The need is overwhelming. There is an estimated shortage of 50,000 doctors in the United States today—and the problem is getting worse.

As almost any family knows from personal experience, the most serious health manpower shortage is the shortage of family doctors. In 1931, three of every four doctors were general practitioners. Today, the figure is only one in five.

On the average, there is only one family doctor in the United States for every 3,000 persons in the population. We rank far behind many European and other countries in this regard—and in the quality of health care generally.

Despite the shortage of doctors—and especially family doctors—the President has vetoed the bill as being "unnecessary." Doctors, health and medical care experts, spokesmen for the American Medical Association and others who strongly supported the bill certainly thought it was necessary. The Senate, which passed the bill by a vote of 64 to 1, certainly thought it was necessary. The House of Representatives, which passed the bill by a vote of 346 to 2, certainly thought it was necessary.

Yet the President has taken a "wait 'til next year" attitude on the problem of family doctors—just as he has taken a "wait 'til next year" attitude for almost 2 years now on the overwhelming health needs which this Nation so desperately faces. It is regrettable indeed that the administration has not only failed to take any initiative on health problems, but has also vetoed the will of Congress when Congress has taken the initiative in moving to alleviate the crisis.

I have already stated some of the reasons why I consider the President's action on this legislation to be tragic and unjustified. But the importance of his action extends far beyond the need for family doctors. By choosing to pocket veto this legislation, rather than to return it to the Senate with his objections, the President has attempted to employ the pocket veto in a manner that the Constitution clearly does not intend, even if—as the President is apparently arguing — the Constitution permits it. This effort by the President to stretch the pocket veto to its constitutional limit has grave implications for the balance of power between the legislative and executive branches of our Government.

The sole purpose of the pocket veto provision in the Constitution is to cover the situation in which an adjournment of Congress makes it impossible for the President to return vetoed bills to Congress for reconsideration. Clearly in the case of the family practice bill, nothing prevents the President from returning the vetoed bill to Congress for reconsideration in the closing days of this session. If the family practice bill had been held at the desk of the Senate for a longer period before it was sent to the President, instead of being sent to him when it was, the President could not have pocket vetoed the bill, since the 10th day of the constitutional period would have fallen on a day when Congress was in session.

Thus, the President's attempt to use the pocket veto during the short recess at Christmas introduces an arbitrary element into the legislative process—an element never contemplated when the pocket veto provision was written into the Constitution by the Founding Fathers. The President's action is a clear challenge to the prerogatives of Congress under the Constitution. No Member of the Senate, whatever his views on the merit of the bill in question, can fail to be concerned about this latest effort by the President to undermine congressional power.

The promiscuous use of the pocket veto in this situation was obviously designed to avoid an embarrassing vote in Congress on a veto that would surely have been overridden. The President's action raises the possibility of similar arbitrary vetoes every time Congress takes a brief recess. The pocket veto authority of the President should have been clarified long ago, even if a constitutional amendment is required. I hope that every Member of Congress will give a serious consideration to the important principle that is at stake. The clarification of the pocket veto provision should be one of the first priorities of the 92d Congress.

Mr. YARBOROUGH subsequently said: Mr. President, the Presidential veto of the meritorious family practice of medicine bill (S. 3418) is very disconcerting for two reasons: First, this administration's apparent disregard for the state of health care in this country is deplorable, and second, the use of the pocket veto under questionable authority to thwart the intent of Congress is deserving only of reproach.

While Congress has demonstrated extreme concern over the present state of health care and the need for future improvement of health care by exercising its legislative authority, the executive branch of this country has responded with promises and obstruction.

Last year in a press conference President Richard Nixon said:

> We face a massive crisis in this area [health care] and unless action is taken both administratively and legislatively to meet that crisis within the next two or three years, we will have a breakdown in our medical care system which could have consequences affecting millions of people throughout the country.

Armed with this knowledge, the President vetoed the Hill-Burton hospital construction bill and Congress overrode the veto by an overwhelming majority. Armed with the same knowledge of a health care crisis, the President has now vetoed the family practice of medicine bill which would have created more general practitioners of medicine in the face of this country's tremendous shortage of doctors.

Yet, what justifications are used? The administration says that next year, probably in February, they are going to send to Congress a health message, accompanied by proposed legislation.

Mr. President, I fail to comprehend the reasoning behind a policy that says we are facing a health crisis, that something must be done within 2 years, and then over a year goes by before attention is even focused on the problem. Even if Congress receives a health message early next year, the lapsed time before enactment and appropriation will most likely approximate another year.

I deeply regret that the President did not find the fortitude to veto this bill with a message to Congress, so we would have the opportunity to override the veto. I think all of the people who have suffered from ill health while this administration gave promises of "next year we will do something" deserve to have their views felt through their elected representatives.

Despite the shortage of 50,000 doctors; despite the fact that in 1931 we had 1 family doctor for every 1,000 persons, and now it is one for every 3,000; despite the fact that this bill would have remedied this situation, the President vetoed the bill and again gave promises of next year.

It should be made clear that the stakes in this delay of health care are very high—we are dealing with the lives and the health of American people. While we cannot estimate the lives lost, or the preventable severe illnesses that may be caused by the constant obstacles and vetoes of health measures by this administration, I do not believe that the American people will tolerate disregard for their health care.

The family practice of medicine bill would have authorized $225 million over the next 3 years to create separate departments of family medicine in our medical schools so that we might give emphasis and prestige to the general practice of medicine, where we face a grave shortage of doctors. This was a needed measure of which the American people are now deprived.

It is also very disappointing that the President chose to pocket veto this bill while Congress was in a 4-day congressional recess for Christmas—a device which I consider an obvious abuse of the pocket veto.

The President's response to the health care crisis in this country is to veto two health bills and hide behind the pocket veto—a lack of leadership which our country cannot afford.

Even the procedure used—the pocket veto—is questionable. The question involves a construction of article I, section 7, clause 2, of the Constitution, which provides:

> Every Bill which shall have passed the House of Representatives and the Senate shall, before it becomes a Law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. * * * If any Bill shall not be returned by the President within ten days (Sunday excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had

signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

The last sentence of this provision is the determinative language in considering whether or not President Nixon had the constitutional authority to pocket veto the Family Practice of Medicine Act during the adjournment, in accordance with Senate Concurrent Resolution 87, from the close of business on Tuesday, December 22, 1970, until 12 o'clock noon on Monday, December 28, 1970.

Since the bill was sent and received by the President on December 14, 1970, the 10 days provided for in the Constitution would have ended on December 25, 1970. The question then arises as to whether the act became law on that date, as if the President had signed it, or whether it was pocket vetoed because Congress by their adjournment prevented its return.

In the Pocket Veto case (1929), 279 U.S. 655, the Supreme Court ruled that an interim adjournment of a Congress at the end of a session operated to prevent the return of a bill. In the first session of the 69th Congress, the House had adjourned sine die and the Senate, by terms of the joint resolution authorizing the adjournment, had adjourned until a definite date prior to the commencement of the second session to sit as a court of impeachment. The Supreme Court treated the adjournment as occurring at the end of the first session of Congress. A bill which originated in the Senate was presented to the President shortly before the adjournment which he did not sign nor return it with his objections. Petitioners argued that only a final adjournment of Congress terminating its existence would prevent the return of the bill. The Court rejected this argument and by dictum stated that adjournment as used in the Constitution was not limited to a final adjournment. The Court intimated that in the absence of Congress the resident could not veto a bill by affirmative action since Congress, by its adjournment, had prevented the return of the vetoed bill.

In the course of its opinion, the Court referred to a memorandum prepared in the Office of the Attorney General, dated October 10, 1928, analyzing all bills which had not been returned by the various Presidents during adjournments of Congress (H. Doc. No. 493, 70th Cong., 2d sess.). Many of these bills had been retained after final adjournment, a large number after adjournment at the end of a session, and a few after adjournment within a session. While the Court drew no distinction between the various kinds of adjournments, the issue at hand was the adjournment at the end of a session and it did not dwell on the specifics of an adjournment within a session.

The Court did state that the Constitution, in giving the President veto authority, imposes upon him not only the obligation to sign bills that he approves but also to return bills that he disapproves, with his objections, in order that they may be reconsidered by Congress.

It is disappointing in the case of the family practice of medicine bill that the President did not see fit to fulfill his Constitutional obligation to return this bill with his objections, since the distinguished majority leader (Mr. MANSFIELD) and also the junior Senator from Maine (Mr. MUSKIE) secured unanimous consent that the Secretary of the Senate receive messages from the President of the United States during the adjournment. This sets our situation apart from the pocket veto case in which the President was prevented from such action. In our case, I would contend that the President was not prevented from returning the bill and his refusal to do so may very well have caused the family practice bill to become law.

In La Abra Silver Mining Co. against United States, Congress presented a bill to the President on December 20, 1892, and 2 days later took a recess until January 4, 1893. The bill was signed by the President on December 28, 1892. The case held that the exercise of the President's authority was not restricted by the days that Congress was in session, and that the President could sign bills when Congress has adourned for a short recess. *Edwards* v. *United States* (1932) 286 U.S. 482 held similarly that the President could sign a bill into law after final adjournment.

In *Wright* v. *United States* (1938), 302 U.S. 583, a bill which had originated in the Senate was vetoed by the President and returned with his objections to the Senate during a 3-day adjournment of that body. The House of Representatives was in session at the time. The bill with the President's message was received by the Secretary of the Senate, and submitted by him to the Senate when it reconvened. The issue presented was whether the veto was effective in view of the fact that the President's objection had not been received within the 10-day period by the originating House while in session. The Court held that an adjournment of the Congress prevents a return of the bill by the President within the period of 10 days allowed for that purpose; but that since the Senate alone had adjourned, the constitutional provision did not apply and the veto was effective.

In the opinion, Wright against United States, the pocket veto case, supra, was considerably limited and its dictim moderated. The Court states that the view of the pocket veto case that the House to which the bill is to be returned "is the House in session" cannot be considered narrowly and is not applicable during a temporary recess as opposed to the end of a session. The Court further states, in apposition to the pocket veto case that the officers and agents of the Houses of Congress have great power and responsibilities and that they can be utilized to receive returned bills from the President.

The opinion gives great attention to the need to consider the realities and practicalities of returning bills, rather than relying on wholly unnecessary technicalities. The criteria are first, that the President shall have suitable opportunity to consider the bills presented to him, and second, that the Congress shall have suitable opportunity to consider his objections to bills and on such consideration to pass them over his veto provided there are requisite votes.

In the case before us of the family practice bill, the President had ample time to consider his objections to the bill, yet the congressional opportunity to override his veto was frustrated, even though Congress authorized a representative to receive his veto message.

If we follow the Court's view to not ignore the plainest practical considerations and that we not require an artificial formality to erect a barrier to the exercise of a constitutional right, then we must take note that the President knew that Congress would be in session today, that we could consider his message, and that there was someone authorized to receive the message.

Mr. President, apart from the merits of this bill affecting the health care of Americans, and, therefore, the health of our Nation, I think an effective case can be made for the obvious abuse of the veto authority by the President, which deprived Congress of its constitutional right to reconsider this bill.

ACTIONS BY THE SOVIET UNION AGAINST JEWISH CITIZENS

Mr. RIBICOFF. Mr. President, the world was shocked on Christmas Eve to learn that the Soviet Union plans to execute two Jewish citizens who were allegedly trying to escape to Israel. These severe sentences were handed down after a trial kept secret from the outside world as well as from those within the Soviet Union. One can only speculate about the evidence produced against these defendants, but the continued secrecy imposed by the Soviet Union together with the absence of any actual hijacking, make it clear that execution by firing squad is unjustified.

Outrage is spreading around the world in response to this action. The Soviet Union has rejected these protests as "another fit of anti-Soviet hysteria" and Zionist interference in Soviet judicial procedure. But what is anti-Soviet about the objections coming from the French and British Communist parties? And how Zionist are the pleas made by the governments of Belgium, Australia, and the leaders of Switzerland?

We have come too far toward insuring minimal human decency in the world community to allow any nation to claim that gross injustices are no one else's business. The history of Soviet persecution of its Jewish citizens and its prohibition against their emigration made these entire proceedings suspect.

The world community, as well as the Soviet Union, will be shamed if a man is allowed to be executed when his alleged crime, in his own words, was that "I only wanted to live in Israel."

Moreover, it is apparent that the trial in Leningrad is the forerunner of a series of trials in which the dominant note is to be the further prosecution of Soviet Jewry. American and world opinion must not only seek justice for those involved in the Leningrad trial, but must also endeavor to forestall persecution of scores of additional Soviet Jews.

Last week, on December 23, 1970, I joined 23 other Senators appealing to the President to express our deep concern to the Soviet Union over these trials. For

myself, I think it is even more imperative now for the President to take action. I am also today urging U Thant, in his role as Secretary General of the United Nations, to use all the powers of force and persuasion at his disposal to bring an end to the inhuman actions of the Soviet Union toward its Jewish citizens.

I ask unanimous consent to include at this point in the RECORD the text of the letter of December 23 to the President, the New York Times editorial of December 26, the Washington Post editorial of December 27, and my telegram today to Secretary General Thant.

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

DECEMBER 23, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We, members of the Senate of the United States, are deeply disturbed over the proceedings instituted in the Soviet Union against Jewish citizens charged with alleged acts of treason. Since June, 1970, thirty-five Jews have reportedly been arrested under this charge which carries very heavy penalties. The first trial, involving eleven accused, most of whom are believed to be Jews, began in Leningrad on December 15, and is closed to the public and to the foreign press. Distinguished American lawyers who sought to attend the trials have been denied the opportunity.

The treatment of Jews in the Soviet Union in recent years leads us to believe that the arrested are being victimized as part of a politically motivated campaign to intimidate those who persist in pressing their right for religious self-expression, and their right to leave the Soviet Union.

We are shocked at the prospect of a return to the discredited and repudiated policies of Stalinism in which show trials were an accepted practice and in which Jews were often used as scapegoats.

We request the President of the United States to express to the Government of the Soviet Union our deep concern over these trials, and other acts of persecution against Soviet Jewry. The continued mistreatment of Soviet Jews can only impair the development of better relations between our two peoples and our Governments. Putting an end to such secret trials and discriminatory practices would be a welcome contribution to better understanding and goodwill.

Birch Bayh, Adlai E. Stevenson, Alan Cranston, Richard S. Schweiker, Hugh Scott, George McGovern, Robert W. Packwood, Jacob K. Javits, William B. Saxbe, Abe Ribicoff, Clifford P. Case, Philip A. Hart, Edward W. Brooke, William Proxmire, Gale W. McGee, Gaylord Nelson, Charles McC. Mathias, Jr., Charles H. Percy, Claiborne Pell, Vance Hartke, Walter F. Mondale.

STALINISM IN LENINGRAD

Incredulity and indignation have been justifiably and widely aroused by the Leningrad court that handed down death sentences against two of eleven defendants found guilty of having plotted to hijack a Soviet plane. The senseless brutality of this verdict is apparent from the fact that no hijacking actually took place, and the alleged conspirators were arrested before they ever boarded the plane. Moreover the information of the Soviet secret police about the whole matter was so complete that the suspicion must arise that the supposed hijacking plot was a provocation arranged by a government agent.

This trial would not have received world attention nor would it have ended with death sentences if it were simply an ordinary criminal proceeding. On the contrary, this was one of the most important political trials held in the Soviet Union since World War II. The real defendants in the court were not the handful of accused, but the tens of thousands of Soviet Jews who have courageously demanded the right to emigrate to Israel. The real purposes of the death sentences is not to punish individual criminals, but to terrorize Soviet Jews. This is an even more brutal technique than that Stalin used successfully to quell the upsurge of Zionist feeling among Soviet Jews immediately after Israel was born.

But Moscow may have miscalculated. In 1949, at the height of the dark night of Stalinist terror for all Soviet citizens, Soviet Jews were cowed by a ferocious newspaper campaign against "rootless cosmopolitans," a code term for Soviet Jews sympathetic to Israel. But this is 1970; Stalin has been dead for many years and since his passing numerous peoples have won freedom or alleviation of their plight by courageous struggle. Less than a week ago the Polish working class overthrew Wladyslaw Gomulka when he overstepped the bounds of dictatorial insensitivity to a people's wishes.

In the new atmosphere of the 1970's, the barbarous, Stalinist verdict in Leningrad—especially if the executions are carried out—will almost certainly react against the Kremlin. Inside the Soviet Union it will inflame many Jews and members of other non-Russian minorities as well. In the free world, it will deal a further blow to those who have argued that Russia has changed since Stalin.

The new distrust of the Soviet Union that this and other recent repressive measures has aroused is well reflected in the "grave concern" over Soviet justice that this city's five district attorneys have expressed in requesting permission to attend the trials of 20 other Jews arrested in connection with the alleged hijacking plot. Moscow, in short, would be far wiser if it opened the "seven locks," of which Nikita S. Khrushchev spoke in his memoirs and permitted free migration for all its citizens, Jews and non-Jews alike.

MURDER

One word—murder—characterizes the Soviet government's ordering of two of its citizens to death for allegedly preparing to hijack an airplane in Leningrad last summer and fly abroad; nine others with them were sentenced to labor camp for four to 15 years. For the central fact of their trial—and the Kremlin confirms this—is that no hijacking took place. The 11, and another man whose case is pending, were arrested walking out on the tarmac for a domestic flight. The accusations of hijacking, and the "confessions," came later. Is there another country in the world that would kill its citizens for a crime which it acknowledges they did not commit, which at most they only intended to commit, and which in any event is a serious offense but not a capital one?

Why was this group convicted, and why are 20-odd other Soviets reportedly awaiting trial on related charges? Soviet officials contend the reason is to deter hijackings. Others suspect a provocation hatched by one or another KGB or Kremlin faction for its own ends. Most of the world believes, however, that the Leningrad case is a pure and simple exercise in official anti-Semitism. Of the first 11, nine—including the two due to face a firing squad—are Jews who had been trying to emigrate to Israel. The context and the known facts make it transparently plain that the nine had no other purpose on their minds. No civilized government would prevent individuals from leaving if they chose; no sensible government would want to. Yet the Soviet government has kept these and other Jews—and not only Jews—from emigrating abroad. And now it has grimly set out to kill and imprison them for only making the try.

The circumstances of this case have made it a major international scandal which has brought great and still-gathering shame on the Soviet government. The Kremlin has, however, a way to restore itself at least partially in the eyes of those countless people in Russia and elsewhere who condemn barbarism wherever it is found. That way is to bestow clemency on the convicted and to allow them and others so minded to depart the land which is for them a prison.

To His Excellency U Thant, Secretary General of the United Nations, United Nations Plaza, New York, N.Y.

DEAR MR. SECRETARY GENERAL: I join the millions throughout the world who are shocked at the death sentences handed down Christmas eve in the Soviet Union to Jews allegedly attempting to escape to Israel. The Universal Declaration of Human Rights specifically recognizes the right of all men to leave any country. To execute men for exercising that right is an outrage and a rejection of the basic principles of the United Nations.

I urge you, therefore, to use all the powers of force and persuasion available to you to obtain relief from these sentences and to end the continued use of these trials as a means of oppressing Jews throughout the Soviet Union.

Sincerely,

ABE RIBICOFF,
U.S. Senate.

Mr. KENNEDY. Mr. President, I want to commend the distinguished senior Senator from Connecticut for his comments today, and to join him in expressing deep concern over recent developments involving Soviet Jewry.

In part, at least, these developments reflect the growing difficulties facing citizens of the Soviet Union who are simply trying to leave their country—usually to join close relatives overseas.

For many months, there has been a growing demand among Soviet citizens for the right of free emigration. Many thousands of Jews, especially, have legally petitioned their government for exit permits. And a few—in their frustration and desperation—have tried to flee.

The plight of those who are seeking to avail themselves of a right taken for granted in so many countries, has justly caused much concern in our own country and elsewhere. This is particularly true, I feel, because in past years the Soviet Government has often said that it would permit free emigration in the interest of family unity, and, in fact, each year a trickle of Soviet citizens—including Jews—are issued the necessary documents to leave.

For humanitarian reasons alone, I feel the time is long overdue to further encourage this movement—especially at this time. And for this reason, on November 24 I strongly urged the Intergovernmental Committee for European Migration—ICEM—in Geneva to approach the Soviet Government on this issue, and to offer its services for facilitating the free emigration of Soviet citizens to Israel and other countries.

Over the last month, I and members of my staff have pursued this matter with a number of persons—including Mr. John Thomas, director of ICEM. Nearly all expressed a deep and sincere humanitarian concern and interest, and a willingness to do what they can to support an international diplomatic initiative

through ICEM. ICEM itself, however, can only act after the request of one of its 30-member governments. In a letter to Secretary of State Rogers, I am urging initiatives by our own Government to formally bring the question of Soviet emigration before the ICEM administration. Perhaps the Senator from Connecticut and others will join me in this effort.

Mr. BAYH. Mr. President, I should like to add my words of commendation for the distinguished Senator from Connecticut. His thoughtful remarks to the Senate were to the point, as were those of our colleague from Massachusetts. I think the trial and subsequent sentencing of Jewish citizens of the Soviet Union has really shocked the conscience of the entire world, and I am hopeful that the President will listen to the petitions that have been made by the Senator from Connecticut, the Senator from Massachusetts, and others. Some 24 of us have joined in sending a special letter to the President, asking that he petition personally on behalf of our Government to the Soviets, asking them to put an end to this type of persecution.

It seems to me that when the British Government, the French Government and, I am advised today, the Vatican, as well as the governments mentioned by the Senator from Connecticut, have directly intervened with the Soviet Union, the least our Government can do is protest in the most direct terms this terrible persecution of Soviet Jews. I am hopeful that the Secretary of State and the President will, before too much time passes, take advantage of this expression of Senate support to again show the entire world that the United States is going to speak out whenever religious persecution occurs, anywhere in the world.

DANGERS OF RENEWED SOVIET ANTI-SEMITISM

Mr. JAVITS. Mr. President, first I wish to join with other Senators, I understand, in addition to the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Massachusetts (Mr. KENNEDY), who have already spoken, in respect to a protest of these so-called trials for thinking about or planning hijacking, with such barbaric sentences. Second, Mr. President, I have urged the Secretary of State and the President over the weekend by telegram, and have followed up personally, to issue a protest in the name of the millions in the United States who feel very deeply about these persecutions, because they raise the grave specter, Mr. President, of show trials, and effectively illustrate the anti-Semitism practiced in the Soviet Union.

The harsh sentences—including two death sentences—imposed upon 11 citizens of the Soviet Union last week, nine of them of the Jewish faith, on charges of planning an airplane hijacking have aroused a broad spectrum of world protest and concern, including a most important protest from the Vatican and even from some European Communist Parties. The events of last week—and the prospect of a further trial—one to have started tomorrow but postponed to January 6, of nine defendants who sought permission to emigrate to Israel, are seen by world opinion as much more than a domestic criminal trial in the U.S.S.R. Rather, these events are viewed as an intensification to a more active level of a Soviet campaign of thinly veiled anti-Semitism that has been building over recent years.

These events raise a specter of the past—the widely publicized conspiracy charges, the detailed "confessions" and the subsequent harsh sentences, all part of the panoply employed by the Soviets to score propaganda points for either home or foreign consumption. They raise the shades of the purges of the 1930's and of the infamous "doctors plot" of the Stalin era.

Suspicions that these are no ordinary criminal trials are further aroused by the pattern of arrests and searches throughout the U.S.S.R. which came immediately after the arrest of the 11 on charges of hijacking as they were about to board a plane at Leningrad's Smolny Airport last June. Unlike other criminal actions in the U.S.S.R. the arrests were given wide publicity throughout the nation. The pattern is all too familiar. Only the victims of the tragedy are new.

Many in the Soviet Union and abroad have been encouraged by recent indications of some enjoyment of new personal freedoms by Soviet citizens. However, this trial, the cruel sentences imposed and the prospect of more trials to follow, represent not only a time of judgment for the defendants, but also for the Soviet Union itself. Is the present regime so unsure of itself that it must resurrect the terror of Stalin's time to intimidate and cow its people?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I ask for an additional minute.

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

Mr. JAVITS. It has long been the policy and tradition of the United States to protest—both alone and in concert with other nations—the persecution of oppressed minorities by foreign governments. We have lodged these protests and registered our disapproval in a variety of ways—through direct communication with the government concerned, by recalling U.S. diplomatic representatives for consultation, by direct references in the President's annual message to the Congress, by the termination of a commercial treaty and by congressional action.

The last of these protests on behalf of those of the Jewish faith is long and honorable, including a condemnation of persecutions in Damascus in 1840, actions on behalf of Romanian Jews by President Grant following the Civil War, termination of a treaty of commerce with czarist Russia by President Taft in 1911, and more recently the inclusion by the Congress of the following language in the Foreign Assistance Act of 1964:

It is the sense of the Congress that the United States deeply believes in the freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world. The Congress condemns the persecution of any persons because of their religion. It is further the sense of Congress that all persons should be permitted the free exercise of religion and the pursuit of their culture.

The time has come once again for our Nation to voice its concern in the strongest terms and to join in the protest against this new danger of Soviet anti-Semitism—a protest that is already being sounded throughout the world. To fail to do so would be to fail to honor a fine American tradition of more than a century's standing.

Over the Christmas recess, I sent a telegram to Secretary of State Rogers, urging a formal protest to the Soviet Union. I ask unanimous consent that the text of that telegram be inserted in the RECORD at the conclusion of my remarks.

The world will be watching closely the unfolding of events in the U.S.S.R. A ruthless rerun of past scripts will assuredly be interpreted as a sign of Soviet weakness and the inability of the present regime to chart a new and more humane direction for the Soviet Union in the eyes of the civilized communities of the world.

The cynicism of the Soviet Union in this matter is clearly demonstrated in the attempt of Soviet spokesmen to explain away the mass protests in the United States and elsewhere in the world by calling them "manipulations" staged by Israel. This characterization is a callous indignity to the millions of Americans of all faiths who abhor tyranny with the implications of religious persecution as practiced by the Soviet Union in these latest show trials. But more serious than the indignity is the dangerous insensitivity displayed by the Soviet Government in its reaction to the worldwide outpouring of revulsion and protest. A government so immune to true human feelings and aspirations, and which is so cynical in its approach to public opinion, is a government which can miscalculate the effective reach of its own policies in world affairs. The U.S.S.R. cannot afford to allow the United States or the world to draw the conclusion that its insensitivity or callous disregard of the opinion of mankind is so great. For if the United States and the world reach that conclusion, the consequences for world peace and tranquillity could be far greater than would naturally flow from these events.

Anti-Semitism is the last refuge of the politically bankrupt. Events will soon reveal whether it is our fears or our hopes which are without foundation in the U.S.S.R.

The following is the text of my telegram to Secretary of State Rogers to which I referred:

Hon. WILLIAM P. ROGERS,
Secretary of State, State Department, Washington, D.C.:

I believe that the United States, in accord with its tradition of regarding discrimination anywhere as being a universal issue, should protest to the government of the Soviet Union against the reported barbaric sentences imposed on Jews for the alleged attempt at airplane hijacking. Such a protest is the most impressive possible response to worldwide consternation and indignation on this outrage. It is well known that a show-trial atmosphere and a history of anti-Semitic agitation lends credence to the unusual and discriminatory sentencing in these cases. I

hope very much that you will respond affirmatively to this request.

JACOB K. JAVITS,
U.S. Senator.

I respectfully submit to the Soviet Union that it cannot allow the United States or the world to draw the conclusion that its insensitivity or callous disregard of the opinion of mankind is as great as it seems to be; for if the United States and the world ever reached that conclusion, the consequences for world peace and tranquility could be far greater even than will flow from these dreadful events.

So I again urge the President and the Secretary of State to protest in the name of the American people against this kind of barbaric sentence and this kind of "show trial," with its clear implications of antisemitism. I believe that such protests will be effective, as I do not believe that the Soviet Union realizes how much it is flying in the face of decent and humane mankind.

Mr. DOLE. Mr. President, I share the views just expressed by the distinguished Senator from New York and associate myself with his remarks.

Mr. PELL. Mr. President, mankind is appalled at the latest act of inhumanity against the Jews of Russia because of the unusually severe and cruel punishment handed out involving an alleged attempt to hijack a Soviet plane.

I believe the moral leadership of the world and of our own country must condemn these sentences of death and heavy prison terms and demand clemency for the defendants.

Although it is impossible to know the facts involved in the incident and subsequent trial, because Russia continues to be enveloped in a shroud of secrecy, it is not difficult to understand and sympathize with those who in seeking a new life are forced when denied such liberty to resort to unusual efforts.

For many years, I have been concerned with the treatment of minority groups, and in the Soviet Union the Jews are the worst treated minority group. In the past, I have served as a vice president of the International Rescue Committee and more recently expressed our Nation's views on the issues of prisoners of war, refugees, and asylum as a U.S. delegate to the United Nations.

I urge that our Nation, through its people, its Congress, and its President, plead with the Soviet Government on behalf of the condemned and sentenced men to seek some mitigation of their fate.

THE TV INTERVIEW OF AMERICAN PRISONERS OF WAR

Mr. DOLE. Mr. President, I viewed with mixed emotions last evening—as did millions of other Americans—the interview of Comdr. Walter E. Wilber and Comdr. Robert J. Schweitzer, imprisoned by the North Vietnamese somewhere in North Vietnam. There is no doubt in my mind that this was a propaganda effort by the enemy. At the same time, I recognize that, as least to the immediate families of Commander Wilber and Commander Schweitzer and the other five Americans who were identified on this special program, it meant great hope and some possibility of being reunited with their husbands and sons some time in the future.

Mr. President, I ask these questions: Why does the enemy continue to ignore the Geneva accords? Why does the enemy refuse repatriation of the wounded? Why does the enemy limit communications with members of the family?

Nothing was said in the special TV interview about medical care or about the hundreds and hundreds of prisoners of whom we have no knowledge.

There have been a number of propaganda efforts by the North Vietnamese in the past few days. Some were fruitless; some bear some hope. But the Senator from Kansas, who has been associated rather closely with efforts by the families of American prisoners of war, by Members of this body, and by people outside the Government to learn more about the plight of American prisoners is at least hopeful that this may be the first step, that perhaps the permission to interview two Americans—even though it was on a Canadian TV station—might be a hopeful step.

Perhaps the next step will be visitation by some International Red Cross official, an opportunity to inspect all the prison camps in which Americans may be held. Perhaps a further step, and a more important step, is, through negotiations, the immediate return of American prisoners in exchange for 10 times that many prisoners held by the South Vietnamese.

Mr. President, I believe most Americans recognize the effort for what it was—propaganda. Most Americans recognize that propaganda does play a role in any war—on our side or the other side. But most Americans are hopeful that this may be the beginning, that this may be a recognition by the North Vietnamese that American public opinion and world public opinion demand some compliance with the Geneva accords insofar as treatment of American prisoners is concerned.

I hope that Members of this body and people throughout America continue their efforts, whether it be through speeches, whether it be through letters to Hanoi, whether it be through contacts with the wives, the children, the mothers, and the fathers and American prisoners of war, whether it be to assist the efforts of those such as H. Ross Perot, the pioneer in efforts to call American public attention to the plight of the American prisoners of war. But there is no question in my mind that within the past 9 months there has been a complete reversal with respect to public attention, concern of the media, and concern of people around the world with reference to American prisoners and the plight of the prisoners and those Americans missing in action.

Mr. President, I would point out that, in addition to American prisoners in North Vietnam, unquestionably Americans are imprisoned in Laos, perhaps in Cambodia, and South Vietnam; and those of us in this body cannot rest until some arrangement has been made—hopefully, through negotiations—to return the American prisoners to their families.

OUR SOILED CITIES

Mr. BAKER. Mr. President, I invite the attention of Senators to a remarkable article that was recently unearthed by a public-spirited citizen who was cleaning out her garage. Published in the January 27, 1934, issue of Collier's magazine, the article is entitled "Our Soiled Cities."

Perspective is a very rare characteristic and difficult to establish. Perhaps in some ways life would be less exciting if people generally realized that most things have happened before. In political life we quickly become inured to the sweeping hyperbole of public declamation. We are "shocked," "appalled," and "outraged" at virtually every turn, when, in fact, we have come to expect most of it.

I do not mean to belittle in any way the seriousness of our environmental problems or to imply that the magnitude has not grown greatly in recent years. But this article is a refreshing reminder that the problem is not a sudden invention of the 1960's. At a time when so many are warning of the apocalypse, we could do worse than to recall other times of stress and difficulty.

I wish there was a way to reproduce the advertisements that appear on these pages of Collier's, whose readers learned that a pouch of Union Leader pipe tobacco could be had for one dime and a Christy safety razor with three blades for 25 cents.

I commend this article to the attention of my colleagues and ask unanimous consent that it be printed in the RECORD.

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

OUR SOILED CITIES

(By W. B. Courtney)

It's time we dropped the notion that smoke means prosperity. It means, in the first instance, waste of fuel; and after that it means expense to you, whoever you are and wherever you live, and immediate danger to your health and spirits. It's an overhead sewer—as harmful as contaminated water. You'll be doing yourself a good turn if you help clean your city's face. And that's a chore that begins at home.

Fogs are not rare in the valley of the Meuse; but within memory there had never been another like this one. Day after day it made this dour corner of Belgium a land of ghostly shapes and unreal silence; it seemed that the world had been trapped in a nightmare from which it could not awaken. And yet, when old man Laille sickened, no one would have associated it with the fog except for the little red spots that glowed on his skin and except for the frank bewilderment of the village doctor.

Soon others took the illness—with the little red spots and the quick sufferings; and the doctor suddenly remembered it had been thus with poison gas in the great war. Panic ran through the Meuse Valley. Peasants told one another it was the work of evil spirits; ignorant workers trembled at sensational tales of attack by undeclared enemies. Refugee scenes of 1914 were repeated when many tried to flee the fog pall. It was a nine-day mystery for the whole civilized world.

Then a fresh wind swept the mist out of the valley, and the plague with it; and medi-

cal and chemical science caught up with the matter. The red spots were acid burns; the sickness was a poisoning from an unusually heavy concentration of one of the common products of combustion, and its source was traced to the smokestacks of a fertilizer plant.

This is how it had all come about: first, there were thick mists and oppressive humidity; then a complete absence of wind. Into this stagnant air poured a dense smoke discharge, which was held by the fog as by the low ceiling of a tightly closed room, so that it pressed down upon all living things.

THIS COULD HAPPEN TO YOU

True, the combination of atmospheric and smoke conditions that made such a disaster possible was rare; and yet the mayor of any one of scores of American cities might look in the direction of Belgium and whisper to himself, "There, but for the grace of the wind and the weather, lies my town!"

For what happened in the Meuse Valley might as easily happen under present smoke conditions, wherever industry waves its black plumes above the roof-tops. There were no elements in that Belgian poison smog which are not present in some degree in the smoke, visible or invisible, that is discharged from most of the busy stacks in our land. Chemists will list them for you quickly; ammonia compounds, tar, sulphuric acid, fly-ash- carbon particles. Compounds hurtful to human life which, in one degree or another, are common products of combustion as it occurs not only in our factories but in the furnaces of our homes and places of small business.

Hundreds of thousands of tons of obnoxious soot rain upon each state in the Union every year—from one to more than two thousand tons upon each square mile, according to its situation with relation to industrial concentrations. Millions of cubic inches of poison gas are set free annually in the air above our heads. Between them, gas and soot, they steal precious weeks of greenness from our gardens, and prematurely brown our trees; they smear and destroy the goods within our homes, and corrode our outdoor possessions; they render ugly our public buildings, and thus make depressing the faces of whole cities; and, worse, they affect our national psychology, sow broadcast diseases new and old, screen away from our children the precious sun rays that produce Vitamin D, keeps sinus trouble as fashionable as appendicitis used to be, turn our lungs into a couple of waterproof socks, and cause blackheads on Aunt Julie's lovely nose.

There is a doctor in St. Louis who, upon stepping from his breakfast table to his office on a given morning, can tell you exactly what the weather is like without so much as a peek through the window or a glance at the morning paper. No invocation of devils here. Simply a hasty count of noses in the waiting-room and a momentary cocking of the medical ear. Only two or three "chronics"—and it's a grand, sunny day out of doors. But if standing room is at a premium, and there is much stepping on toes and pushing forward and snarls and coughs, it's another of those St. Louis blues—a day when it is night all day because smoke from the river boats, the networks of railroad yards and the factories on both sides of the river is imprisoned by the low-hanging valley mists and drawn over the city like a dark, threadbare sheet.

So much has been taught about the value of sunlight to health that within the past few years we have developed a national sun-cult. In consequence there appeared on public beaches last summer a new wrinkle in parasols—a covering of colorless, transparent paper. The notion was to let through the light, but not the heat. Whether this fashion has in it anything of scientific merit or practicality is beside our point. An idea is indicated, however, which might well be turned to civic account.

When you fly across the United States do not think that you will see only fair and smiling land, with towns along the route marked by white houses and cheery roofs and steeples bright in the sun. Indeed, a day of wide visibility even over open country—even when skies are clear overhead—is so rare that pilots talk about it. Usually there is a "false" horizon ten degrees or so above the true horizon. It is the rim of the dust and smoke blanket which circulating air spreads over the country. Usually, too, there is a haze which blurs everything at a distance of several miles from your cockpit into a vague bowl that flies along with you.

OUR STRANGLED CITIES

Always there is a chain of dark smudges on the skyline, like blots from a cosmic thumb. Those are the cities. Veteran pilots will in daytime name them for you without consulting maps, or referring to remembered topographical features; identifying each simply by the size of the black umbrella that hangs in the sky above it. Sometimes the larger cities raise smoke umbrellas with two hundred square miles of spread.

From thirty miles away, and a mile up over Long Island, I have seen the spires of New York's tallest buildings rising clear of a single giant puff of jet-black smog which had settled down and blotted the whole city and its environs from view. Touched by the blatant colors of a wintry sunset these few turrets were like candles burning on a funeral bier.

And I have looked at Chicago and at Kansas City, among other places, on equally clear days and from similar vantage points, and have seen nothing—nothing but a dreary, shabby pall. The disturbing thought is that millions of people are living, sleeping, working, seeking health and fortune and happiness, under those vast black umbrellas; that millions of children are fighting thereunder for the chance to grow up into sound maturity and optimistic citizenhood.

"If we are to avoid in this country serious hindrances to industrial and commercial economies, grave consequences to public health, American cities must pull down and discard those old black umbrellas; and, taking cues from the young folks at the seashore, run up in their stead transparent ones that will let through the sunshine," H. B. Meller told me in Pittsburgh, recently. He is the head of the Air Pollution Investigation, Mellon Institute of Industrial Research; and, in addition, Chief of the Bureau of Smoke Regulation of the city's Department of Public Health. Formerly he was Dean of the School of Mines, University of Pittsburgh. His work has not been without political and industrial opposition.

But today everything in Pittsburgh is clean—relatively clean. A recent nation-wide survey, indeed, places it halfway down the list of cities in the order of their offenses against clean air. When you consider that no city more fairly earned its original nickname, and that the conditions which make for smoke and grime have been multiplied during his tenure of office, the achievements of Meller and his associates take on notable importance; and this, coupled with the breadth and variety of his researches and experiences, makes him the foremost authority on air pollution. Better pay attention, then, while he wags his finger at you and warns:

"Industry cannot go ahead without a certain amount of smoke. Mankind cannot get along without some dust. If there were no dust particles in the air to play their part in the condensation of moisture and its intermittent precipitation to earth as rain, we should have a constant drip-drip that would be even more demoralizing to our spirits than the smogs of today. The effort, therefore, must be toward keeping dust within reasonable check and toward finding a safe minimum for smoke, or rather for the discharge into the air of the products of combustion.

TWO FALLACIOUS BELIEFS

"From many cities word comes, pathetically, that the authorities would be glad to see 'the blackest, densest smoke' issuing from their idle stacks. This illustrates two widespread American fallacious beliefs. The first, perhaps, was among the factors that led us into four years of cold grates and stark chimneys—it is the notion that bigger and better smoke coils writhing from mill stacks are flags of prosperity; whereas they are warning signals that good fuel is going up the chimney, indicating wasteful operation.

"The second erroneous idea is that only visible smoke is obnoxious; yet chimneys with scarcely visible emissions, well inside the average city ordinance as to degree of opaqueness, may be belching out coke particles, cinders, ash high in silica, unburned oil and sulphurous gases with sinister generosity. In plain truth as matters stand now, due to changing fuels and to lax or conscienceless or perhaps merely ignorant methods of combustion, in homes as well as industries, we are feeding a sewer over our heads which is every bit as real as the sewers under our feet, and far more dangerous because not impounded.

"Now the danger line is at hand. It lies in the prospect of the general reawakening of industry under the stimulation of the national recovery plans. In many cities, despite well-meaning but inadequate ordinances based on the old-fashioned belief that smoke is all right if you can't see it, the safe minimum of air pollution will be left behind. If it is, there isn't one of you, man or woman, who can escape damage in the two vital places where you can least afford to be damaged—your health and your pocketbook.

HOW TO PREVENT NEW SLUMS

" 'Wipe out the slums!' is the cry in every large city; a clamor of civic pride so eloquent that it has won major emphasis in the National Recovery Act as reflected in the public works program. But, unless smoke is abated and air pollution decreased, the Public Works Housing Corporation is likely to find that it has merely built new slums for old. New York is a case in point. Mayor LaGuardia, with admirable zeal and sincerity and humaneness, won for his city allotments for rebuilding that will abolish whole sleazy neighborhoods and give employment to many thousands. But New York must not lose sight of the fact that slum eradication is sociological and psychological and educational, as well as architectural.

"If you don't improve the slum dweller's chances for good health of mind and of body you haven't done much for him, because a man can be poisoned in the parlor as easily as in the kitchen. Researches definitely show that the unnecessary smoke deluge and preventable air pollution are worst in slum neighborhoods. Consequently a greater prevalence of pneumonia and certain other diseases is found therein; and the morale of slum-dwellers and their interests in their own lives and welfare and in civic matters are low. Smog is the friend of futility, of the 'blues.' If you don't clean up New York's air, as part of the rehousing scheme, its slums will never stay cleaned up."

Time was, not more years ago than you can remember, when you could excite no more than a benign chuckle from your Park Avenue uncle by flaying the morals of his adopted city; but if you dared insinuate that its air was less than crystal pure he would scratch your name from his will. New Yorkers were envied by provincials for their ability to wear shirts or shirtwaists three days and celluloid collars or muslin guimpes a whole fortnight. Alas, came the dark; the great anthracite strike of early ante-bellum days, bringing a winter in which New Yorkers burned in their furnaces everything and anything from old love letters to broken

phonograph records in an effort to keep warm. Phoebe Snow's famous coal was scarce.

It was then New York home and apartment owners learned they could burn soft coal—and live. Then, also, the first of the doofunnies for converting your coal furnace into an oil burner appeared; say what you please, the first types of conversion burners were not efficient and half your oil went up the chimney to come down in your neighbor's hair. The latest types—those are a different story, but everybody does not own one of the latest types. Anyhow, very soon it got so you could not tell where Harlem left off and the Bronx began. Recently the American Society for Testing Materials solemnly labeled New York's present air "industrial" in type, as corrosive and blighting as that of any steel or mining town.

New York is not alone in its predicament. The overhead sewer is spreading rapidly to many centers historically clear. The government has had to increase by threes and sixes the appropriations for cleaning the Capitol in Washington· even so, the huge dome usually wears a skullcap of tarry grime and irreverent tourists have been overheard comparing it to a paunchy monk drowsing beside a kraut vat.

PITTSBURGH LOSES FIRST PLACE

Three years ago the average deposit of solid products of combustion upon Pittsburgh was nearly a thousand tons per square mile; in the Woods Run district of the city it tallied 2,319 tons. Yet Pittsburgh, mind you, is not first on the list of our soiled towns; Kansas City and others outsoot it. Most of us who grew up in other parts of the United States may have had, before we reached the second grade, an imperfect idea of Pittsburgh's geographical relationships. But "Smokey City" meant things to us. It meant, besides Honus Wagner, a place where every prospect pleased fast-ball pitchers; a park where you did not have to smack the apple over the fence to make a home run, but just tap a high fly and they'd lose it in the murk, just as players on fairer greens lost them in the sun, and when it came down they couldn't tell it, anyway, from the chunks of coal lying around the outfield.

Practically all of our American cities pay more for smoke than for political incubi; the latter vary in pocket-picking talents and in daring, but these qualities in smoke are universally high. "Studies made in Pittsburgh some years ago," Mr. Meller told me, "convinced us that we were safe in estimating the cost to each man, woman and child in the city at about fifteen dollars each year. Later investigations, soundly made, in other places—among them, New York, Chicago, Cincinnati, Salt Lake City, Boston, and Baltimore—varied from ten to thirty dollars per capita. Cleveland estimated a loss ranging as high as eighty dollars to each family living therein, and the compiler added that if his figures were to be multiplied by two they might strike nearer to the truth. And we have just received, here at Mellon Institute, a private communication from a national business research association expressing the opinion that all the foregoing approximations, old and recent, are far too low."

A HUNDRED MILLION A YEAR

Give your attention now to Dr. Thomas Darlington, who for nearly thirty years has been fighting the good fight against air pollution and smoke in New York City.

"One hundred million dollars a year!" Doctor Darlington told me. "That is how much smoke costs the city of New York. In addition, it has virtually enslaved our women. That heavy layer of soot on your windowsills every morning represents for the poor housewives, longer hours at the washtubs; more time at the washbasins with the children. For the housewives in moderate circumstances—who formerly could afford a maid but because of the depression have to do their own work now—it means less time for cultural opportunities. It means a greater part of the budget going for cleaning and repairing; less with which to keep themselves attractive, It means tired bodies and jagged nerves when husbands come home at night; and thus more nervous diseases, domestic maladjustments, divorces."

Except for aggregate costs, all these items are as true of Covington, Virginia, and of Milwaukee, Wisconsin, and Omaha, Nebraska, as they are of New York. And the fighting doctor did not take enough time to give you half the picture. There is, for example, the cost, to home owner and industrialist alike, of fuel wastage due to careless methods of fire-making and, consequently, incomplete combustion. Analyses of sootfall made by Mellon Institute revealed thirty-two percent of combustible matter; pointedly, a large preventable loss. Someone has figured that in England two million tons of fuel are lost annually through escape in smoke. Your shopping costs you more because of the expense to which stores, large and small, are put to protect and to clean their stocks. Despite the universal store custom of drawing sheets over counters at night, the loss to retailers in New York's mid-town averages nearly $50,000 a year; to great department stores it is, of course, vastly larger.

If you own your own home you are smoke's favorite sucker. Not only because of the corrosive effects of the sulphur acids in soot upon metal roofs, caves-troughs and stone work, not only because of their quick destruction of paint—the reputations of more than one sterling manufacturer of honest paints have been foundered in recent years by the soot barrage—but chiefly because of its swift depreciation of your property's value. In Philadelphia, some years ago, assessors marked down hundreds of parcels of property in the 24th and 44th wards as much as two thousand dollars each, because of the smoke nuisance.

Study the flowers in your window-boxes, the shrubs in your back yard, if you want to determine whether the air of your city is polluted. Plants are the guinea pigs of atmospheric hygiene. Tar in soot draws a waterproof, airproof and lightproof film over the leaves so that the plants choke to death; and, if that isn't enough, sulphuric acid poisons them.

All buildings of stone are disfigured and begrimed by smoke, giving their city a dirty face, and making necessary frequent, costly and injurious cleaning. The majority of office buildings are of limestone, and the effect of polluted air thereon is more severe. Look at the office building in which you work; if it has been up any length of time you will undoubtedly see pockmarks, chunks gone, especially at the corners, as though someone made free with a hammer. Living stone has "sap"—water, which rises to the surfaces and evaporates after the stone is quarried or "killed." The dried-out stone will shrink if left to stand: if placed on the job while green, this shrinking helps to distend the interspaces.

CONSIDER WHAT YOU BREATHE

The "sap," passing from the interior of the rock to the surface, carries with it all the mineral substances that the stone contains. These, when the water reaches the air and evaporates, are left behind on the surface of the stone where they form a hard coating or outer shell. Sand-blasting or any other form of abrasive cleansing removes this surface and exposes the comparatively soft inside to weather; it is as though your dentist were to grind the enamel from your teeth, leaving only the pulp to withstand the effects of mastication.

"Throughout the nation we regulate and closely supervise food and water supplies," Doctor Darlington remarked. "There is no treasure in the world more zealously guarded than the purity of the milk supply of New York—and of other communities. Then why should not the forces of law and of public opinion compel expert supervision of the air supply—a staple fully as concrete as food or water?

"We take care that contaminated food must not reach our mouths. But contaminated air enters it readily and continually. About fifty varieties of disease-producing microorganisms may find snug harbor in your mouth. These germs do not float or fly or move through the air by means of self-locomotion. They ride. Each microbe is a pilot, each dust mote is a plane. Uncountable legions fly in a cubic foot of smoke. The smoke and fumes and dust irritate the nose and throat and sinuses, and then the germs take hold.

The products of combustion also irritate the eyes and ears, the respiratory tract, the bronchial tubes, the gastrointestinal area. In the lungs the carbon particles become imbedded and in time the lungs change from natural pink to black. I could give you an impressive list of health disturbances in which the influence of polluted air is known or at least suspected."

It is in pneumonia that smoke's influence falls most disastrously. Pneumonia ranks first, in the industrial United States, in the list of acute communicable diseases as a cause of death. It takes vigorous men and women in the most useful and productive years of their lives. There is a striking parallel between smokiness of cities and higher pneumonia mortality. Having coated the lungs, soot obstructs their natural drainage processes, which are essential for victory in a patient's fight against pneumonia. "Some day," warns the Department of Public Health of Pittsburgh, "we shall all realize that polluted air is as great a health menace as polluted water."

Cleaning the air of the United States might do as much to reduce pneumonia as cleaning the water did practically to banish typhoid. Moreover, it would let through more sunlight, one of the most valiant of the microbe fighters. Lack of a natural quota of sunlight favors rickets. Government tests made in downtown New York showed that the average percentage over a year of loss of light due to smoke haze in the atmosphere was 26.2 on clear days and 38.2 on cloudy days. This screening away from us of healthful rays does things to your naturally sweet disposition, too.

Researches in this country show that employees are less efficient in murky weather by ten per cent and upward. In London the Bank of England has a regulation that its folks must work at less intricate and important problems when the fog comes.

"There is not in the United States a city, large or small," Mr. Meller told me, "in which the air cannot be cleansed. The trouble—as I have observed it in many visits to many communities—is that citizens, distracted by the grime and the petty ruination in their own homes and by the sight of their beautiful public buildings growing dirtier day by day, want a single prescription that will wipe out the soot and banish the smoke clouds miraculously overnight."

"Anyone who is patient can start a fire without smoke by using first a little paper, well pulled apart," Dr. Darlington says, "plus kindling. Then a heavier kindling. In each step make sure that combustion of the last fuel is well under way—flaming briskly, *hot*—before you put on new. Make sure that there is a good draft. Thus you build up heat, the most important thing to quick and smokeless combustion, and when you put on the coal it is quickly ignited. If you have an oil burner, it should provide *for preheating of the fuel.* Feeding cold oil to your burner blows dollars up your chimney.

"Our chief difficulty is the lack of conscience among people who should know better. Owners, for instance, of large apartments

who, to save a little money and to get along with fewer employees, throw into their incinerators all the solid rubbish that should be collected for carting to the municipal disposal plants. They know old rubbers and carpets and such trash make illegal smoke, so they wait until dark nights to burn it, knowing our inspectors cannot see the smoke. It's on your windowsills and bed linens in the morning. Our smoke bureau inspectors work early, 5 a.m. onward; and late, 5 p.m. onward, for these are the hours of greatest violation."

THE WORST OFFENDERS

Because of Doctor Darlington's point that air pollution must interest and affect you, wherever you live, it is doubly interesting to return to Pittsburgh now for Mr. Meller's ideas on what can be done to correct this. "In the past generation," he says, "anti-smoke ordinances of one sort or another have been passed in about 125 cities, in this country, of 30,000 or more population. Conditions generally, in those communities, have improved as regards visible smoke. The electrification of railroads has aided, too. Unfortunately most existing ordinances are restrictive—disciplining those who produce smoke—rather than preventive, educating people how to avoid making smoke. Another drawback is that most city ordinances specifically exempt the small-home owner from their provisions.

"To frame ordinances seeking control of city air pollution but not to require the individual home owner to live up to them is just about as sensible as telling unarmed natives that now the jungle is safe—we've killed the elephants—saying nothing about the tigers and cobras. A chemist who has studied the air over a certain metropolis for five years insists that most of its pollution is from small buildings and private homes.

"My own experience shows that large fuel consumers are by no means the worst offenders; their engineers have a clear picture of the wastage involved and work for efficient, which is smokeless, combustion. Such firms know that the expenditures necessary to accomplish their purpose will be returned with good interest, in lowered fuel cost. Here in Pittsburgh is one corporation that spent more than a million dollars to conform with the anti-smoke ordinance in its local plants and was completely satisfied with the results in improved combustion; and that is only one of many instances that might be cited. In Detroit complaint was made to the city smoke bureau that ashes and partly burned fuel from a factory were clogging all the eaves-troughs in the vicinity. The smoke bureau showed the factory owner how he could stop this by the use of automatic stokers and a screening device; he did so, at a cost of $48,000, which he soon got back in fuel economy plus good will.

"I'd like to emphasize that, while new ordinances should be drafted to take advantage of the practical possibilities that have been developed in recent years through scientific research, great immediate improvement in present conditions can be achieved by education, without undue expense. The small-home owner should know what fuel to use and how to make and take care of his fire. The industrialist who does not have returns that he believes will justify outlay at once for needed new equipment should be sure that he is using a fuel that will not cause his stacks to soot up the neighborhood, and that his firemen are schooled in the best methods of firing. Under present-day methods of financing such installations, automatic fuel-feed devices to provide for efficient combustion, and means to separate the solids from the escaping gases, can be installed and, in most cases, paid for out of savings. The expanding use of electrical precipitation or mechanical collection of stack dust has introduced into industrial science a new waste product to be utilized. A rubber concern is now experimenting with the use in automobile tires of the solid particles screened from the products of combustion of pulverized coal; others are at work to find commercial uses for the anticipated large tonnage of material that now is permitted to pollute the air.

CONTROL FROM THE START

"Here is a program that in my judgment will enable any city to clean up its air: The community publicly shall register a clear-cut intent to attain hygienically pure air and win majority support for a graduated approach to this objective. Ordinance provisions permitting dense smoke and exempting private dwellings from regulation shall be canceled. The work divides itself into two parts, emergency and longterm. The former, being immediate, will encourage the use of electricity or fuels most easily burned without smoke. At the same time, expert advice on firing technique will be made available to all who are under economic compulsion to use fuels which now are not being burned smokelessly. Thus control will exist from the start and faulty combinations of fuel and equipment will be remedied.

"The permanent program picks up all the value gained in the emergency step and carries it further with scientific accuracy. It includes a survey of all fuel-burning equipment in the community, and is supported by a flexible ordinance that makes approval of heating and power equipment a part of the building permits, and which empowers the proper city department to be staffed and instrumented for measurements of community-wide or sectional smoke, dust and deleterious gases. Such factual information will be used in applying the 'rule of reason' to air pollution abatement regulations.

"A thorough clean-up of an entire smoke-producing district requires uniformity of action regardless of city or even state lines. City bureaus of smoke regulation will become bureaus of air hygiene. Such bureau should be in charge of one who is experienced in the various phases of the control of air pollution from the combustion of fuel, and he must be let severely alone by politics. Above all, the ordinance must be practical—you cannot force things down American throats—but should be sufficiently flexible so that advantage can be taken of the advances that will be made from time to time in the design of fuel-burning equipment, the processing of fuels, and the separation of dust.

A LOOK AT THE FUTURE

"The 'White City' is inevitable. Changes in architectural design plainly indicate this. The development of air conditioning is another index. Right now, the outdoor air pollution is creating complications for the manufacturers of air conditioning devices. They have to make the filter parts of their installations oversize to take care of smoke-fog conditions and the excessively gummy chimney emissions in many residential districts. Gases from incomplete combustion act corrosively on metal connected with air conditioning systems. As the outdoor air pollution is lessened and more and more air conditioning plants are installed, a new body of converts to pure air will become vocal. Having learned the advantages of conditioned air in their homes and work places, having enjoyed treated indoor air not conducive to colds and other discomforts caused by smoke irritation, people will demand an equally safe and healthful atmosphere on their streets and in their parks. They will bring irresistible pressure to bear upon the authorities.

"Other things will happen. Anthracite—contrary to anything you may have been told, there is an abundant supply of anthracite, or hard coal, which burns clear and hot and throws off no smoke and a minimum of particles—and other solid fuels will be pulverized or gasified at some mines and forced through pipe lines to cities, just as natural gas is today. At other mines, which have adequate water supplies nearby, electricity can be generated and transmitted hundreds of miles to run subway lines and to light cities. But right now, today, with the facilities and the knowledge we have, without overburdening private dwellings, trade or industry, the atmospheric sewer over our heads can be cleaned up. Public interest, cooperation of the medical and engineering professions, good will of industrialists and the sincerity of municipal authorities are needed; and, I believe, available and waiting only to be rallied. Then we shall achieve clean air in our American cities, and it will be one of our greatest national assets."

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON APPROVAL OF LOAN TO EASTERN IOWA LIGHT AND POWER COOPERATIVE, WILTON JUNCTION, IOWA

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Eastern Iowa Light and Power Cooperative, of Wilton Junction, Iowa, for the financing of certain new transmission and generation facilities (with an accompanying paper); to the Committee on Appropriations.

REPORT ON CERTAIN FACILITIES PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE AIR NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on certain facilities projects proposed to be undertaken for the Air National Guard (with an accompanying paper); to the Committee on Armed Services.

REPORT ON FOREIGN EXCESS PROPERTY DISPOSED OF BY THE FEDERAL AVIATION ADMINISTRATION

A letter from the Assistant Secretary for Administration, Office of the Secretary of Transportation, reporting, pursuant to law, on foreign excess property disposed of by the Federal Aviation Administration; to the Committee on Government Operations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting pursuant to law, a report that U.S. participation in the International Labor Organization is not effectively managed, Department of State, Department of Labor, Department of Commerce, dated December 22, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting pursuant to law, a report on the examination of financial statements of Disabled American Veterans—National Headquarters for year ended December 31, 1969—Life Membership Fund for year ended June 30, 1970—Service Foundation for 6 months ended December 31, 1969, dated December 22, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on improvement needed in administration of the Federal Program of Aid to Educationally Deprived Children in Ohio, Office of Education, Department of Health, Education, and Welfare, dated December 28, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H. Con. Res. 771. Concurrent resolution for the printing of environmental report (Rept. No. 91-1516); and

H. Con. Res. 790. Concurrent resolution to provide for the printing of 5,000 additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor entitled "Discrimination Against Women" (Rept. No. 91-1518).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

H. Con. Res. 785. Concurrent resolution authorizing the printing as a House document the book entitled "Our American Government and How It Works: 1001 Questions and Answers." (Rept. No. 91-1517).

A BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MONDALE:

S. 4603. A bill for the relief of Pyung Yank Park; to the Committee on the Judiciary.

ADDITIONAL COSPONSOR OF A BILL

S. 3183

At the request of the Senator from Delaware (Mr. BOGGS), the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 3183, to amend the Federal Water Pollution Control Act to provide for the establishment of a national policy and comprehensive national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's estuarine and costal zone.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 24, 1970, he presented to the President of the United States the following enrolled bills:

S. 11. An act to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes; and

S. 2984. An act to permit certain Federal employment to be counted toward retirement.

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENTS 1109 AND 1110 TO H.R. 17550

At the request of the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS) was added as a cosponsor of H.R. 17550, the Social Security Amendments of 1970.

NOTICE OF HEARINGS ON GOVERNMENT PROCUREMENT OF DRUGS

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Select Committee on Small Business will meet on January 18 and 19, and February 1, 2, and 3 to resume hearings on Government procurement of drugs.

The hearings will begin each day at 10 a.m. in room 1318 of the New Senate Office Building.

ANNOUNCEMENT OF HEARINGS ON OEO NOMINATION

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Employment, Manpower, and Poverty will hold hearings at 9 a.m. Wednesday, December 30 on the nomination of Frank C. Carlucci to be Director of the Office of Economic Opportunity. The hearings will be in room 4232 of the New Senate Office Building.

At the same time the subcommittee will also consider the nominations of Mr. Carol Khosrovi to be Director of the Volunteers in Service to America—VISTA—program, and Mr. John Wilson to be Assistant Director of the Office of Economic Opportunity for Planning, Research, and Evaluation.

ADDITIONAL STATEMENTS OF SENATORS

TERMINATION COSTS OF THE SST PROGRAM

Mr. DOLE. Mr. President, last Tuesday the distinguished Senator from Arkansas (Mr. FULBRIGHT) and I engaged in a coloquy concerning the supersonic transport funding provisions of the conference report on the Department of Transportation appropriations bill. During that colloquy, the Senator from Kansas had occasion to remark on the expense which would be incurred by the United States if the SST program were terminated as the Senator from Arkansas proposes. The sum of $160 million was quoted by the Senator from Kansas, but a further investigation into the matter disclosed that amount is out of date and inaccurate in the context of current debate. The $160 million figure was computed in August of this year and was accurate at that time, but since then the figure has risen considerably and now stands at $278 million.

In fact, as the President pointed out on December 5, it would cost nearly as much to extinguish the program now as it would to carry it through to completion of the research and development—prototype—phase. The administration estimates that completion of the prototype program, with an investment through fiscal year 1970 of $708 million, would require another $344 million. It sought $290 million of that amount for fiscal year 1971, and the conference report on the bill recommends $210 million.

The $278 million for termination includes $105 million which will already be expended by the end of this month for fiscal year 1970 under the continuing resolution passed by Congress some time ago. It includes $12 million estimated to be the cost of office work which would be incurred in the closingout process. It includes $80 million put into the program by the contractors involved under a cost-sharing arrangement; the government is contractually bound to refund that money if the program is canceled at the government's initiative. The termination figure also includes $22 million in deposits placed by the airlines to hold delivery positions for the SST. The airlines have also put $59 million into the program as risk capital; if the program were to fail on its own merits this money would be lost to the airlines, but an obligation to refund the money would likely arise were the program to be terminated at the government's convenience. Thus, the total termination costs would be approximately $270 million.

Mr. President, it is not difficult to see the illogic of a position urging termination of this program for unproven reasons at nearly the same cost as continuation to a point where real answers to many valid and substantial questions can be obtained. It is difficult, however, to understand how such a position can be seriously maintained.

Granted, the SST may prove to be an ecological, economic, and human fiasco, but on the other hand it may very well prove to be ecologically benign and a tremendously important and valuable element in this country's economy and transportation system. I believe the SST deserves a chance to prove itself by thorough testing and evaluation of prototype models, just as the DOT conference report deserves to prove itself in an open vote on the Senate floor. Neither the plane nor the bill deserve to be filibustered into oblivion.

TRIBUTE TO SENATOR WILLIAMS OF DELAWARE

Mr. TALMADGE. Mr. President, the senior Senator from Georgia was not present last week when the Senate honored the retiring Senator from Delaware, JOHN WILLIAMS. He has provided me with a statement and has asked me to insert it in the RECORD.

I ask unanimous consent that the statement of the senior Senator from Georgia be printed in the RECORD and appear as if he delivered it.

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

STATEMENT OF SENATOR RUSSELL

Mr. RUSSELL. Mr. President, when the Senate returns for the convening of the 92d Congress next month, we will be without the services of one of the great legislators of this era, the distinguished senior Senator from Delaware.

I daresay there is not a single Member of this body who is more entitled to the pleasures of retirement as a result of

hard work than JOHN WILLIAMS, but likewise it is highly unlikely that any Senator would leave a more profound void in departure.

Much could be said about his service in the Senate. He studies the issues and he always places the public interest first. When he is an active participant in the deliberations of this body on any given measure, it is a source of comfort for me and countless other Americans.

He understands the rules of the Senate and lets them govern his legislative activities. He is diligent and conscientious about attendance and the business of the Senate receives his unrelenting attention.

But, Mr. President, the quality that stands out most when surveying the character and service of JOHN WILLIAMS is his transparent integrity. In an era when the people have unfortunately become somewhat cynical about public officials and politicians, his courage and honesty have shown through. He is living evidence that solid virtues still pay dividends and he has set an example for young men and women who aspire for public office to emulate.

He has never sought public acclaim, but he is known in practically every household in America by such titles as "watchdog of the Government, conscience of the Senate, Honest JOHN and fiscal bloodhound" and he has earned them all.

Moreover, Mr. President, those of us who have had the privilege of working daily with him over the past quarter of a century have known him as a man whose word is his bond and who would not depart from his honest convictions under pressure from any source.

When JOHN WILLIAMS takes leave and returns to Delaware, he is entitled to carry with him the knowledge that he has earned the gratitude and respect of the American people and the good wishes and abiding affection of his friends.

HANOI HEADLINE HUNTING

Mr. BENNETT. Mr. President, over the Christmas weekend, more peculiar games were played by Hanoi with American prisoners of war. More lists of names were given to various individuals, or groups. Very little new information was provided, and most of the names had been on earlier lists from the same source.

It seemed to be almost entirely a headline-grabbing effort by Hanoi public-relation experts. Certainly this was a contemptible effort, since once more the hopes of the wives, the children, the parents of these American prisoners were raised, only to be dashed to the ground when the new lists were compared with the old.

Christmas for the prisoners was certainly not pleasant. But it was made doubly bitter for the families at home, once more victimized by Hanoi.

FORCED RETIREMENT AT 65—A MORAL WRONG

Mr. YOUNG of Ohio. Mr. President, a widely held misconception in our youth-oriented society is the notion that once past middle age a person's ability and creativity are ended. This unfounded attitude is responsible for one of the most painful ironies of American life—forced retirement.

Compulsory retirement programs were originally conceived as a reward for years of toil. However, the fact is they have forged an iron collar for many American men and women who are willing, able, and eager to work beyond the arbitrary age limit, usually 65 years of age.

That was the age arbitrarily fixed by Otto von Bismarck, Chancellor of the German Empire, in 1889 as the retirement age when he promulgated the first social security system in the world. This age is still adhered to for retirement in our social security system and in many private retirement programs. This, despite the fact that the life expectancy of men and women has doubled during the past 80 years.

Medical science and other factors have vastly increased the life expectancy of every man, woman, and child. With the advance of medical science and techniques, men and women are no longer old at 65. In fact, today they are not as old at 65 in thought, action, and physical and mental ability as men and women of Germany and the United States were at the age of 40 back in the 1880's. Nevertheless, we Americans have adhered to Bismarck's view of 65 being the proper age for retirement notwithstanding the fact that this concept is as outmoded as flintlock muskets, candle dips, bustles, and the muzzle-loading cannon used in the Franco-Prussian War of 1870.

Today, our over-65 population is growing at the rate of more than 1,000 a day. Since the turn of the century, the number of Americans over 65 years of age has grown 2½ times faster than the population as a whole. More than 20 million of our citizens are now 65 or older. I assert that we willfully and knowingly waste their resources, their skills, and their experience.

What a loss our country would suffer if everyone were forced to the sidelines of life after reaching 65. In the past men of stature in all fields of human endeavor made some of their greatest contributions long after their 65th year. John Adams and Michelangelo strode into their nineties with their intellectual vigor unimpaired. George Bernard Shaw in his midnineties was still bowling over false idols with the sharpest wit of his time. Prime Minister Gladstone at the age of 83 rendered magnificent service to the British Empire. Supreme Court Justice Oliver Wendell Holmes was blazing legal trails when he was well into his eighties. In our own time, who can deny the historical roles of Pope John XXIII who did not assume the Papacy until near his eightieth year, or of Winston Churchill who did not assume wartime leadership until past 65 years of age.

The old concept of 65 as the ideal retirement age has no validity whatever in the final third of the 20th century. With each generation, 65 grows younger. In early Rome, the average age at death was 22. In New England of the mid-18th century, a man of 34 was considered to be an elderly person. For a man in the 19th century, to attain the age of 65 was somewhat of a rarity.

Today, a baby born in the United States or in most of Europe has a life expectancy of beyond 70 years. The life expectancy of a 70-year-old man today is for at least another 13 years; for a woman, 16 years. Recent dramatic scientific reports of a life potential of 125 years indicate that the 65-year-old of the foreseeable future may be, in fact, in the prime of life.

Our concepts must change as the facts around us change. The facts today are indisputable; many persons over 65 have years of active service left in them. Many prefer employment to idleness.

I long have felt it is a tragedy to strip productive men and women of their skills, cheating them of the dignity of continued self-support. These are the consequences of forced retirement at the age of 65. It squeezes useful, healthy people out of the mainstream of society into a drab tributary on its fringe. For many to whom work is life—and whose way of life, like mine, has been work—this is exile into a limbo of boredom and inactivity.

The tragedy and waste go beyond the scope of those Americans directly affected. Even our affluent society can ill afford to isolate a huge, productive segment of the population without paying the penalty.

One answer is that employers everywhere must take a long look at their forced retirement policies with a view toward tossing them out. Make retirement after a certain age, say 65, voluntary with the understanding that those who choose to keep on working must be capable of pulling their weight. Industry, business and government might well set up tapering-off programs. Skilled workers are too valuable to discard abruptly upon reaching age 65. If they were permitted to work 3 days a week, or 20 to 30 hours, perhaps, spread over a 5-day week, everybody concerned would benefit.

While I firmly believe that a man or woman of 65 should have the right to retire in comfort and free of insecurity, I am convinced that no arbitrary retirement age should be applied. Who can answer for one and all: "How old is old?"

A workingman full of vitality, vigorous and strong; an executive, imaginative and decisive; a secretary, quick and alert—are they useful and productive members of society 1 day shy of 65 and worthless, excess baggage 24 hours later? Must they immediately be cast loose from gainful employment, in many cases from jobs to which they have devoted decades? Are they suddenly old overnight?

The fact is that youth is not merely a time of life or lack of age. Rather, it is a state of mind. We do not grow old merely by living a number of years. People grow old by losing their enthusiasm, deserting their ideals, abandoning their joy for life, and no longer looking forward to the challenges of adventure and change. The desire for a vigorous, active life and the wish and ability to work hard and view the future with hope instead of fear often exists in men and women of 70, 80, or more. Unfortunately, sometimes these qualities are altogether lacking in men and women in their thirties or forties. Men and women are as young as their

faith, their self-confidence, and their willingness to look ahead and work hard for a better future, not for themselves alone, but for those of generations to come. People are only as old as their doubts, their lack of confidence, their fears and despair.

I urge that chairmen of boards and presidents of industrial corporations give thought to adopting a new and progressive policy when plant superintendents, executives, and other highly satisfactory employees attain the age of 65. Why should they not follow the policy adopted by the Veterans' Administration in determining the extent of disability of veterans? Have two physicians and surgeons make a physical examination to be repeated at 2- or 3-year intervals and, if the examiners find the employee, or executive, to be alert and in sound health, permit him to continue in employment for the succeeding 2 or 3 years.

Over the years I have received many letters expressing dissatisfaction with the strict rule of compulsory retirement at 65. An example: A man in Sandusky, who occupied an important position in his company as a plant superintendent, as I recall, was discharged with great reluctance on the part of officials simply because it was the policy to retire all officials and employees at 65. He wrote that his position was of increasing importance that he had occupied it for more than 10 years and officials without exception attested to his capabilities. Yet he said "a fat slob," 56 years old, who was ignorant of the workings of his position supplanted him. He said he could outdo this "fat slob" in every respect mentally and physically and his employers agreed with his protests and admitted what he said was true, but could do nothing about it as he was the victim of a fixed rule adopted some years back by the board of directors.

Mr. President, in this space age of change and challenge, we must adjust our ideas to the facts of our time. Every 65-year-old man or woman who wants to remain gainfully employed and is capable of doing so should have that right. Involuntary unemployment, in a great and rich Nation like ours, is a moral wrong which should not be tolerated.

THE PROCEDURAL AND SUBSTANTIVE ISSUES FACING THE SENATE AT THIS TIME

Mr. FULBRIGHT. Mr. President, on December 25, there appeared in the Washington Post an unusually well-written and thoughtful article by Spencer Rich. The procedural and substantive issues which face the Senate are extremely complicated and controversial, and therefore quite difficult to describe in a simple and uncomplicated manner. As a result many people seem to think the Senate is either confused or being irresponsibly stubborn or both.

Mr. Rich clarifies the situation in an admirable manner worthy of the attention of all who are interested in the preservation and strengthening of our constitutional system. I ask unanimous consent to insert it in the RECORD as part of my remarks.

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

CRITICS IRKED AS SENATE ASSERTS RIGHTS

(By Spencer Rich)

Tied up in an agonizing procedural knot for the past few weeks, the U.S. Senate, which bills itself as "the world's greatest deliberative body," has been battered by a massive wave of public criticism.

Newspaper editorials accuse it of becoming so ingrown, so cluby, so out of touch that it is unable to conduct the public business. Minority Leader Hugh Scott (R-Pa.) says it has "dwadled, postured, delayed." President Nixon, impatient with delays on his legislative program, has suggested that failure to complete action might demonstrate the Senate's indifference or impotence.

Critics have pictured it as an archaic body, so bottled up by the filibuster rule that it has not been able to get to a final vote on such vital legislation as funds for the supersonic transport, Cambodia aid, defense and foreign aid appropriations and the administration's Family Assistance Plan designed to reform the welfare system.

Many senators—probably a majority—believe that substantial revisions are needed in the filibuster rule, committee procedures, procedures for House-Senate conferences, the scheduling of appropriations bills and the handling of major presidential requests.

Nevertheless, on many of the issues for which the Senate is now being criticized, a strong counter-case is being made sharply by Foreign Relations Committee Chairman J. W. Fulbright (D-Ark.) and others—and in a quieter way by Majority Leader Mike Mansfield (D-Mont.)—that some of what has been going on this year is the Senate's glory, not its shame; and that the current impasse, far from being frivolous, involves fundamental policy issues.

In Fulbrights' view, the trouble proceeds from the fact that the Senate, for the first time in decades, is attempting to exercise truly independent critical judgment on defense and foreign policy matters, instead of rubber stamping, everything the Pentagon and the President demand with merely cosmetic changes.

In past years, the argument runs, Congress has acceded with monotonous and probably disgraceful regularity to Pentagon and/or presidential requests for larger weapons systems, more weapons, more presidential authority and freedom for military ventures overseas.

In many cases, the only changes made by Congress have been to back the Pentagon in disputes where the Budget Bureau or the President was trying to clamp down on expansion. Frequently, few senators really examined the weapons and authorities that were being granted.

VIEW CORROBORATED

A look at the debate records corroborates this view, at least in part. Year after year, until recently, tremendous military spending bills—$40 billion, $50 billion—have passed both chambers with a single day of debate, sometimes without a single floor amendment. The 1964 Gulf of Tonkin Resolution—for which Fulbright himself, as he now concedes, bears considerable responsibility as floor manager—was rushed through committee and both chambers of Congress in two days, Aug. 6 and 7. A 1962 "sense of Congress resolution" on Berlin—approving any presidential action including use of arms to prevent Soviet violation of allied rights in Berlin—cleared the Senate with only five members on the floor.

But in the last three years, this situation has changed because of dissatisfaction with the Vietnam War. Weapons system proposals such as the antiballistic missile, have been examined with considerable care not just by the Armed Services Committees but by a widening group of senators.

Pentagon claims on the need for new weapons and on the reasons for cost escalation have received careful attention from senators like Stuart Symington (D-Mo.) and William Proxmire (D-Wisc.), whose findings on C5A military transport plane cost overruns have startled many.

Symington has delved deeply into the extent of covert U.S. commitments to defend nations elsewhere with whom the United States has no binding treaties. And Fulbright and Mansfield, along with many others, have led a move to restrict the President's power to widen the Indochina war, or to take steps that might inadvertently do so. A massive challenge to construction of the antiballistic missile has been made for three years running.

Rightly or wrongly, attempts to kill weapons proposals or restrict the President have been pressed with increasing vigor over the past three years by a big bloc of Senate doves.

This, in turn, has been met with a sharp counterattack by both the Johnson and Nixon administrations and by military hardliners in both chambers.

Now, in the waning days of this session—when every day used up can be of vital importance—critics of the SST and of the administration's Indochina policy have been using the filibuster and other procedural delays to block both the SST funds and a series of Cambodia and Indochina provisions which they fear could involve the United States in the gravest mistakes and dangers.

Much of the criticism being launched at the Senate, Fulbright said on the floor in a swipe at the administration and at this newspaper, stems from the Senate's new desire to assert its constitutional duties to evaluate policy.

"Even the administration and its editorial camp followers on The Washington Post approve of criticism," he said, "provided it is harmless and ineffectual. 'Responsible criticism" as the term is commonly used is an activity of amiable 'gadflies' who get it all out of their system and then obey orders. 'Irresponsible criticism' is something else again. It sometimes results in bills being defeated or significantly altered. It often takes the form of extended debate which might, God forbid, give senators a chance to think about legislation before it is enacted."

Aside from the substantive issues, Fulbright does not hesitate to defend the Senate's filibuster rule, which allows unlimited debate (should a senator wish to air an issue or tie up business) unless the Senate cuts it off by a two-thirds vote. The Arkansas Democrat and others have described it as a major device to prevent a tyrannous majority from taking hasty action without really thinking of what it is doing.

Others call it an important constitutional protection for minority points of view. Where a small group can tie up the Senate endlessly, the majority, to avert this, must bend a little and compromise. All sections of the country, all points of view are thereby served, everybody gets something, no one is entirely shut out. The Senate thus becomes an exquisitely civilized place, where people must treat with one another and not trample on them, unlike the executive branch where the President's word is final. Insulated by this device and by the six-year terms of office, senators are protected from complete domination by the President.

And in true national crises—not the kind that orators routinely trumpet every day, but real ones—a two-thirds vote is almost always obtainable as a remedy, the argument runs.

Southern Senators, who have long sheltered behind the filibuster rule to defeat civil rights legislation, have frequently made this argument:

Anything that is so obnoxious to large sections of the country that more than one-third of the Senate refuses to let it come to a vote is probably bad.

An aide to one of them made this challenge to reporters recently: "Would the nation really have been better off had the filibusters against Abe Fortas as Chief Justice and G. Harrold Carswell as Associate Justice failed, and the two been confirmed?"

On substantive grounds, many senators involved in the current talkathons in the SST and Cambodia disputes argue that the filibusters are justified; that they were undertaken only because of intransigence and procedural skulduggery on the other side; that they will force a solution on a fairer basis by Jan. 3, and that the republic will not fall if some of the appropriatoins are held up till then, or placed on an emergency basis until the deeper policy disputes are settled.

On the SST, for example, the Senate, acting specifically on the issue of whether to provide $290 million in funding, voted 52 to 41 to kill the plans a few weeks ago. The Transportation Department appropriations bill in which the SST funds had been contained then went to a House-Senate conference in which, anti-SST leader Proxmire contends, most of the Senate conferees were pro-SST.

After a day of negotiation, the Senate conferees agreed to take $210 million for the SST, and it was then that Proxmire began his filibuster, arguing that the conferees had simply caved in. This is indignantly denied by John Stennis (D-Miss.) and Alan Bible (D-Nev.), the two chief conferees, who have repeatedly said that the House conferees were "adament" in insisting on keeping the plane.

PROXMIRE VIEW

Proxmire does not insist on killing the funds altogether at present. He is willing to let the rest of the Transportation funds go through and fund the SST through January or February, with a separate vote at that time on whether to kill the plane. Henry M. Jackson (D-Wash.) and Warren G. Magnuson (D-Wash.), from the state where Boeing makes the SST, have not agreed to this so far. Jackson wants the whole Transportation bill treated as one package, which would give SST a better chance to ride to victory on the back of other appropriations not in dispute.

Who is right in this dispute is not clear, but it can be said that the use of the filibuster tactic where Proxmire feels the Senate position has been surrendered too easily in conference is at least understandable.

Proxmire contends, further, that the real filibuster was by pro-SST senators who held up the initial Senate vote in committee for months on the theory that the plane would have a better chance to win in the Senate after the November election.

Similar suspicions of skulduggery and sell-out motivated filibuster threats against four major bills dealing with Cambodia and Indochina. Fulbright has been at the very center of this dispute, which has pitted Senate doves not only against the administration but against their more hawkish colleagues in the Senate and House.

The controversy goes back to last spring and the U.S. military incursion into Cambodia. At that time, the administration was seeking extension of the Foreign Military Sales Act, under which the President can provide arms credits to selected overseas nations. Fulbright's committee, which has jurisdiction over the legislation, decided to use it as a vehicle for restrictions on the President's right to widen the Indochina war by moving into another country without getting the advance approval of Congress. The members feared the same type of deepening involvement in Cambodia—first arms aid, then "advisers," then ground combat troops—as drew this nation step by step into Vietnam, and they were not satisfied with oral assurances from the President.

They also wanted to establish the principle that except in an emergency requiring immediate response—a real emergency, that is, and not simply a forensic one—the President should not involve the United States in overseas combat or commitments without congressional approval.

THE 7-WEEK FIGHT

The floor fight over the Cooper-Church amendment to the Foreign Military Sales Act lasted seven weeks. Administration forces conducted an all-out filibuster to delay a vote until the President had fulfilled his pledge to remove U.S. ground forces from Cambodia. Otherwise, the provisions forbidding further incursions might seem to be a direct Senate repudiation of his Cambodia venture. (Fulbright and others are fond of pointing out, when taxed with delays now, that it was the administration who held up the Senate for seven weeks then.)

The Cooper-Church amendment was ultimately passed by the Senate and the President immediately predicted that it would be softened in conference with the House, so as not to tie his hands in emergencies. Conferees, however, never agreed and the legislation simply has been lying dormant for months.

This has led, in turn, to a series of new disputes and administration or hawk attempts to bypass Fulbright's committee and obtain military sales credit or arms aid authority by other means—sometimes in contravention of normal Senate rules, which require authorizing legislation to be approved by Fulbright's committee before money can be appropriated for these purposes.

The first step was insertion in the Defense Department procurement authorization bill of authority for arms credits to Israel, on the initiative of Washington state's Jackson.

Fulbright protested that this bypassed his committee, which normally would have jurisdiction over such credits, but he was snowed under by the pro-Israel block when the issue came to the Senate floor.

In the past few weeks, a new series of end runs has sought to bypass Fulbright's committee.

The administration sought $255 million authority for arms aid to Cambodia and $295 million for various other countries.

Fulbright, Mansfield and several other members of Fulbright's committee (which has jurisdiction) were known to oppose such aid at present for fear it would amount to a deeper U.S. involvement and perhaps a commitment to defend the government to defend the government of Cambodia.

CURB ASKED

Others on Fulbright's committee didn't object to the $255 million authortiy provided it was accompanied by a prohibition against introduction of U.S. ground forces or military advisers into Cambodia, a statement that the United States wasn't making any commitment to defend Cambodia, and a public statement by the Nixon administration that it would adhere to the proposed prohibitions.

Before this issue had been resolved in Fulbright's committee, the House Appropriations Committee simply wrote into the general supplemental appropriations bill authority for the $255 million for Cambodia, plus most of the $295 million, even though no authorizing legislation had been approved.

The threat was clear: if Fulbright's committee didn't okay the money, it would simply be jammed through as an appropriation. (Under certain conditions, appropriations can be enacted without requiring final passage of authorizing legislation). A similar series of end runs then emerged.

Fulbright's committee did eventually report out authorizing legislation (which he personally opposed, but did not block) for the $255 million, with a provision barring introduction of ground troops or military advisers into Cambodia. But House-Senate conferees on the big $66.6 billion Defense appropriations bill promptly wrote legislative language into it which Sens. John Sherman Cooper (R-Ky.), Frank Church (D-Idaho), Fulbright, Mansfield, George D. Aiken (R-Vt.) and others said would simply nullify the prohibitions attached to the $255 million authorization and allow the President to do almost anything he liked.

At the same time, $200 million in foreign military sales credit authority was agreed to in a House-Senate conference on the regular foreign aid appropriations bill, even though authorizing legislation was still dormant in conference.

Sen. Gale W. McGee (D-Wyo.), who headed the Senate appropriations conferees that accepted this provision is also on Foreign Relations but he is the only true non-dove there and has repeatedly disagreed with the rest of the committee.

It was in the light of these attempts to bypass his Foreign Relations Committee that Fulbright and his allies threatened to tie up all the bills involved until some compromise could be reached. Even some hawkish Senate elders who disagree completely with Fulbright on substantive matters were disturbed by the bypassing of his committee.

ROGERS AGREES

The administration told Fulbright it had no intention of sending ground combat troops to Cambodia, but at first it was reluctant to endorse any binding language to this effect, on the "don't tie our hands" theory. But finally, Secretary of State William P. Rogers, at the insistence of Cooper and Church, wrote letters to both men agreeing to adhere to the prohibitions against use of U.S. ground troops and advisers in Cambodia.

These prohibitions, Church concedes, are not absolute; in a real military emergency to protect U.S. forces in Vietnam, the President could move troops into Cambodia, but it would have to be an emergency, not just a convenience and certainly not a long-term, full-scale military campaign like the one in Vietnam.

McGee agreed to go back to conference on the foreign aid funds bill and seek a provision making the $200 million foreign military sales credit spendable only if some future authorizing legislation were enacted. And Sen. Allen J. Ellender (D-La.) reportedly agreed to go back to conference and seek deletion from the $66.6 billion defense funds bill of the language nullifying the Cooper-Church amendment.

The House Appropriations Committee, however, may well refuse to do this. Then things will settle down to a game of "chicken" between Fulbright with his allies in the Senate and the much more hawkish House as to which will give in and let the funds bills go through.

The first steps in resolving the impasse have already been taken: the $255 million authorizing legislation, with the new Cooper-Church language intact, has now gone through both chambers and the supplemental funds bill with the actual cash in it will, too. But the question of the nullifying language in the $66.6 billion defense measure remains.

The third major procedural dispute before the Senate involves the Social Security, welfare and trade proposals. All three bills have long since been passed by the House, but the Senate Finance Committee put them all in one package and didn't report them out until a few weeks ago. The committee delay was occasioned largely by John J. Williams (R-Del.) who repeatedly asked for restudy of various aspects of FAP, which he opposes.

The administration is seeking to offer it as a floor amendment.

When the bill reached the floor, Williams began a lengthy discussion of FAP and free-trade senators threatened to filibuster against the omnibus bill unless trade provisions were severed. The package is so massive that there is general agreement it cannot be finished by adjournment, but the bill is still on the floor.

With all the merits of the case for the filibuster, and with all the evidence that current disputes in the Senate proceeded from deep policy differences and not merely frivolous objections, there is something to be said for the contentions of Minority Leader Scott and the White House that somehow, the Senate has tied itself up in an awful knot; and that there is something wrong when the FAP legislation—which Mr. Nixon has called his single most important domestic proposal and which passed the House months ago—cannot even obtain a vote on the Senate floor.

And it is certainly a bad state of affairs when meaningful business cannot be done sometimes on Mondays or Fridays because senators are out of town.

There comes a time when—due consideration having been given to avoiding undue haste, and due time having been given to minorities to present their cases and drag their heels—the will of the majority simply must be made known even if it results in what many consider to be wrong decisions.

The current session has been a big year for filibusters: the proposal to elect the President by direct propular vote was killed by one; the original Cooper-Church amendment was held up for nearly two months by one; and now we have a new series.

In all likelihood, several of the current disputes will be resolved when Congress returns next week. But a proposal to ease the filibuster rule somewnat—perhaps by reducmitting a simple majority of 51 to invoke ing the cloture vote requirement to three-fifths rather than two-thirds, or by per-cloture after, say, three weeks of filibuster—will be made at the start of the next session.

Other rules changes may also be in the wings, so that, for example, it won't be possible to delay so long on a huge package like Social Security-trade-welfare and then send it to the floor just a few weeks before adjournment.

But some of the basic conflicts between the administration and its critics will remain. No procedural changes are going to end them. Mr. Nixon will not get the Senate to accept policies it thinks are wrong just by claiming that failure to pass his program represents "indifference or impotence."

And no amount of finger-pointing will get the Senate to reduce itself, in Mansfield's words, to nothing more than a House of Lords.

EDITORS OF LOOK MAGAZINE WRITE OF PEACE AND VIETNAM

Mr. McGOVERN. Mr. President, recently the editor of Look magazine, William B. Arthur, and the foreign affairs editor of that magazine, Robert Moskin, completed a remarkable visit to Hanoi. Mr. Moskin had earlier visited South Vietnam and urged following this trip that U.S. forces be withdrawn from Vietnam. He now repeats that admonition following an 8-day visit to North Vietnam. I fully subscribe to Mr. Moskin's analysis.

I was also deeply moved by Mr. Arthur's personal reflection on man's elusive quest for peace. His article, "Whatever Happened to Mankind's Dream of Peace?", is one of the most lucid and perceptive statements of the yearning for peace that I have ever read.

I ask unanimous consent that the articles by Mr. Arthur and Mr. Moskin be printed at this point in the RECORD.

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

WHATEVER HAPPENED TO MANKIND'S DREAM OF PEACE?

(By William B. Arthur)

It is a beautiful dream: "On earth peace, goodwill toward men."

Whatever happened to it?

I thought about this as I was flying toward Hanoi a few weeks ago. In hours, I would be among the enemy.

The old dream took hold of me, the hope of peace, my dream and mankind's. It sent me reeling from wistful reverie to reality.

I was a child again, awed by the strident whistles and clanging bells that brought word of the Armistice to my hometown, Louisville, Kentucky, in 1918. But now, in 1970, I was a middle-aged journalist yearning to harangue the powers that be, yearning for some sanity in a civilization that too often seems bent on suicide.

Why, in the name of God, do we go on killing? Why, in the name of God, do we not move as boldly for peace as for war?

Far below, Mother Earth looked so gentle, so like that garden of our fables, as I viewed it from the Soviet turboprop plane moving across Laos toward Hanoi.

I suppose my destination alone gave me cause to brood on peace, a cause apart from the fact that my own son stood as one of America's soldiers in South Vietnam, not many miles southward beyond the rolling hills and mountains below, beyond the demilitarized zone.

I thought of the words he had written in his latest letter: "This war," he said, "is strangling our nation . . . a spiritual starvation grows daily to the point that our cynicism and distrust are universal. The war may already have lasted too long ever to have this reversed for my generation."

I remembered those Armistice bells in Louisville; I remembered more. I remembered the chronology of later wars and the interminable lists of earlier ones. I remembered that whole fantastic chronicle of battles and conquests that spans the centuries, back into the darkness of time, to the beginning of history. We reek of blood, I thought, staring down at the earth below. Why can't this dream of peace become a reality?

It's a lovely dream, one I heard first, I suppose, in the Christmas story—"On earth peace." We'd recite it, and it sounded so possible to a child. Yet here we are once again at Christmastide, the season of joy, and the blood flows still in Vietnam. Along the Suez, missiles stand at the ready, and soldiers patrol the little town of Bethlehem.

I remembered the Armistice bells in Louisville and remembered my mother's misting eyes as she told me what it all meant. The war to end wars had ended.

"The exultation, the jubilation, the glory of it!" the *Courier-Journal* rejoiced when the Armistice came. "The pandemonium of laughter and shout, of blast and bugle, of klaxon and kazoo, of drum and bell! Is it possible to think sanely, to speak calmly in the din of it? And if it were, who of us, even among the staidest sober-sides, would care to deny himself his share in the shouting . . .?"

I remember the shouting, remember that out of the holocaust, men moved—some of them did—to end wars forever. Here came a League of Nations that promised to fulfill the old dream. How soon it seemed doomed, doomed despite President Wilson's frantic efforts to build it and make it work. Thirty speeches in 20 days he made, hoping to whip up enough enthusiasm among the people to assure Senate ratification of the League Covenant. In his last speech in Pueblo, Colo., he sounded quite desperate, acknowledging the weaknesses of the League, but asking: "Do you want nothing? Do you want not only no probability that war will not recur, but the probability that it will recur?"

Peace-loving America did not ratify and never joined the League. It failed, of course, for reasons beyond our disdain. Britain and France, in spite of their membership, wavered from their obligation to stand against aggression.

Oh, everybody renounced war. There was the Kellogg-Briand Pact, its name honoring U.S. Secretary of State Frank B. Kellogg and French Foreign Secretary Aristide Briand, and by July, 1929, nearly every sovereign state agreed to it. Much fanfare accompanied its signing in Paris in 1928. "For the first time in the history of international diplomacy," the New York *Times* reported, "every word, every sound, in fact every scratch of the famous gold pen, will be recorded when the representatives of fifteen nations sign the treaty in renunciation of war. . . ." A new sound motion picture recorded the historic event. Negatives were rushed to New York aboard the liner *Ile de France*, "thus permitting the American people to 'sit in' upon the most important international gathering since the conference of Versailles in 1919, a little more than a week after it happens."

Many of us thought the Pact really had something to do with peace. I entered an essay contest in Louisville about that time and wrote that as a result of Kellogg-Briand, "War has been outlawed from the face of the earth. The attitude of a world has changed toward this barbaric means of settling national controversies." As a teen-ager, I dreamed of peace, and continued to do so even after the Pact promptly failed—being invoked unsuccessfully in 1931 when Japan invaded Manchuria and in 1935 when Italy invaded Ethiopia.

That time came back to mind on the flight to Hanoi. I remembered the razor-sharp scene at the end of *All Quiet on the Western Front*, released in 1930, when Lew Ayres reached over the top of a trench to capture a butterfly and, with the sudden vicious whistle of a bullet, fell dead.

That, of course, was part of a rejected past, a past that did not sink forcefully into my consciousness until the time of my honeymoon. My bride and I had gone to see *The American Way*, starring Fredric March at the Center Theatre in New York. As we left the theater, newshawks on the corner were shouting, "Nazis invade Poland!" Close by, an accordionist was playing *America the Beautiful*. It was September 1, 1939, and we were again embarked on what Winston Churchill was to call "the most unnecessary war in history." As he later wrote: "This war could easily have been prevented if the League of Nations had been upheld with courage and resolution by its members."

Who was seeking after the old dream? I confess I didn't even wonder when Pearl Harbor came along, but later, after V-E Day, when President Truman said things like "We must work to bind up the wounds of a suffering world, to build an abiding peace . . ."—then I wondered. Surely, now, the dream of peace would become a reality.

Who among us can forget the joy of V-E Day, May 8, 1945, the scene in Times Square, when that decisive phase of the great war ended? Who among us can forget the hope of peace, when a new organization, this time called the United Nations, was founded "to save succeeding generations from the scourage of war"? I shared, we all shared, the feeling that the New York Times gave voice to:

"From every land that has felt the curse of this war, from every land which escaped this time but may not escape if another war takes place, prayers must be going up today

that June 26, 1945, will actually represent a turning point in human history. . . ."

The *Times* explained why the UN might promise so much more than the League had accomplished:

"The League required absolute unity among all member nations, which was impossible. It did not provide force. Under the Charter we shall see the world controlled by the Great Powers, but subject to numerous self-denying ordinances and subject also to world opinion which can be marshaled in an Assembly where each nation, big or little, has one vote. Big Power control is not new. It is the restrictions upon such control that are new and that constitute the gains made under the Charter."

It was on July 16, 1945, less than a month after the founding of the UN. On Pentagon night duty as an officer in the Press Branch of the War Department's Bureau of Public Relations, I received a call from the Associated Press:

"One of our Southwest bureaus has a story about an explosion of some kind that occurred today at Alamagordo Army Air Force Base. It rattled windows in Santa Fe. Can you tell me what it was and may we put the story on the national wire?"

Several hours and countless phone calls later, I was authorized to inform the AP they could put the following on the national wire:

"An explosion, followed by fire, occurred today at an ammunition dump at Alamogordo Army Air Force Base. It was brought quickly under control, with no casualties."

I did not know it, but the age of nuclear weapons had begun. Hiroshima and Nagasaki and V–J Day followed, and suddenly every premise of the past seemed obsolete. Now, only the dream of peace seemed vital, indispensable.

The Aeroflot airliner roared on toward Hanoi. I thought of the cold war, the Berlin Airlift, the Middle East in conflict—1948, 1956, 1967—and of 1970's uneasy truce. I thought of Korea and of the Berlin Wall, Hungary, Czechoslovakia, the Dominican Republic, the Congo and Biafra. Cyprus, Dien Bien Phu, the Cuban missile crisis. I remembered that Easter in 1968, shortly after the Tet offensive, when I stood on top of a mountain called Monkey near Danang in South Vietnam. There, beneath a makeshift cross, barely visible, through an early morning mist, a chaplain was saying:

"As you sit here, men, with the fog descending upon us, a fog that clouds our vision, clouds our hopes, clouds our sense of purpose, you must know that it will lift, that the sun will break through that peace must come."

And in the distance, jets roared on takeoff as they headed up and away toward the DMZ, Khesanh, the 19th parallel.

And now, Hanoi, 1970.

"I am Mr. Pham," a smiling young man said. "Call me Pham. I will be your interpreter while you are among us. This is Mr. Truc and Mr. Lam and Mr. Phung. Mr. Truc is here representing the Vietnam Journalists' Association. Please follow me."

They served us hot tea around a table in the airport terminal. Pham said: "We know you are tired after your long journey, so we'll take you immediately to your hotel, the Thong Nhat, which means 'Reunification,' where you can rest before we go into your schedule."

Hanoi, North Vietnam, capital of a nation at war with us, whose leaders, without exception, told us they would fight on to victory. "And what is victory?" you ask. And they answer: "A reunified Vietnam, reunified on our terms as a Socialist State."

It's a nation of peasants rising early and working until dusk to take mere subsistence from the soil. Each morning, I was awakened by the crowing of a rooster, first one, then another, and then a hoarse symphony. In the street below, there was quietness, only a steady stream of bicycles, interrupted occasionally by the honking of a horn as a Soviet-made, usually ancient, car sped through. And children—hundreds of them. They would gather around, looking up into your strange white Western face. And when you smiled, they smiled back and giggled and laughed. Too young, yet, to fight, but suddenly this war seemed so far away.

I stayed in Hanoi eight days, talking, listening, seeing. (Look's Foreign Editor, J. Robert Moskin, reports about that in the article which follows.) And as our plane sped away toward Vientiane and Calcutta, my thoughts were dark. I could not be hopeful for peace. Again, I asked, must the dream of peace always be out there somewhere, beyond reach, with men and nations doomed forever to fight each other, to kill?

The war in Vietnam, Cambodia and Laos goes forward, while the on-and-off peace talks in Paris seem aimless with no real promise of a solution. War threatens the Middle East, and a wall still stands in Berlin. Strategic-arms-limitation talks drag on and on as though time were suspended in a race to Armageddon.

My flight soared on, too, and my thoughts, and at last I came again to the question that nagged me at the outset. Has peace eluded mankind? I sensed that the answer is this: No, mankind has eluded peace. I think mankind flees it still. But why? Perhaps the answer becomes plain if we can lift the curtain of our vanity.

Man flees peace, I suspect, because it threatens his identity, threatens to undermine what he believes himself to be. He believes he is strong, just and powerful and must prevail over those who oppose him, over those who are wrong. Such is his self-image, and he fatally acts it out.

Who would deny this? Who would say: "No, we are peaceful." Such a one must speak from vain illusion. But this illusion prevails, of course, around the world. As an American will say, "*We* are peaceful, *they* are warlike," so will a Russian. So will we all in our national roles. "Others are bestial, I am the exception."

This is more, in the last analysis, than vain illusion. It is fatal delusion, with bloody consequences. One consequence is that it lends to the warriors of all nations the fury of self-righteousness. A consequence more broad and more tragic is that our illusion entraps us in a paradox that must thwart all efforts toward peace.

A nation hungry for peace must fear war from others. So it arms, and appears belligerent, menacing; and so the others, though knowing kindred hunger, arm themselves out of kindred fear. The cycle is self-feeding. With the vain illusion of pacific righteousness prevailing everywhere in mankind's little neighborhoods, mankind goes on and on, trying to vindicate its vision of itself, fulfilling its own bloody prophecy, war after war after war.

How do we turn about? How do we stop fleeing from peace and pursue it instead? I would not presume to know for sure. I suspect, however, that mankind must somehow escape its ancient self-image; and nations, their self-righteous illusions. This must come slowly, I know, slowly when time is so short. If it comes at all, I suspect it must come from mere men, individuals, members of mankind, those who through an act of conscience and consciousness will lead the rest of us to self-realization, and through that knowledge, to peace.

Only when men turn about will governments follow suit. Perhaps we stand now at a moment for turning, knowing—as individuals—that the fate of mankind hangs in that grisly nuclear balance. Perhaps, indeed, such a turnabout has already begun with this new generation of young people, who reject crusades and glory and conquest, who search for justice and for peace, who are sick of being asked to die, who would rather live to make men free.

There is, in Hanoi, what must have once been one of the loveliest of Christmas trees. It stands on a shelf in a corner of the lobby of a hotel. It is artificial, about 18 inches high, dusty, moth-eaten. Long ago, its ornaments lost their luster. It simply has been forgotten. No one bothers to put it away, not in June, or July, or December. As woebegone as it is, it seems still to me to be a symbol, a symbol of joy, of life, of love, which is, of course, what the dream is all about.

"On earth peace. . . ."

THE HARD-LINE DEMAND: VICTORY

(By J. Robert Moskin)

They are tough, arrogant, fanatical.

They see the world in simple, belligerent black-and-whites. They feel raped—and triumphant. Le Duc Tho, a ranking member of the North Vietnamese Politburo, told us: "This is the war in which the United States suffered its greatest defeat in its history. . . . We have had the honor of defeating two big imperialisms—the French and the American."

They demand to be believed when they quote the late Ho Chi Minh: "As long as one aggressor stays in our country, we must continue the fight to chase him out." Deputy Prime Minister and Foreign Minister Nguyen Duy Trinh echoes Ho: "So long as the aggression continues, we will fight on. No brute force can subdue the Vietnamese people in their struggle for independence and freedom."

All their lives, the leaders in Hanoi have been killing, scheming for two objectives: to rid Vietnam of foreigners and to make it Communist. They feel they are now on the brink of winning. They refuse to tire. They demand not peace but victory.

During the entire eight days Look's Editor William B. Arthur and I spent in North Vietnam, we were not once treated to the slightest hint—not allowed even the slightest illusion—that compromise with the men in Hanoi is possible. If they mean what they say, it can still be a very long war.

American experts caution that you can be sure only that this hard line is the North Vietnamese position right now; the men in Hanoi can flip-flop whenever it suits their purposes. That's certainly true. They are pragmatic. They can always switch plays at the line of scrimmage.

My impression is that even if they bend in tactics, they are pretty damn rigid on goals.

In all their conversations with us, there was a large dose of holier-than-thou righteousness: We Americans are the aggressors. We Americans poured destruction on their land. We stand for evil; they, for good. Never a word about the Vietnamese they have killed in terrorism and in battle.

I felt my gall rising and found my sympathy for a hardworking primitive people—napalmed and bombed to death—drowning under a wave of reaction to their hard-hat arrogance. How can they claim they have already defeated America? How can they demand that we just get out and let them overrun the South?

And I felt: The reason they can talk with such arrogance is that we have refused to use our whole arsenal; we have stopped bombing their factories, bridges, supply lines; we haven't closed their harbors or wiped out their rice or leveled their capital—all of which we have the technical capacity to do. So where do they come off crowing victory?

But then, back lying under the mosquito netting in my hotel room, with the big ceiling fan turning slowly, I feel my anger subsiding. I look at my room key. It says I am in the Metropole Hotel, Room 335. On its back, it says the key was made in Paris.

But the big oblong-shaped chunk of bronze attached to the key declares that this is the Thong Nhat Hotel in Hanoi. That really sums up a lot of what this situation, this tragedy, is all about.

I thought that the people in Hanoi see themselves as people with their fingers in the dike. (Since I have returned home, I have discovered that President Kennedy once used the same figure of speech to justify our presence in force in Indochina—we stuck our "finger in the dike" against Communist expansion.) The North Vietnamese paraded before us a 2,500-year history of fighting foreign aggressors: Mongols, Chinese, Japanese, French, Americans. (Our interpreter's brother was tortured and beaten to death by the Japanese when he was 19.)

"If Nixon refuses to stop the war, we can continue our fight for five years or ten years. It makes no difference," said Luu Quy Ky, secretary general of the Vietnam Journalists' Association and our official host during our visit to Hanoi. "We are like a walker who has walked 2,500 miles; the last five or ten make no difference."

It is a strange feeling to be an American in the enemy capital in time of war. It seems unreal; you wonder about hostility. It never comes. Everyone smiles and is polite. When they vent their hatred, and they do constantly, it is never personal.

We walked the streets freely, but we always felt we were controlled. Our program was planned and fed to us day by day. The controls were there even before we arrived. The cable from Paris, informing us that our months of effort had been successful and we could come to Hanoi, told us precisely what day to arrive, what route to take and how long we could stay. No options.

We knew why we wanted to go—to shed a bit more light on the thinking in Hanoi, how the conflict looks to the leaders there. But on the long Aeroflot flight to Hanoi from Moscow, where we had to pick up our Democratic Republic of Vietnam visas, we puzzled over why they had finally decided to let us in. And later, flying home, we figured the answer was really very simple. They are aware of American public opinion and interested in shaping it. The reason they had invited us seemed to be to try to lay their views before the American people through a major, widely circulated magazine like LOOK.

One very basic impression: So often, the answers we got to our questions were a complex interplay of pragmatism and moralistic preaching. A man we were interviewing would talk hardheadedly about the impossibility of conducting fair elections in South Vietnam under President Thieu's police and "American bayonets." And the next moment, he would lecture us on the immorality of this "war of aggression" and who was the aggressor and who the victim. Everything was either good or evil.

It is too easy to say this was cynicism, that they resorted to moralistic arguments when they had no practical answers. I was impressed that they truly feel they are morally right and we are morally wrong. They were not at all modest about their purity of purpose. They regard themselves as nationalists, fighting for the freedom of the Vietnamese people and as Marxists, fighting for the people's economic well-being. Anyone who opposes them is immoral. And if he is an outsider, a stranger, an aggressor, he can do nothing but go away immediately. There is nothing to talk about.

We met universal rejection of President Nixon's October 7 speech, offering a plan for peace. Foreign Minister Trinh accused Nixon of "new tricks" and said "we totally reject" his five points. Said Luu Quy Ky, "We want to know only one thing from him: whether we can have our independence and freedom. I can feel easily a bomb under the olive branch." Truong Cong Dong, acting head of the Special Mission of the Provisional Revolutionary Government of South Vietnam (which includes the National Front for Liberation), said, "We see no goodwill for peace in that speech. As a result, there is no possibility of settling the problem in the near future."

I asked Hoang Tung, the editor of Nhan Dan, the party's newspaper, and the country's largest, about the relationship between the two aspects of the Vietnamese revolution: nationalism and Communism. He said countries fighting against colonial enslavement start with nationalism and add a Communist ideology in revolt against the landlord class that exploited them. He said he had been a revolutionary for 34 years and spent nearly five years in French jails in Vietnam because of articles he had written as a young man. He explained his view: "It starts with patriotism and leads easily to Marxism. That was true in my case and in many others. Oppression by a big country of a small one is always coupled with the oppression of landlords and capitalism."

For 40 years, the Vietnamese revolution has been a shifting mix between nationalism and international Communism. Today in Hanoi you hear mostly about their nationalism, though they never deny their Communist faith.

Mr. Tung also claimed that the United States has already been defeated. He said calmly that the sooner we accept our defeat, the better off we will be. He saw no reason, after Presidents Kennedy and Johnson had failed to win the war with more men, to expect President Nixon to win it with smaller forces, while Mr. Tung's side was better prepared than ever.

He added with a smile, "The Nixon Doctrine says there must be an American presence in the Western Pacific. Now I'll put forth a Hoang Tung Doctrine, that the Vietnamese people must have a presence in the Eastern Pacific, in Honolulu and San Francisco. How does the United States have a right to have its presence in the Western Pacific and the Vietnamese people not have a presence in the Eastern Pacific?" He said the only difference was power, the ability to maintain such a presence by force. He obviously did not feel that might makes right in this case. He asserted that the people of Southeast Asia are the poorest in the world and no threat to other nations. He said only their oppression is a threat to peace and freedom.

Never during our stay in North Vietnam did such discussions descend into personal abuse against us or the American people. The North Vietnamese leaders express admiration for our democratic traditions. Ho Chi Minh lived briefly in the United States as a young man wandering the earth, and he began the Vietnamese declaration of independence in 1945 by quoting ours: "All men are created equal. . . ."

Things went sour 20 years ago when President Truman started supporting the French militarily against the Vietminh in 1950. Communist China, newly installed in Peking and facing American anti-Communism in both Korea and Indochina, then helped the Vietminh. U.S. aid grew enormously in the Eisenhower-Dulles days, especially when we finally assumed the Frenchman's burden after the fall of Dien Bien Phu in 1954. Since then, we have been the enemy, the invader, the neo-colonialist. We are part of a continuity of conquest; though, unlike the French, we will not stay there for 80 years. The North Vietnamese are determined of that.

This is a puritan-minded, Confucian-rooted society. One night, riding in the car the government rented to us, a Russian-made Volga with Cambodian-made tires, our interpreter, Mr. Pham, a married man of 30, gave us a lecture on Socialist morality. He said fervently that Socialism requires individuals to conduct themselves morally. That's the trouble with Thieu and Ky, he said; they are not moral men by Socialist standards. He then described the North Vietnamese policy of raising the standard of women, and added seriously, since there is a new law on women's rights in marriage, married couples in North Vietnam don't quarrel any more.

Later, we talked with selected youth leaders and Vu Quang, first secretary of the central committee of the Ho Chi Minh Labor Youth Union. He said, "As we come out of feudal society, we must do away with feudal concepts. Women are considered lower than men. They were always shy. With the guidance of the party, the role of women becomes more and more important in our society—not only in the family but in fighting and production. They have an equal place with men."

In answer to our questions about personal morality, he said divorce is allowed "if it helps to liberate women." He said the state gives guidance on birth control and permits abortion to protect the health of mothers with five or ten children. Unmarried women can also get abortions. Asked about premarital sex relations, he seemed embarrassed but then said, "It is their obligation to society. It is not merely an amusement for a moment. If they act too freely on this subject before marriage, they will have less happiness in marriage."

We asked to see how this Socialist system worked by visiting an agricultural collective. We were taken to the remote, predominantly Catholic village of Nghia Phu, 140 kilometers south of Hanoi in rich rice land near the Gulf of Tonkin. We were the first Westerners to show our faces in Nghia Phu since the French left, and we were welcomed cordially and with great curiosity, followed by crowds of people as we visited the rice paddies, the piggery, the school. Pictures of Ho Chi Minh hung everywhere, and I saw some of Marx and Lenin and even Stalin.

The land in Nghia Phu was taken from the landowners and distributed to the peasants, who had later, we were told, "freely decided" to collectivize their holdings. Each family kept a small plot for itself. In this carefully selected village, everyone seemed well fed and cheerful. We were there just before the rice harvest began. In the old days, this was a time of famine before the rice ripened, and after the peasants' supply had run out. Now, with two harvests a year, there are apparently no famines. The rice goes first of all to the villagers, not to landlords, and the surplus is sold to the state at fixed prices. They told us proudly that they are raising six tons of rice per hectrae, against a national average of five tons, and have 900 hectares in production. The surplus rice they sell amounts to 30 percent of the crop.

Still, the 7,000 villagers do everything in the most primitive way. The village has no electricity, no motorized vehicles. In its own self-sufficient way, this is a desperately poor country.

Nghia Phu had been bombed seven times; a little damage had been done, two people were killed, they reported.

I asked the chairman of the village's administrative committee, Pham Van Cham, who had lost his left hand fighting the French years ago, whether there were many young men from the village in the army. He said, "Many families here send their boys to the army to help the struggle." About 100 are in the army now and several have been killed, but he claimed he did not know exactly how many.

In Hanoi, too, no one seemed to go hungry, no one wore rags. But the contrast with war-throbbing, American-inflated Saigon is startling. In Saigon, there is a bedlam of noisy motorbikes and military vehicles and frenetic bustle. Hanoi is quiet, slow-paced. It is a city of bicycles; they move along the wide boulevards, silently, slowly, almost grandly. Hanoi feels like a small town. (As

Prof. Ta Quang Buu, the minister of higher education, told us, in the French days, all manufactured goods had to be imported from France, and North Vietnam has still not gone through the industrial revolution.) It must have been a beautiful city, but it is decaying now. Although the one-man bomb shelters are still everywhere, most are now filled with dirt or lidded. No one seems nervous about a rocket attack on Hanoi.

As poor as it is, North Vietnam is not isolated. It has many friends in the "Socialist world" and, as we were told, "they are rich friends"—relatively at least. We found we could buy Russian mineral water and a very good Bulgarian brandy and Chinese cigarette lighters. The North Vietnamese have gotten rice from China and wheat from the Soviet Union and Bulgaria, and we were told that they have built modern Chinese-supplied factories. We met East Germans in Hanoi to sell 300 construction vehicles, a deal that East Germany will finance. And we heard that Sweden is supplying North Vietnam with $45 million worth of goods, starting with medical supplies now and moving into other equipment later. The North Vietnamese already seem to be planning for their postwar period.

In Hanoi, officials talk incessantly about the period when we bombed their country in earnest and did severe damage. They talk of the "air war of destruction" as a time of heroic resistance by their people. It has become a legend in the land, a thing of pride. Whenever possible, we were shown bomb damage, and one day we were driven two hours to the provincial capital of Nam Dinh to see the damaged Roman Catholic cathedral and leveled homes, in which, the North Vietnamese said, 49 people died back in 1966, and to meet some of the surviving victims of the bombing.

Nguyen Van Long, a gaunt, old Catholic man, a teacher of typewriting, told us, "We Catholics hate those who came and hit our cathedral. It could not be a mistake. The cathedral was hit three times. We could not find any reason for their attacks, no military targets. This is the middle of the city, surrounded by houses. Every time we look at the cathedral, we feel hate for those who come and destroy and kill the priest, the father of our soul."

One afternoon in Hanoi, we were taken, without any request on our part, to talk with members of the Commission to Investigate War Crimes in Vietnam. Ambassador Ha Van Lau, a member of the commission, treated us to three hours of statistics and accusations. He recited a catalogue of villages bombed (3,200), towns damaged (26), hospitals hit (100), schools destroyed (1,589), churches attacked (475) and priests and nuns killed (59).

At the end of the statistics, we were introduced to three civilians who had been badly wounded by American bombings. Two of them had supposedly been hit since the bombing officially ceased. We had to be touched by the human tragedies of this war, and I was reminded of the night in 1967 that I spent in a hospital near Danang and watched U.S. Navy doctors try to save the life of a small Vietnamese boy who had been severely wounded by a Vietcong booby trap.

On Sunday morning, we were driven to the outskirts of Hanoi where a giant exhibition has been set up in the buildings of a former French military air base. Featured there were huge dioramas demonstrating the heroic defense of the Vietnamese people against the "air pirates." Tens of thousands came that day to hear an army commentator tell of American efforts to destroy the Ham Rong bridge, south of Hanoi, during which, he claimed, 99 U.S. planes were shot down, in the exhibit, miniature planes on wires would approach the target and burst into flames and crash and toy pilots would parachute to the ground where tiny guerrilla fighters surrounded them. It is probably the best show in town. The Vietnamese seemed to think so.

Even since President Johnson stopped the bombing in 1968, there has been a continuing air war in North Vietnam, with major air raids last spring and this fall. And apparently Americans are still being shot down and imprisoned. According to American authorities, the bombing now is mainly in reaction to attacks on unarmed American reconnaissance planes. To suppress such attacks, recon planes are now escorted, and the escorts are instructed to counterattack if they or their charges are fired upon. But for the most part the skies have been quiet over North Vietnam these days.

Luu Quy Ky said, "We do not consider North Vietnam is living in peace. We must be vigilant against new adventures by Mr. Nixon. These adventures might be a resumption of the bombing or even invasion. We are prepared."

In Hanoi, we must have asked 20 times to see the American prisoners of war being held in North Vietnam. We asked for lists of the names of the pilots and air crewmen. We urged that a substantial number of them be released for Thanksgiving and Christmas. We got absolutely nowhere.

Even before last month's unsuccessful POW-rescue raid, the position in Hanoi on the prisoners was rock-hard. As of this writing, it has been a year and a half since any have been released. The North Vietnamese leaders are well-informed about the attention focused on the prisoners in the States. One even charged that 347 letters brought back from the prisoners by a peace-movement leader had been "confiscated" at John F. Kennedy Airport in September. (On my return, I checked and was told that some foolish Customs official had indeed seized the letters, but had released them the next day for distribution to the families.)

The North Vietnamese are convinced that the Nixon Administration is manipulating the prisoner issue to harden public opinion on the war. We denied the accusation of manipulation; we said the concern for the pilots is real, but we agreed that the prisoner issue was having its effect on public opinion, even among Americans vigorously opposed to the war. We urged them to counter this effect by releasing more of the men. They listened but they have not acted—so far.

They repeatedly went to pains to assure us that the prisoners are being "humanely" cared for. They said the American prisoners' standard of living is above that of the average North Vietnamese and the same as that of Vietnamese officials. (Which says something about the equality of all men in this Communist society.)

Politburo member Le Duc Tho said, "I can assure you that there is no problem with their living conditions. Our country has been devastated by the war, and the standard of living of our people is low, and it is a very big effort and out of a feeling of humanity that we give them such care. They can read papers and go to church. All their living conditions have been assured. All of them have been permitted to write their families. They have received the parcels from their families and for Christmas will have a turkey dinner as is the custom in the United States."

(Americans concerned with the prisoners say they know men are being held who have not communicated with their families. And some, they say, have written home without indicating that they have received either mail or packages that were sent to them.)

Ngo Dien, the chief of the press office of the Foreign Ministry, said, "The families who do not hear from their missing pilots must ask Mr. Nixon and the Pentagon."

And Mr. Ky, the head of the Journalists' Association, said to us on our last day in Hanoi: "Mary McCarthy told me the pilots only pushed the button to release the bombs, but for us it is not so abstract. The Vietnamese women who lost their husbands and children should be allowed to go to the United States and ask for their husbands and children back. We only ask the American women to be calm about their husbands. The best way is to urge for an immediate end to the war in Vietnam. There are no reasons why people keep on dying. Those who did such crimes of destruction are being well-treated."

Clearly, the prisoners are hostages to be used by the North Vietnamese when it suits their purposes. The fact that we were not allowed to visit and talk with any of them certainly damaged the Vietnamese' claims that they are being adequately cared for. They must have something to hide.

We also asked repeatedly about the fear of a "bloodbath" if the Communists should win in South Vietnam. Said Mr. Ky, "Once the war is over, we will behave to the Americans and those who helped the Americans with all humanity. We only want the war to be over so we can rebuild our land. We, too, have our dream."

Le Duc Tho was tougher: "We think these fears are unfounded, and the National Front for Liberation has made a specific statement that after the war there would be no reprisals. We act in conformity with our word. There is no ground for fears of a bloodbath on our part. There must be fear of a bloodbath on the part of the Americans and their lackeys. Even now, Thieu has given orders to do away with all Vietcong and Vietcong sympathizers. Even now, such reports are carried by Saigon newspapers. This is a preparation for bloodbaths after the restoration of peace."

The North Vietnamese illustrate their assurances with the story of Phan Ke Toai, who is now vice premier of North Vietnam and was the puppet viceroy of the French and Japanese in Hanoi when the viceroy's palace was attacked in 1945, igniting the revolution. The Communists forgave him. (And presumably he was pretty flexible himself.)

But these are not the central issues between Washington and Hanoi. The crucial issues boil down to two questions: How will the fighting end, and how will a more truly representative government be established in South Vietnam?

On the military question, I said to the North Vietnamese leaders we met: You know we Americans want to get out of Vietnam, even Mr. Nixon wants to get out, and you certainly want to get us out. We seem to agree on the objective. Isn't the problem just to find the way to do it? Isn't there common ground here for talking and negotiating?

It all seemed—to me at least—so reasonable and so possible.

The answer was always a diatribe: We the aggressors have to get out unconditionally. There is no common ground, nothing to talk about. They do not believe President Nixon wants to withdraw American forces totally from South Vietnam. He wants, they said over and over again, to continue the war, to turn over the fighting to the South Vietnamese, to "Vietnamize" the war, to prolong it by "changing the color of the dead."

There was an element of truth in what they said. American policy is not simply to walk to the transports and sail away. The promise of Mrs. Nguyen Thi Binh, foreign minister of the PRG, that the Vietcong will not shoot at us when we leave is regarded as an insult, not an invitation. American policy is to get out if the North Vietnamese will also remove their forces from South Vietnam. Mutual withdrawal—in a year perhaps. Or if the enemy will not make some agreement, we will push ahead with the Vietnamization program and get out unilaterally when we feel the South Vietnamese Army can carry the burden of the war alone.

Both options infuriate the leaders in Hanoi.

Le Duc Tho said, "We have proposed the time limit for June 31, 1971, but Mr. Nixon has proposed no time limit. First, Mr. Nixon has to set a time limit and then the two sides can discuss. If he sets a time limit before our time limit, he will be welcome, but we have no illusion. We have no illusion about Mr. Nixon." Tho made it clear that he is talking only about a timetable for unilateral U.S. withdrawal. He said, "It is not possible to broach a mutual withdrawal. It is immoral."

American policy seems to be based on the hope that the South Vietnamese Army, the ARVN, will be capable of taking care of all the combat by perhaps the end of 1971. This deadline would pacify U.S. anti-war opinion and turn down the political heat well before the 1972 presidential elections.

If this prospect frightens the North Vietnamese, you might expect them, despite their moralizing, to negotiate a mutual withdrawal, under some guise. If they are not frightened by Vietnamization, you might expect them to refuse to negotiate in the hope of crushing the ARVN after we have gone. Although they can certainly switch tactics overnight, they now still insist on our total and unconditional unilateral withdrawal.

Le Duc Tho told us, "It is true. We call for our victory. We will never be defeated. We have never been defeated. We must win victory. Otherwise, this means enslavement and death for our people. . . . I can only say that we are prepared to fight on as long as Mr. Nixon really wants to prolong it. If Mr. Nixon really wants to end the war, we are prepared to end it today or tomorrow. . . . This war is a tragic mistake for the United States. I think the American people want to pull out of the war—in honor. We also want to end this war and allow the United States to pull out in honor. But how to pull out? That is the problem. There are many ways to pull out. The ruling circles want to pull out in a certain way. The people in a different way. I think the American people want a time limit to be set for total withdrawal. This is an honorable way to pull out."

If the North Vietnamese and the Provisional Revolutionary Government of South Vietnam will not negotiate a military settlement, we must bank totally on Vietnamization. But what happens if the ARVN is still not ready to meet the challenge? Do we come back in force? Do we again bomb the North? (In Hanoi, that was regarded as a distinct possibility.) Or do we just get out and save our faces as best we can?

When I visited South Vietnam last year, I concluded that it is not a reasonable expectation for the ARVN to be able to defend itself in anything like a reasonable time. I don't know how long the American people will be willing to lose drafted young men in such an enterprise, even if the death toll is down from 100 GI's a week to 30 or 40.

The other central issue is political: the nature of the future government in Saigon. In Hanoi, I would say, with naivete, to North Vietnamese officials: Your government and the PRG say they want free, general elections that will establish a truly representative government in South Vietnam. The United States agrees to the principle of free, general elections and says it will recognize any government that results from them. Can't everyone sit down, find some common ground and work out the method by which such elections can be conducted?

Over and over again, the men we talked with in Hanoi were adamant. First, they said, we must get rid of President Thieu, Vice President Ky and Premier Khiem. The North Vietnamese insist they will not do business with the top leadership in Saigon. Why not? Not because they fought for the French. The leaders must go, we were told until the phrase rang in our ears, because they are not for "freedom, independence and neutrality." They are American puppets.

If you are so sure that the South Vietnamese people support the PRG and dislike the Saigon leaders, I asked, why do you want the Americans to get rid of them? If you really believe in self-determination, why not let the Vietnamese people themselves decide whom they want to have govern in Saigon and whether they want to get rid of Thieu, Ky and Khiem?

Mostly, the answer came back in invective. You Americans created the Thieu-Ky-Khiem government; *you* get rid of it. We can't expect to hold free, honest elections, we were constantly told, under the guns of Thieu's police and American soldiers. (The American position, of course, has been that the Communists can only get rid of Thieu-Ky-Khiem if the U.S. does the job for them, and if this government falls, there would be chaos in Saigon.)

Before an election, the North Vietnamese and the PRG demand a provisional coalition government be created, giving the PRG, the Saigon government and "other elements" each one-third of the executive branch. This government would both organize the elections and run the country until then.

At the end of World War II, Ho Chi Minh also based his first provisional government on a broad coalition. Only later, after the declaration of independence, was a narrower and more effectively Marxist government established. The American proposal for a representative election commission, including the PRG, is, so far, regarded as not good enough. Said Politburo-member Le Duc Tho, "If Mr. Nixon sustains Thieu-Ky-Kheim in power, no peaceful solution is possible."

Both sides fear they cannot get a fair shake. There is no trust. If the Communist camel gets his nose in the preelection tent of government, we fear he will run wild. If we Americans and Theiu-Ky-Khiem police the voting, the other side believes it will be swindled.

Still, there would seem to be "common ground" somewhere, if there were a will to search it out. In Hanoi, we found no such will.

Where does all this leave us now?

We Americans clearly want out, but in a way that will leave the South Vietnamese able to take care of themselves. We haven't changed that goal since the days when Dean Rusk used to say: All we want is for the North Vietnamese to leave the South alone. We are now willing to see the PRG earn a place in the Saigon government, but we still insist that this place be won democratically, not in battle or as a gift.

We came away from Hanoi believing that the North Vietnamese are holding fast to their original objectives: to force out the American invaders and to gain a dominant role for their allies in the government in the South.

Their vision is of a Socialist South Vietnam that can, in time, be reunited with the Marxist regime in Hanoi. And then, together, they expect to lead a militant effort to "liberate" the other nations of Southeast Asia from American domination and from capitalism.

Foreign Minister Trinh told us: "One thing is certain. The entire Vietnamese people who cherish their independence and freedom will try their best to solidify their relations with the U.S.S.R. and the Peoples Republic of China and support the national liberation movement and cause of peace throughout the world. . . . The Vietnamese people will do their best to unite with their neighbors and support them in their fight against the intervention of imperialist countries."

The Communists have found themselves unable to win their victory on the battlefield as long as American forces are present. The unanswered question is whether they will be satisfied to pursue their victory after we have left or whether they will persist in demanding that it be guaranteed before we get out.

They seem convinced in Hanoi that if they wait *long enough, and continue to fight us,* this victory will be theirs. Unless we decide that to prevent such a victory is worth the additional American deaths and casualties it will cost to Vietnamize the war effectively—if this can ever be done—it seems likely that the vision in Hanoi will become reality.

One has to be a determined optimist to believe we can bolster the Saigon government and army so they can stand on their own after we've gone. If we cannot, then watch the wars of national liberation spread. Laos and Cambodia cannot be viable non-Communist states if all Vietnam is Marxist. And Thailand will be severely threatened. Much of Southeast Asia can then go Communist. This does not necessarily mean that these small nations will be willing pawns of Communist China; these people are apparently real nationalists. But they will find it torturous to stand up to pressure from the big power to the north.

If the North Vietnamese continue to refuse to search out a negotiated solution, and if my appraisal of the dim prospects for representative government and an effective army in South Vietnam are anywhere near accurate, I have to be very pessimistic about our hopes for a free and peaceful Southeast Asia, despite the tragic—pointless—cost in lives. Then I must repeat what I concluded after my last visit to Saigon: We ought to get out sooner not later, in fact, get out now. I found nothing to change that view in Hanoi.

DR. MOYNIHAN'S FAREWELL ADDRESS

Mr. GURNEY. Mr. President, I ask unanimous consent to include in today's RECORD an extraordinary document printed in today's Washington Post.

It consists of portions of an address given at the White House last week to an audience of Cabinet members and Presidential advisers and assistants by Dr. Daniel Patrick Moynihan. The occasion was Dr. Moynihan's departure from the White House on his way back to academia.

As is the usual case with Dr. Moynihan's utterances, this piece shows the mark of a gifted writer, a man who likes words and turns a neat phrase. But more than that, more than the style, the content is arresting. In an age of gloom, it is optimistic. At a time when it is commonplace for departing officials to sound bitter and resentful, Dr. Moynihan is neither. Instead, he is full of praise for his Chief and his accomplishments. The piece is also full of commonsense and uncommon wisdom. It is clearly the work of a good man who has served the country well.

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

"AMERICA IS THE HOPE OF THE WORLD": MOYNIHAN SUMS UP 2 YEARS WITH ADMINISTRATION

. . . as the President has said, we are now in the middle of the journey. Where it will end we do not know. It is no longer even clear where it began, our senses having long since been dulled by the relentless excess of stimulus which is the lot of any who involve themselves in American government.

It may be of some use, then, to try to reconstruct the circumstances in which the President was elected, and formed his Administration, just two years ago.

It seemed the worst of times. It was the habit then to speak of the nation as divided, and to assert that the situation was grave beyond anything since the Civil War itself. This was misleading. The country was not so much divided as fragmented; it was coming apart. The war in Asia, undeclared and unwanted, misunderstood or not understood at all, pursued by decent men for decent purposes but by means and with consequences, that could only in the end be heartbreaking, had brought on an agony of the spirit that had had no counterpart in our national experience.

The agony was elemental, irresolvable, and nigh to universal. No matter what one's view of the nation might be, events in Vietnam contradicted that view. Not long before the war in Asia began a French Dominican priest wrote that "Either America is the hope of the world, or it is nothing." An astonishingly large cohort of Americans concluded, in the course of the 1960's that it was nothing.

The agony of war was compounded by and interacted with the great travail of race which, once again, not so much divided as fractured the society. Racial bondage and oppression had been the one huge wrong of American history, and when at last the nation moved to right that wrong the damage that had been done proved greater than anyone had grasped.

An ominous new racial division made its appearance, and with it also a new sectional division, unattended and underappreciated, but not less threatening.

The economic vitality of the nation was imperiled. The war disrupted the economy and then dictated that the onset of peace would do so as well.

In such circumstances, confidence in American government eroded. Government was not to be believed, nor was much to be expected of it. Save fear. Government had begun to do utterly unacceptable things, such as sending spies to the party conventions in 1968.

It all comes together in the story of the man who says, "They told me if I voted for Goldwater there would be half a million troops in Vietnam within the year. I voted for him, and by God they were right."

How then could it have been otherwise than that the election of 1968 would begin in violence and end in ambiguity. It was clear enough who had won, albeit barely, but not at all certain what had won.

Then came the President's inaugural address with its great theme of reconciliation, and restraint, and—in the face of so much about which we comprehend so little—reserve. "Few ideas are correct ones," wrote Disraeli, "and what are correct no one can ascertain; but with words we govern men."

Those words of January 20, 1969, were and remain the most commanding call to governance that the nation has heard in the long travail that is not yet ended.

How, by that standard, would one measure the two years now past. Not I think, unkindly. To the contrary, the achievement has been considerable, even remarkable.

In foreign affairs the nation has asserted the limits of its power and its purpose. We have begun to dismantle the elaborate construct of myth and reality associated with the Cold War. The war in Asia has receded, the prospect of arms limitation has gradually impressed itself on our consciousness, the possibility of containing the endless ethnic, racial, and religious conflicts that may now become more believable as here and there things have got better, not worse. The prospect of a generation of peace has convincingly emerged.

In domestic matters events have been similarly reassuring. Far from seeking a restoration of outmoded principles and practices with respect to issues of social justice and social order, the President, on taking office, moved swiftly to endorse the profoundly important but fundamentally unfulfilled commitments, especially to the poor and oppressed, which the nation had made in the 1960's.

He then moved on to new commitments to groups and to purposes that had been too much ignored during that period, and beyond that to offer a critique of government the like of which has not been heard in Washington since Woodrow Wilson.

In one message after another to the Congress, the fundaments of governmental reform were set forth. More was required of government, the President said, than simply to make promises. It had to fulfill them. It was on this bedrock of reality that trust in government must rest. The restoration of trust would depend on this.

Since that time, mass urban violence has all but disappeared. Civil disobedience and protest have receded. Racial rhetoric has calmed. The great symbol of racial subjugation, the dual school system of the South, virtually intact two years ago, has quietly and finally been dismantled.

All in all, a record of some good fortune and much genuine achievement.

And yet how little the administration seems to be credited with what it has achieved. To the contrary, it is as if the disquiet and distrust in the nation as a whole has been eased by being focused on the government in Washington. One thinks of President Kennedy's summation: life is not fair. But there is something more at work than the mere perversity of things.

In a curious, persistent way our problem as a nation arises from a surplus of moral energy. Few people have displayed so intense a determination to define the most mundane affairs in terms of the most exalted principles, to see in any difficulty an ethical failing, to deem any success a form of temptation, and as if to ensure the perpetuation of the impulse, to take a painful pleasure in it all.

Our great weakness is the habit of reducing the most complex issues to the most simplistic moralisms. About Communism. About Capitalism. About Crime. About Corruption. About Likker. About Pot. About Race Horses. About the SST. Name it.

This is hardly a new condition. Tocqueville noted it a century and a half ago. "No men are fonder of their own condition. Life would have no relish for them if they were delivered from the anxieties which harass them, and they show more attachment to their cares than aristocratic nations to their pleasures."

But in the interval this old disposition has had new consequences. What was once primarily a disdain for government has developed into a genuine distrust. It has made it difficult for Americans to think honestly and to some purpose about themselves and their problems. Moralism drives out thought.

The result has been a set of myths and counter myths about ourselves and the world that create expectations which cannot be satisfied, and which lead to a rhetoric of crisis and conflict that constantly, in effect, declares the government in power disqualified for the serious tasks at hand.

The style which the British call "muddling through" is not for us. It concedes too much to the probity of those who are trying to cope, and the probable intransigency of the problems they are trying to cope with. In any event, in so intensifing private a society it is hard to get attention to one's own concern save through a rhetoric of crisis.

As a result, we have acquired bad habits of speech and worse patterns of behavior, lurching from crisis to crisis with the attention span of a five-year old. We have never learned to be sufficiently thoughtful about the tasks of running a complex society.

The political process reinforces, and to a degree rewards, the moralistic style. Elections are rarely our finest hours. This is when we tend to be most hysterical, most abusive, least thoughtful about problems, and least respectful of complexity.

Of late these qualities have begun to tell on the institution of the Presidency itself. A very little time is allowed the President during which he can speak for all the nation, and address himself to realities in terms of the possible. Too soon the struggle recommences.

This has now happened for us. We might have had a bit more time, but no matter. The issue is how henceforth to conduct ourselves.

As I am now leaving, it may seem to come with little grace to prescribe for those who must stand and fight. I would plead only that I have been sparing of such counsel in the past. Therefore, three exhortations, and the rest will be silence.

The first is to be of good cheer and good conscience. Depressing, even frightening things are being said about the administration. They are not true. This has been a company of honorable and able men, led by a President of singular courage and compassion in the face of a sometimes awful knowledge of the problems and the probabilities that confront him.

The second thing is to resist the temptation to respond in kind to the untruths and half truths that begin to fill the air. A century ago the Swiss historian Jacob Burckhardt foresaw that ours would be the age of "the great simplifiers," and that the essence of tyranny was the denial of complexity. He was right. This is the single great temptation of the time. It is the great corruptor, and must be resisted with purpose and with energy.

What we need are great complexifiers, men who will not only seek to understand what it is they are about, but who will also dare to share that understanding with those for whom they act.

And, lastly, I would propose that if either of the foregoing is to be possible, it is necessary for members of the Administration, the men in this room, to be far more attentive to what it is the President has said, and proposed. Time and again, the President has said things of startling insight, taken positions of great political courage and intellectual daring, only to be greeted with silence or incomprehension.

The prime consequence of all this is that the people in the nation who take these matters seriously have never been required to take us seriously. It was hardly in their interest to do so. Time and again the President would put forth an oftentimes devastating critique precisely of their performance. But his initial thrusts were rarely followed up with a sustained, reasoned, reliable second and third order of advocacy.

Deliberately or not, the impression was allowed to arise with respect to the widest range of Presidential initiatives that the President wasn't really behind them. It was a devastating critique.

The thrust of the President's program was turned against—him! For how else to interpret an attempt to deal with such serious matters in so innovative a way, if in fact the effort was not serious.

It comes to this. The Presidency requires much of those who will serve it, and first of all it requires comprehension. A large vision of America has been put forth. It can only be furthered by men who share it.

It is not enough to know one subject, one department. The President's men must know them all, must understand how one thing relates to another, must find in the words the spirit that animates them, must divine in the blade of grass the whole of life that is indeed contained there, for so much is at issue.

I am of those who believe that America is the hope of the world, and that for that time

given him the President is the hope of America. Serve him well. Pray for his success. Understand how much depends on you. Try to understand what he had given of himself.

This is something those of us who have worked in this building with him know in a way that perhaps only that experience can teach. To have seen him late into the night and through the night and into the morning, struggling with the most awful complexities, the most demanding and irresolvable conflicts, doing so because he cared, trying to comprehend what is right, and trying to make other men see it, above all, caring, working, hoping for this country that he has made greater already and which he will make greater still . . .

SOVIET SUPERSONIC AIRCRAFT

Mr. JACKSON. Mr. President, if there has been any doubt concerning the seriousness of the Soviet Union to acquire a large share of the American dominated commercial aircraft business, the latest edition of Aviation Week puts it to rest.

In the December 28, 1970, edition, Aviaexport, the Russian aviation export sales organization headquartered in Moscow, has purchased a two-page advertisement displaying a whole family of aircraft products led by the supersonic TU–144 airliner.

Earlier this month, Mr. President, the British-French advertised their SST, the Concorde, in the same publication.

For some time, I have been explaining in the Senate that the debate cannot dwell on whether or not there will be an SST. There is an SST. There are three versions of them already flying, the British, the French, and the Russian version. The Senate debate has only related to whether or not the United States should share in this market.

The Aviaexport ad clearly offers the TU–144 for sale in the international market along with a wide variety of other Soviet designed and manufactured aircraft, engines, and radar.

Some of the language of this advertisement is revealing. It states:

Aviaexport with its wide range of aerospace products can meet buyer's needs in any part of the world.

Aviaexport sells quality and economy in its products and services.

Aviaexport is the national organization for export of the entire range of Soviet-made commercial airplanes, helicopters, engines, avionics instruments, airport and ground handling equipment.

Aviaexport is also responsible for the supply of spare parts, maintenance, overhaul and repair service as well as for the training of specialized personnel.

It is apparent, Mr. President, that the Russian supersonic is the crown jewel in the array of products it is offering world aircraft purchasers. The TU–144 is most prominently pictured in a page displaying products of Soviet aircraft industry.

Also shown are the tri-jet TU–154 airbus, the short-to-medium-range AN–26 Airfreighter, the all-field YAK–40 jet Aircraft and the Amphibian Air-Sled. Passenger helicopters are also pictured along with the Soviet NK–8 turbofan jet engine and sophisticated radar equipment.

Besides the SST, the aircraft compete directly with such U.S. commercial versions as the Douglas DC–9, Boeing 727, Fairchild F–27, Learjet, Grumman Jetstream, and Northrup Sabreliner as well as helicopters by Sikorsky, Vertol, and Bell. The Soviet NK–8 turbofan jet engine is in competition with domestic versions offered by General Electric and Pratt & Whitney.

The Soviet ad points out that this family of products will be on display for potential purchasers at the 29th Paris Air Show at Le Bourget next May 27 through June 6.

Mr. President, I do not believe that the American aerospace industry wants to run from foreign competition. I believe the industry would be willing to meet head on a rising interest of foreign manufacturers in this multibillion-dollar market.

There is no protectionist effort being made here.

Instead, I believe that America needs to continue to produce for the world market a full range of products—long since determined to be the finest in quality.

American airlines have been holding off on their purchases of foreign supersonic transports, but they will begin negotiations with the British-French or Russians if the bigger, superior U.S. version does not go forward. Both Aviaexport and the Concorde representatives will be taking orders when aviation leaders meet in Paris this spring.

Air space rights, including flight over the Soviet Union's vast territory, is expected to be a bonus incentive offered Tu–144 purchasers.

Mr. President, the Soviet Union is looking at the U.S. market hopefully as it presents its SST and other products in a leading American aircraft journal. It is seeking the market that has supported hundreds of thousands of American jobs in most of our States. The intensity of their interest is indicated in the Aviation Week advertisement.

They are banking on congressional rejection of their American competitor and the consequent export of these many jobs to Europe and the Soviet Union.

INDIVIDUAL VIEWS OF SENATOR JAVITS IN FAVOR OF RATIFICATON OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, recently the Senate Foreign Relations Committee reported the Genocide Convention to the floor of the Senate by an overwhelming 10 to 2 vote. Included in the report on this convention issued by Senator CHURCH for the Committee on Foreign Relations is an excellent statement favoring ratification of the Genocide Convention by Senator JAVITS.

Mr. President, I believe the statement of the distinguished senior Senator from New York, is worthy of consideration by the entire Senate. I therefore ask unanimous consent that the "Individual Views of Senator Javits on Ratification of the Genocide Convention" be printed in the RECORD.

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

INDIVIDUAL VIEWS OF SENATOR JAVITS ON RATIFICATION OF THE GENOCIDE CONVENTION

I join with my colleagues on the Special Subcommittee of the Senate Foreign Relations Committee in urging ratification by the Senate of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. After 20 years of regrettable delay, the opportunity is now at hand to take this historic step.

This report contains an accurate and impressive summary of the arguments which have been made for and against ratification during these 20 years. I associate myself fully with the case for ratification presented in this report. Because of its preoccupation with answering the arguments that have been offered in the past to such ratification, however, the report takes on a defensive character. In these individual views, I wish to stress the positive case for ratification.

Final Senate approval will constitute much more than a "modest" step. In the crucial arena of world public opinion, such action should at long last fully refute the charge that the United States had defaulted on its commitments for in 1948 we were the prime mover within the United Nations for such a convention.

As President Nixon reminded the Senate when he urged ratification on February 9, 1970:

"Some of our detractors have sought to exploit our failure to ratify this convention to question our sincerity. I believe we should delay no longer in taking the final convincing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever."

Those who would minimize the importance of the convention because it does not offer immediate and total assurance that the crime of genocide will never again be perpetrated overlook the nature of the process by which basic international law is developed, or how higher standards of international morality are nurtured. While it is a painstakingly slow and difficult process, the fundamental base for the process is world opinion.

As our Ambassador to the United Nations, the Honorable Charles Yost, told the committee, this convention has attained "a position of unique symbolic importance as an act of worldwide condemnation of what is perhaps the most dreadful crime men can commit." It stands, he told us, for the fundamental principle that "whatever evils befall any group or nation or people are a matter of concern not just for that group but for the entire human family." Like other Ambassadors to the U.N. before him, he reported that "no question that has ever been asked me about the policy of my country has been more difficult to answer than questions about American inaction on this convention."

Standing by itself, none of the great documents of human civilization can be credited with "instant morality"—not even Magna Carta or England's Bill of Rights or France's Declaration of the Rights of Man or the Bill of Rights (the first 10 amendments) of our Constitution. But each of these has added mightily to man's commitment to individual rights and human dignity.

The Genocide Convention is in that great tradition. As the Section of Individual Rights and Responsibilities of the American Bar Association reported earlier this year, the convention "is an international commitment to decency and morality consistent with the American tradition." The immediate and overriding incentive for action by the United Nations in 1948 was the painful and gruesome memory of Hitler's extermination of six million Jews. This makes all the more appropriate the conclusion of the American Bar Association's section:

"The United States, which was founded on the basis of protests against governmental

excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed peoples everywhere, should be in the lead in joining in the declaration of the revulsion at the organized effort to eliminate a whole people during World War II and of determination that such an effort shall not be undertaken ever again."

Twenty years ago, President Harry Truman requested Senate ratification. President Richard M. Nixon now requests that it no longer be delayed. A bipartisan group of Senators in this subcommittee now recommends ratification by the Senate. A significant and beneficent step in mankind's long tortured and bloody history is about to be taken.

THAT MILITARY-INDUSTRIAL COMPLEX

Mr. YOUNG of Ohio. Mr. President, America has become a militaristic nation involved in a vast, expensive, and burgeoning military-industrial-political combine or complex which dominates the country and affects the daily lives of millions of Americans, our economy, our international status, and our foreign policy. Through most of our history, the United States has traditionally rejected militarism except under the pressures of a nationally declared general war. Now, however, there is impressive evidence that our Nation is moving inexorably toward a society increasingly influenced by the Military-Industrial Establishment. Moreover, this is occurring not as a result of any deliberate choice by the American people, but as a result of an accumulation of military decisions, commitments, and actions beyond the control of present democratic processes.

Officials of the Department of Defense have indicated that even if the Vietnam war effort were eliminated, the momentum of various weapons systems already approved or in advance planning, plus existing commitments and other rising costs, would largely consume not only savings from the decline of hostilities in Vietnam, but most of the increases in the gross national product during the coming years, leaving little to provide for the huge and incessant demands of the other pressing domestic problems and urgent needs of millions of men, women and children which should have priority.

It is noteworthy that although President Nixon and other top officials in the Pentagon are prone to point out that approximately 175,000 or more troops have been withdrawn from Vietnam, not one headquarters unit has been pulled out. I believe there are approximately six divisions of our troops in Vietnam so the general commanding a corps headquarters in that area must be commanding but one division or perhaps no division whatever. This is the same type of organization set up that we unfortunately continued to tolerate in Europe.

Recently when I was in Berlin I learned that although tensions have greatly lessened and there is an absence of any threat of aggression against Berlin, and those Senators who had previously in years past been in Berlin, as I had been, noted the change for the better from 1963 to the present time. Yet, in Berlin we have more men in our Armed Forces than before. The total is 7,500 officers and men. This included many, many generals. Of this 7,500 approximately only 2,000 could be termed combat troops to whom would be assigned the mission of firing at the enemy in event of attack.

It is noteworthy, also, that the armed forces of the United Kingdom and of France, in Berlin as long as our forces have been, are greatly reduced, the total being approximately 2,000 for the forces of the United Kingdom and 1,500 for France.

THE STRATEGIC ARMS LIMITATION TALKS

Mr. GURNEY. Mr. President, I ask unanimous consent to include in today's RECORD, an article which appears in the December 29, 1970, issue of National Review. The author is the distinguished American patriot and statesman, Adm. Lewis L. Strauss. Admiral Strauss offers some very probing comments on the Helsinki SALT talks and recommends in our negotiations with the Soviet Union on the whole disarmament question that we insist on the principle of verification.

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

THOUGHTS ON HELSINKI

(By Lewis L. Strauss)

For the past 22 years—ever since we discovered that the Russians had developed the atomic bomb—we have lived in its shadow. Like inhabitants of cities on the flank of a dormant volcano, we have grown so accustomed to muted rumblings that they seldom alarm us. Yet, though our fears may be dormant, the threat most certainly is not. Over the years, science has steadily enlarged it.

Our other important concerns—over-population, pollution of the environment, increasing drug abuse etc.—are more claimant because more visible, but the menace of nuclear war is so great that negotiation for arms limitation and control is the most crucial enterprise in which our government is engaged.

Under five Presidents and both political parties, our negotiators have been conscientious men. The voluminous record evidences their dedication in the face of heartbreaking frustrations. For, in agreements between nations as between individuals, there must be either dependable guarantees or confidence based on mutual trust. Our delegations have had to negotiate without the benefit of either. Confidence is ordinarily established upon long-time observance of good faith as a consistent policy, and guarantees in the form of inspection or other dependable verification have been adamantly opposed by the Soviet negotiators.

General limitation of armaments has been a goal of statesmen time out of mind and there have been many attempts at it in the past half century, but armaments continued to increase, openly or clandestinely, and new wars canceled out all proposals, agreements and understandings. There is an important difference, however, between past negotiations and those now going forward. In the pre-nuclear era, the incentive of disarmament was for the sweet sake of peace. Since Hiroshima, the incentive has become more personal—disarmament for the sake of survival. Also, it is safe to assume that today those on both sides of the negotiating table are familiar with the consequences of continuing failure.

The nature of atomic warfare also imposes a new sense of urgency for the negotiators. In this era of nuclear weapons plus rocketry, surprise attack is possible in a manner that would make Pearl Harbor look like an event in slow motion. Furthermore, the increasing dependence upon automated response introduces danger of war by accident.

In a report to the Congress on foreign policy, the President named certain "clear principles" which the Administration thenceforth would observe in negotiations with the Communist states. These, he pointed out, were the result of lessons learned in postwar negotiations with them. Not included at that point was a principle which had been basic to our position until we agreed to the misnamed Nuclear Test Ban Treaty in 1963. That principle was emphasized by President Eisenhower when he said:

"The United States has made proposal after proposal, each in good faith, in an effort to reduce tensions of the world and to lessen the economic burden of armaments. Moreover, we are prepared always to consider any reasonable proposal made by others. But on one point we must never waver—*and that is our insistence that agreements toward disarmament be accompanied by sound methods of inspection and control.* The absolute necessity of this caution is readily understood when one recalls that the government with which we must deal in these matters has, since 1945, broken an uncounted number of solemn agreements made with us and other nations. . . ."*

Adlai Stevenson, representing the Kennedy Administration, told the General Assembly of the United Nations that "where national security is concerned, an open society cannot undertake with a closed society an arrangement which cannot be verified." Yet the Test Ban Treaty, which President Kennedy recommended and our Senate ratified the following year, lacked that safeguard. The history of that negotiation includes a "lesson" for, in its course, the principle of verification finally disappeared under repeated concessions by us. We began by insisting upon unlimited mutual inspection and then yielded step by step to the point where the principle of verification was abandoned.

Only two years earlier and after lengthy, secret preparations, the Soviets had violated a moratorium on testing which, on our part, had been scrupulously observed. In a gigantic test operation, the Soviets undoubtedly gained a decided advantage in the knowledge of extremely large explosions and of significant related effects.

Many will remember the jubilation with which ratification of the Test Ban Treaty was hailed. President Kennedy expressed his pleasure and confidence that the Treaty would "slow down the nuclear arms race." There is no perceptible evidence that this has happened. On the contrary, since the ratification of the Treaty in September of 1963, there have been a great many subterranean nuclear tests by the Soviets and ourselves, and new systems have evolved for the delivery of nuclear weapons on distant targets. The euphoria was hollow and deceptive.

The Strategic Arms Limitation Talks with the Soviet Union are now reconvened in Helsinki. A reasonableness which we may prayerfully hope was more than a change of tone is reported to have been evidenced in the prior rounds of talks. If so, the principle

*The number of violated agreements between the Soviet government and the United States has been tabulated by the Department of State. They include the Lend-Lease Agreement; the Understandings reached at Yalta, Teheran and Potsdam; the Charter of the United Nations; the Convention relative to the treatment of prisoners of war; the Constitution of the United Nations' Educational, Scientific and Cultural Organization; the Quadripartite (Berlin Blockade) Agreement; and many others.

of verification, which we imprudently abandoned in 1963, ought to be revived and insisted upon. President Nixon once stated that we would not delude ourselves "that a change of tone represents a change of policy" and that "an agreement to limit strategic arms can be lasting only if it enhances a sense of security of both sides."

This is an important rule for if, as it is sometimes stated, the Russians are as distrustful of us as we are of them, then mutual verification would do more to allay mutual suspicion than any other provision of an arms limitation and control agreement, however solemnly it may be covenanted.

JEWS IN THE SOVIET UNION

Mr. MONDALE. Mr. President, the recent trials of Jews in the Soviet Union are singularly cruel travesties—even for a country where cruelty and travesty of justice have so long been commonplace.

Like all senseless tragedies, these trials are damned most by the ironies they hold.

That the Russians who fought Nazism and who were themselves branded for ethnic extinction should practice a persecution equally insane.

That a nation which prides itself on progress should sink back to the lowest depths of tsarist racism.

That a regime which expects trust and respect from the world community should continue to encase its own citizens in barbaric isolation.

Once more it is the Jewish people who bear the crushing burden of this incredible backwardness—and of the relative indifference of a world benumbed by so many murders and so much guilt of the past. But let no one believe that this, or what has gone before, or what will surely come next, are somehow only "Jewish" tragedies.

The whole world is nearer disaster when the government of a great power is shown no less venal and unenlightened than its medieval predecessors. Every people in the world is threatened when yet another man dies for the accident of his birth.

I call upon our Government to make clear to the U.S.S.R. in every forum, from the United Nations to bilateral negotiations, that America deplores racism wherever it exists—whether in our own society, in Southern Africa, or the Soviet Union.

HOBART ROWEN COMMENTARY: THE TRILLION-DOLLAR CLOCK

Mr. McGOVERN. Mr. President, Hobart Rowen, the brilliant business and financial editor of the Washington Post, has written a most perceptive commentary on the folly of equating gross national product with national well-being. Mr. Rowen takes special exception to the recent administration publicity gimmick designed to spotlight the point at which the Nation's gross national product exceeded a trillion dollars.

I ask unanimous consent that the full text of Mr. Rowen's piece as printed in the Sunday Washington Post, December 27, 1970, be printed at this point in the RECORD:

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

TRILLION-DOLLAR CLOCK AN ILL-TIMED GIMMICK

(By Hobart Rowen)

There may have been more foolish public relations stunts than to set up a "Trillion-Dollar Clock" to measure the national output in the middle of a recession. But if so, no one around town can remember it.

To be sure, when New York business adviser Pierre Rinfret first suggested it to members of the White House staff, he could not have known that the economy would fall out of bed. Rinfret, in fact, scoffed at the possibility of recession this year.

But once the project got under way, there was no stopping what turned out to be a gauche effort to record advances in the Gross National Product. Although all of the economists in the Nixon administration knew that the "clock" would instead measure the extent of inflation, Secretary of Commerce Maurice Stans insisted on going ahead with it.

To top off the comedy of errors, the administration chose, in a priceless example of bad timing, to unveil the "clock" on December 15, which turned out to be the very date that the Federal Reserve Board would announce that industrial production had slipped again, to the lowest level in 16 months.

And just this week, the administration was forced to admit that the "real" GNP—stripping inflation out of the total—would show a decline for the first time in 12 years.

Thus, although the word is verboten in the Nixon administration, a recession in the economy is indeed taking place—and it's the longest (out of five) in the post-World War II period.

Says a Federal Reserve official: "Here they are, playing games while we have a recession. And what's more, recovery from it at this point is only a hope and not a reality."

As for the trillion dollars, Brookings Institution President Kermit Gordon (a former Budget Bureau director) observed tongue-in-cheek that "the hero of the day turns out to be a restaurateur in Klamath Falls, Ore., who, precisely at 9:00 a.m. local time, or noon Eastern time, raised the price of ham and eggs from $1.25 to $1.50."

He added: "I hope this never happens, but the time may come when the GNP clock may have to run backwards for a time. Is the mechanism reversible? With hundreds of tourists streaming through the (Commerce Department) lobby every day, will any administration be willing to show them a clock running backwards?

But the GNP clock exposes a national compulsion more serious than the mere tallying of our output in inflated dollars. It shows how entranced we are with the meaningless magnitudes of economic growth. It's growth for growth's sake, no matter what's involved.

For example, the Nixon-Stans magic trillion worth of stuff (at the annual rate thereof in inflated dollars, that is) includes billions of dollars of weapons and arms that we may some day shoot away. We may even destroy much of it ourselves, as the Army now plans to do with $726 million worth of germ warfare weapons. (The cost of the destruction job will be $12.2 million, which will give the GNP an additional fillip.)

Similar landmarks on the way to the inflated trillion include the over-runs on the Lockheed C-5A, where Uncle Sam is now on the hook for $4.6 billion (81 planes) instead of only $3.4 billion (an original 120 planes). Clearly, that is a more expansionist program.

Help for the Nixon-Stans-Rinfret timepiece is also coming from an unlikely source, the nation's failing railroads, who have the tin cup out for a couple of hundred million, beginning with $125 million of bail-out money for Penn Central.

Knowing whereof he speaks, Sen. Philip Hart (D-Mich.) observes that "the first bundle of money is not the last."

Another big pile of public greenery that can only swell the GNP in the 1970s will go for the Super Sonic Transport, despite Sen. William Proxmire's gallant fight against it, and even though all acknowledge that the SST (if it flies) will pollute the atmosphere. But pollution is one of today's big GNP boosters.

There's not much new to the idea that we've made a fetish, in this century and especially in this country, of indiscriminate economic growth. E. J. Mishan, especially, has been the pioneer in the study of the real costs to the public for the thoughtless expansion of the private sector.

The notion has also been popularized by John Kenneth Galbraith in his "Affluent Society," and more recently in Charles Reich's exposition of "Consciousness III."

On the practical level, economists like Walter W. Heller and Robert Lekachman have suggested that the GNP be adjusted by an index-to-amenities, which would show the deterioration of the quality of life. This would be a companion to the GNP "price deflator" (ignored by the GNP clock) that records the impact of inflation.

What is most disappointing is that the Nixon administration has been suckered into a graceless display of a meaningless big number when it should be paying attention to curbing inflation, reducing unemployment, limiting pollution, and redirecting a real expansion of the nation's resources into more rewarding end-uses.

Mr. Nixon and his aides seem to have forgotten that earlier this year, during hearings on the Employment Act, they promised to give consideration to something beyond mechanical rejoicing over meaningless new GNP records.

"Simply producing more . . . if it means putting more smoke in the atmosphere . . ." is not an adequate goal. Economic Council Chairman Paul W. McCracken acknowledged. Federal Reserve Chairman Arthur F. Burns suggested that government statistics might take into account depreciation of the environment, as it does erosion of the value of machines.

Not enough has been done to control pollution, let alone suggest how much of the GNP can be attributed to it. But we *do* know how much high prices contribute: if the GNP clock were based on the *real* value of production, adjusted for inflation, the clock would have run backward for some part of this year; indeed, it would be running backward at this very time.

The average citizen, who may not be as gullible as some in this administration seem to think, isn't going to be fooled by a toy clock—not when actual production is going down and unemployment is going up.

AN ANALYSIS OF VOTING PATTERNS

Mr. METCALF. Mr. President, the University of South Dakota has a program whereby the votes of every Senator are compared with the votes of his colleagues. This analysis of voting patterns has been provided for 1967, 1968, and 1969. Each time the Senator with whom I voted most often was Senator YARBOROUGH. Here was a Senator that had seniority, was chairman of a great committee, was from a so-called conservative State and at the same time agreed with my votes on more issues than any other Member of the Senate.

Over the years Senator YARBOROUGH has been the advocate for the deprived, the youth, the underprivileged. In his advocacy of a better America he has been fortified by his knowledge of history. There is no Senator—and few professors—that has a greater familiarity

with American history than has Senator YARBOROUGH.

I have had the privilege and the opportunity to serve for a brief time on the Labor and Public Welfare Committee with Senator YARBOROUGH. I respected him as a colleague. When he went on to assume the chairmanship of that committee I rejoiced that he was the chairman. Others have enumerated the accomplishments of Senator YARBOROUGH during his career. Suffice to say that he has consistently voted for the needy, the children, and the sick. Under his service as chairman of the Labor and Public Welfare Committee landmark legislation has been enacted. He has been the catalyst for the enactment of these laws.

RALPH YARBOROUGH will be missed in the Senate. But he will be missed more by the sick who looked to him for remedial legislation. He will be missed by millions of boys and girls who looked to him for educational assistance, he will be missed by millions of laborers who relied on his integrity.

After all this the Senate will miss him, miss his eloquence, his sincerity, and his integrity.

Donna and I will miss having Opal and RALPH as friends and colleagues.

All good wishes to both.

CORRECTIONAL REFORM

Mr. MATHIAS. Mr. President, I have spoken before on the need for a probing look into correctional reform. We must find more productive ways to prepare the criminal for his re-entry into society, because we cannot afford to permanently warehouse everyone who has collided with the law and equally cannot afford to return criminals to the streets in the same or worse condition than they left them. Today I want to bring to the attention of the Senate another innovative project which is responding to this urgent need. This program, as others, will not provide the ultimate answer, but it is a start in the long hard road of necessary research, experimentation and creativity. The road unfortunately will have fiscal and emotional roadblocks. But the end will soon be in sight. We must continue our search.

Today the youth crime project of the District of Columbia's Department of Corrections opened its doors at 1719 13th Street. It is an unusual program. It merits our attention and our evaluation in the search for law and order.

Its mission is to rehabilitate its residents—the staff calls them "students"—in the community, rather than in prison. It is based upon the philosophy that the offenders are members of the community and to be rehabilitated they must receive the help and understanding of the community from which they came.

Mayor Walter Washington addressed those who attended the opening of this innovative program. His remarks both explain the program and demonstrate governmental support needed for such a program. The mayor is to be commended for his leadership and insight.

I ask unamious permission, Mr. President, to insert into the RECORD a copy of the mayor's remarks.

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

STATEMENT OF MAYOR WALTER E. WASHINGTON

My fellow citizens. It is a great pleasure for me to be here today to inaugurate a unique program that could markedly change the treatment of youthful offenders by our society.

We hear more and more frequently these days that prisons teach the criminal to refine his illegal techniques instead of rehabilitating him and returning him to society as a useful, productive citizen. The program we are launching today—the Youth Crime Control Project—is an answer to that problem.

This project will require more of the young convict than any prison does, but it will also offer him more than he could find in the most advanced institution.

Under this program, a young person from 18 to 26 years old who has been convicted of a felony under the Youth Corrections Act will not be sentenced to prison. He will be "sentenced" to this center. Here he will live and work with about 50 other young people like himself and a staff of 25 professionals, ex-offenders, employment specialists, secretarial personnel and a cook. The interracial staff with female employees at all levels was chosen to approximate the makeup of the community.

In order to give him more personal attention, the staff is divided into four teams. Each youth is assigned to one of the teams and will remain with it throughout his stay here.

When he first comes to the project house a youth will be involved in strictly in-house counseling, tutoring, recreation and an assessment of his vocational skills.

When he demonstrates that he is ready for advancement, he will be permitted to leave the house during the day to work, go to school or receive vocational training. In the third stage, he will continue his activities outside the center, but also will be given weekend pass privileges to allow him more extended participation in community affairs.

In the final phase, the youth will be allowed to move from the center to live in the community. He then will be on the same basis as any parolled prisoner. If this proves successful he may be given a conditional release from supervision followed by a recommendation that the sentence be set aside in accordance with the provisions of the Federal Youth Corrections Act.

While there is no timetable for progress of a youth through the four steps, corrections officials envision that he will move through the program and be discharged by the third year following commitment.

Since it is the first program of its kind in the nation, the Youth Crime Control Project House will of course be closely monitored. Built into it is its own research unit to observe, record and interpret all data. Those young people sent to jails under the Youth Act will act as a large control group for comparison.

There are other objectives in undertaking this program beside cutting down on the number of new crimes committed by youthful ex-offenders. We hope to directly involve the community in the process of rehabilitating and treating its young people who have broken the law and to reduce the cost of correctional treatment.

By undertaking the program we feel we are acting in accordance with the will of Congress when it passed the Federal Youth Corrections Act. The act was a reflection of the feeling by Congress that not all young adult offenders have turned into professional criminals and that a short period of incarceration coupled with intensive treatment and training geared to their age level would be the proper rehabilitation method.

I would note that this program, with its emphasis on community involvement, will supplement the City's effort of attacking problems in this field by mobilizing and coordinating all elements of the criminal justice system.

With this program we have gone beyond the work-release program, where those convicted of crimes may spend the last portion of their sentences at half-way houses. There will be no institutionalization for those who qualify and who want to take part in this plan. We hope and expect that this approach will go all the way in bringing back our young offenders and will help them find a useful, productive place in society.

TRIBUTE TO SENATOR McCARTHY

Mr. MOSS. Mr. President EUGENE McCARTHY has never been a conventional Member of the Senate, just as he was never a conventional Member of the House of Representatives. His remarkable intelligence and understanding, his compassion, his charm, his incisive wit have always lifted him well above most of his colleagues in each of the 22 years he has served in Washington.

But in 1968 he did two things which will claim for him a firm place in history.

First, he put into perspective for the people of America the war in Vietnam. He sensed the frustration many felt, and expressed it in terms they could accept. He showed that we were clinging with pride to an unworthy course. In so doing, he did more than anyone else to start us toward disengagement.

Second, he brought young people into active participation of politics as never before—and they have stayed there.

He will go down in history as a true man of peace—one of the greatest of our generation. Through his courage and his vision he has served his country well.

GENE McCARTHY will also be remembered because he has his name on almost every piece of legislation passed during the time he has been here which provides better living and greater opportunity to all. He is a man of the people as well as a man of peace.

Although we are saying goodby to him as a colleague here today, he has by no means completed his service to his country. He is moving to broader fields where he will continue to give the benefits of his gifted mind and his sensitivity to the problems of the Nation.

We will miss him—I will miss him personally and deeply as a Member of the class of 1958—but fortunately, we will still have his leadership to look to and turn to. We will watch with interest as he charts his course for the future.

TRIBUTE TO SENATOR YARBOROUGH

Mr. MOSS. Mr. President, after 13 years in the U.S. Senate, RALPH YARBOROUGH is returning to the State whose rugged independence he has reflected so well in the Senate. Both the Senate and the country are far richer because of the work he has done here.

First as a member and later on as chairman of the Senate Committee on Labor and Public Welfare, RALPH YAR-

BOROUGH dedicated himself to making new opportunities for better jobs, better education, and better health. And he has left a profound and salutary legacy.

Because of his efforts, more people get an education under the GI bill of rights, more people recover from crippling disease, more Mexican Americans receive bilingual educations, more migrant workers have better housing and more opportunity, and there is less ignorance and poverty and misery in America, generally.

His defeat in the Texas Democratic primaries last summer did not slacken his efforts in the least. Some Members in his circumstances might have felt that their work in the Senate was mostly done—but not RALPH YARBOROUGH. He has pursued his goals with tremendous energy week in and week out, right to the very end of the session, motivated by unselfish and higher instincts.

I shall miss RALPH YARBOROUGH when he leaves, as we all shall. We shall miss his warm friendship, his tolerance, and his legislative skills. RALPH and I have been close friends since we served together in World War II.

He is still a comparatively young man, I know that he will continue to be of service to the poor and the underprivileged and others whose causes he had championed. I know that would give this honorable and decent man the greatest satisfaction.

THE CHRISTMAS SEASON

Mr. HARTKE. Mr. President, in the intervening years since December 1620, when the Pilgrims debarked from the Mayflower at Plymouth Rock, the month of December has marked many great and laudable occasions in the building of the land of the free and the establishment of the principle of brotherhood among men.

In December 1791, the Bill of Rights became the basic definitive document of our freedom. In December 1816, my own State of Indiana joined in brotherhood with the Union to become the 19th State.

For the past 1,970 years, December has marked the day of days in the Christian world, the day for rejoicing in hope, and compassion, and understanding among men.

Mr. President, as we near the end of this December 1970, let us pause in our deliberations for a moment to reflect on the Christmas and New Year season, and savor the meaning it holds for all of us in America.

This is the season of giving. This is the season too for remembering the good of the past and for resolutions to pattern future acts on the Golden Rule. This is the season of rededication to one another and for one another.

But as we give, within the limits of our capacity and within the bounds of our hearts, we must not lose sight of the real meaning of the Christmas season. We must not miss this opportunity to convey to our children the true relevance of this brotherhood of man with God.

For a moment in this joyous and festive holiday let us remind not just the children, but all the grownups as well, that here in America, we enjoy above all else, the right to express without fear of retribution, the most precious of all gifts—"that almighty God hath created the mind free."

Of all the concepts of freedom we in America enjoy—and too often take for granted—the greatest is our freedom to think, evaluate, pick, and choose our individual opinions, values, and faiths. Nothing in man's history on earth can recall a more significant hallmark in the progress of civilization.

The Founding Fathers of our New World knew all too well the Bill of Rights would serve as an inviolate guarantee against subversion of this shingle, most vital precept in establishing the security of future generations.

Today, in this holiday season, after almost 200 years, the guardianship of this wonderful gift remains the most sacred trust of the American way of life. Against storms of bigots, fanatics, and hatemongers, we must resolve this year that for every future year this one beautiful thought, voiced by Thomas Jefferson, remain America's most cherished gift—the gift of our Creator—the mind free.

Christmas 1970 is more than a time for gift giving and late-night shopping. It is a time to rejoice and a time to renew our dedication to the noble goals of "peace on earth" and "good will toward men." If there were ever a time in our national life when this dream needed reaffirmation and to be reproclaimed it is now.

Sometimes I think that too many of us have come to react like venerable old Scrooge of Dickens' Christmas Carol. All too often the very mention of "peace" or "good will" elicits the cynical reaction, "Bah—humbug."

The problems loom so great, and the divisions between us grow to deep that many good Americans simply lose sight of the real goals ahead and begin to underestimate their ability to reach out with their hearts to find the path to a bright tomorrow.

But this is the Christmastime and the season for infusing light and warmth into the toughest old "Scrooges." These are the days of our time to give of ourselves to one another, and to refocus on the good things in life we can achieve with our God-given talents. This Christmas I hope all Americans will reavow a pledge to seek and find the way to peace, and to foster the spread of good will through our national life as well as with friends and community.

With the coming of 1971, I hope each of us will keep a sincere resolution to remind ourself and our neighbor of the simple fact of life that everyone is part of the brotherhood of man.

SOCIAL SECURITY AMENDMENTS OF 1970

The PRESIDING OFFICER (Mr. BOGGS). The hour of 2 o'clock having arrived, the Chair now lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 17550, to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and material and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. LONG. Mr. President, it is clear to me, and I believe by now to a majority of the Senate, that if we are to pass a bill to provide for increases in social security payments even to offset the increases in the cost of living that have occurred during the past year, it cannot be accompanied by amendments relating to trade and to the family assistance program. Therefore, in order that 26 million social security beneficiaries who would be benefited by this piece of legislation not be denied those benefits, and in order that the least controversial provisions of this measure might be considered by the Senate and become law, which I believe is the minimum the public has a right to expect of us in Congress, I am going to make a motion to recommit and report back.

Mr. President, I move that H.R. 17550, the Social Security Amendments of 1970, be recommitted to the Committee on Finance with instructions to report it forthwith, after making the following modifications:

On page 319, strike line 11 and all that follows through page 404, line 25. (This is Title III, the Trade Act of 1970, and Title IV, the Catastrophic Health Insurance Program.) On page 482, strike out line 12 and all that follows through page 483, line 16. (This deletes the prohibition against use of Federal funds to undermine programs under the Social Security Act.) On page 488, strike out line 1 and all that follows through page 499, line 10. (This deletes sections 561 and 562 of Title V, relating to tests of welfare and workfare plans.) On page 514, strike line 8 and all that follows through page 519, line 7. (This is a veterans pension increase, already enacted in a separate bill.)

Delete all pending floor amendments, as follows:

No. 1169 (Ribicoff and Bennett), as modified (prior to printing).

No. 1168 Scott.

No. 1158 (Williams of Delaware and others).

The PRESIDING OFFICER. If the Senator will send the motion to the desk the clerk will report it.

The assistant legislative clerk read as follows:

Mr. LONG. I move that H.R. 17550, the Social Security Amendments of 1970, be recommitted to the Committee on Finance with instructions as set forth by me.

Mr. LONG. Mr. President, I make this motion on behalf of myself and the Senator from Delaware (Mr. WILLIAMS) with whom I have discussed this matter and with whom I find myself in agreement. A motion of this sort is necessary in order to expedite the action of this Congress.

Mr. WILLIAMS of Delaware. I am glad to join the Senator from Louisiana, chairman of the committee, as a cosponsor. To make the record clear, this motion would strike out titles III and IV,

the trade amendments and the catastrophic health insurance part. It would also strike out those sections of title V which the Senator has enumerated and also the pending floor amendments, which are the Ribicoff-Bennett and the Scott amendments, and the amendment that was offered by the Senator from Georgia and myself dealing with trade amendments, and require the Finance Committee to report back sections 1 and 2 as the committee originally reported them to the Senate but with the modification as outlined for title 5. Am I correct in that understanding?

Mr. LONG. That is correct. I personally very much dislike to move to strike some parts from the bill after having voted for them. I would like to see them a part of the bill. Likewise, in committee I voted to add the amendment known as the Ribicoff-Bennett amendment. But this also provides to strike the catastrophic health insurance part, which is my own handiwork, and which I hope I may be permitted to say with some pride of authorship is perhaps the best thing in the bill. It was agreed on in the committee by a vote of 13 to 2. But, Mr. President, these are matters which in all probability the House would not accept in conference even if they did pass the Senate. I have been led to believe that would be the case if we went to conference.

I would not want the responsibility of the Congress adjourning without having a minimum achieved that can be achieved so far as social security benefits are concerned. The minimum would be the 5-percent across-the-board increase provided by the House bill although the cost of living has already gone up more than 5 percent this year. So I would think, in conference between the Senate and the House, that the House would agree to as much of a social security increase as would represent an increase in the cost of living, and perhaps they might agree to go somewhat further than that. I am confident the Senate will send back to the conference what it voted on before, when it voted the $100 minimum for social security and the necessary financing to pay for it. That would be in conference and I am confident the House would be willing to consider it, along with the Senate and House cost-of-living proposal, and the reforms in medicaid and medicare.

If my motion is not agreed to it would mean 26 million beneficiaries under social security will have been denied justice by the Senate and the House. I do not think the Senate wants that to happen. I do not. On that basis, I feel it is my duty to make this motion. We have had a test vote on the family assistance plan.

I know that there are enough votes to pass the trade package, if we could get to a vote. I know that we cannot get that to a vote, so it is not likely to happen. When I made the motion to table the family assistance amendment, only a few Senators voted to table it. If the motion were to be made again, I know there would be more, but it would serve no purpose to continue debate over that. I would hope that the trade advocates as well as the family assistance advocates would be willing to agree, quite apart from those two measures, to consider the good that is in the bill and that it deserves passage by the Senate and action by Congress before we go home.

Mr. President, I would therefore hope that the Senate would see fit to agree to the motion.

Mr. RIBICOFF. Mr. President, I oppose the motion of our distinguished chairman.

This, to me, is the tragic end to a noble cause. It is a noble cause that the President of the United States has advocated since he became President of our great Nation.

Frankly, I was surprised to see this proposal come from the Nixon administration. I applauded the President for his imagination and dedication when he pinpointed the family assistance proposal as the most meaningful vehicle with which to start the United States on the road to eliminating poverty.

I am at a loss to understand how anyone in an affluent nation such as ours could even question the objective of a powerful and rich nation to see to it that a family of four would have a minimum income of $1,600. I for one, believe that $1,600 for a family of four is the very barest minimum.

The President's proposal has been before Congress for some 16 months. It has been before the Senate for 8 months, having passed the House of Representatives in April.

The Ribicoff-Bennett amendment has been the pending business before the Senate for more than a week.

This proposal has been endorsed by six former Secretaries of HEW, as well as many public and private groups.

It has the support of the Democratic and Republican Governors across the Nation who have to live with the problem of welfare on a day-to-day and a year-to-year basis.

The proposal provides a new framework to replace the present disastrous welfare system. It provides a means for dealing with children, the aged, blind, and disabled. It is coupled with strong work requirements. It provides for fiscal assistance to the States.

One of the proposals in the amendment—which was a late starter, it is true—is a proposal that I thought was important, and the administration has agreed with me, that the time has come to give a sense of certainty to every State in the Nation.

Every State in the Nation is on the verge of bankruptcy. Their budgets show red ink year in and year out. There is not a Governor who knows from year to year what his budget requirements will be.

We have finally assured, in this proposal, each and every State that the amounts the States would be required to pay for welfare would never exceed 90 percent of their expenditures in 1971, adjusted for the cost-of-living increases.

Here is a measure that has been debated. It has been in the public press and in the public eye.

The Senate Finance Committee held days upon days of hearings. We spent days upon days in executive session. I cannot understand how we in the Senate can go home by noon of January 3d without giving the Senate an opportunity to vote yes or no on family assistance.

The least we could do, it would seem to me, would be to vote upon the matter and show our constituents and the country how the Senate is divided on family assistance. Are we for it or against it?

I appreciate the objective—and it is a most worthy one—of the chairman, to at least pass the increases in social security by January 1. But in any event, the beneficiaries under social security will not receive their payments on January 1. They will not start receiving their payments until April 1 retroactive to January 1.

Representative MILLS, chairman of the Ways and Means Committee, and the ranking minority member, Representative BYRNES, have said publicly that any social security bill passed after January 3, 1971, would be retroactive to January 1, 1971.

The President of the United States has also made the statement and the commitment to the 26 million people who are under social security that if Congress passes a social security bill in 1971, he will advocate that it be retroactive to January 1, 1971. Consequently, not one single person of the 26 million beneficiaries will lose a penny by our delaying the passage of the social security proposals until early in February or March instead of at the present time. This matter is too important to be sloughed aside.

I disagree with the President of the United States on many of his proposals. I disagree with the President of the United States on many of his vetoes. But I am completely in accord with him on his concept that the time has come to reform welfare. The President of the United States has come up with one of the most imaginative programs in the entire social field. It is a matter that we must address ourselves to during the next decade. It would be tragic if we were to go home without voting up or down the family assistance program.

I for one would hope that the motion to recommit would fail.

Mr. MILLER. Mr. President, I am going to support the motion. I do so with mixed emotions.

I must say to my friend, the Senator from Connecticut, that I do not believe he has properly stated the case because the case is not merely one of voting up or down the family assistance plan.

The case is a matter of voting up or down an amendment that is far more than just a simple $1,600 family assistance proposition. It is a tremendously long package of legislative language which has been massaged and remassaged for weeks before the Senate Finance Committee. It does not even contain all of the provisions which many of us in the Finance Committee wanted to see in the measure. It is almost in the same form that was discussed by the Governors' conference when we had five Governors representing the Governors' conference before the committee. The consensus of those Governors was that they did not want this bill. What they wanted to have was this bill with modifications. Unfortunately, we do not have the bill with modifications—at least, not

the modifications some of them were talking about.

We just have a long, well-intentioned amendment which is now locked in so that amendments cannot be offered to it. When I raised the point with the Senator from Connecticut the other day about opening this up to amendment, I was told that we did not dare do so because there would be many amendments and we would never get the amendments taken care of.

I do not know why we did not try it that way first instead of using a parliamentary tactic which now puts this matter before the Senate in such a position that those who would like to see something done about the miserable welfare situation cannot in good conscience vote for the measure because it is overloaded.

The Senator from Delaware, the Senator from Nebraska, and I have pointed out some of the serious defects that exist in the measure as it is now pending before the Senate.

I might say furthermore that I do not think it is calling a spade a spade to talk about no one being able to live on $1,600 a year. That is not the proposition before the Senate at all. What we are considering is a total welfare package which amounts to perhaps up to $3,500 to $4,000 a year.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. BOGGS). The Senator will suspend for a moment. The Senator from Massachusetts is correct. The Chamber is not in order.

The Senator may proceed.

Mr. MILLER. What we are talking about is a total welfare package of which $1,600 is merely a part. If one wishes to be realistic about it, we are talking about a package consisting of $1,600 for a family of four, plus food stamps, plus State supplements, plus medicare, and in many cases, plus public housing with a total welfare package coming to $3,500 to $4,000 a year for a family of four. So let us not talk about nobody being able to live on $1,600 a year, because nobody is being asked to live on $1,600 a year.

I deeply regret that a parliamentary maneuver was entered into by the proponents of the pending amendment which has placed it before the Senate without the Senate having an opportunity to offer a single amendment to it, to modify it so that some of those serious deficiencies which have been pointed out, and which Senators can read about in the RECORD, could be removed from the pending amendment.

I think the record will bear out that I was one of the members of the Committee on Finance who worked day in and day out to try to give this measure a chance, to try to perfect it, and to put in modifications of the kind the Governors' conference wanted. Unfortunately we were on the losing side when we sought to add the measure as an amendment to the pending bill.

I might say further that at the time the vote was taken in committee the understanding was that, if it were added to the pending bill, the committee during the next several days would have an opportunity to go over it paragraph by paragraph and to work some modifications into it. We never had that chance. So when this amendment was being talked about as prospective legislation to the social security bill during debate before the full Senate a good many of us hoped it would be offered in a manner which would enable us to offer modifications to it by way of amendment. But those who promoted this amendment saw fit, for their own best reasons, not to put it before the Senate that way and to use a parliamentary device, legitimate though it may be, under which the Senate cannot do a thing about it except vote it up or down.

Mr. President, this is too important a measure to be put before the Senate on such a simplistic basis. The Senate is far more sophisticated than that. Welfare recipients are deserving of far better treatment than that. Those paying the bill, the taxpayers, are deserving of far better treatment than that.

I think the chairman has well gaged the temper of the Senate by stating that if this is going to be the way it will be handled, we are not going to get a vote on it, so let us get on about our business and preserve what can be preserved, and then we will hope we can do something about the welfare package next year.

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

Mr. MILLER. I yield.

Mr. LONG. Mr. President, I am sure the Senator heard the statement made by the able Senator from Connecticut, as I did, that the President, the chairman of the Committee on Ways and Means in the House, and the ranking member, have indicated that if this bill dies, they would send us early next year a social security bill seeking to make payments retroactive to January 1.

It is well to point out that if this bill should pass, even this will be retroactive, because beneficiaries would get their increases on April 1.

If the Senate does not pass this bill and the House sends us a new bill next year, there is no reason why Senators who are trying to do something about jobs in their States would not offer a trade amendment on that bill, or why that bill might not become involved in a controversial family assistance plan, again modified, and by the time that battle is finished in the Halls of Congress it might be August before those people get checks, retroactive though they may be. They would be another 5 or 6 months waiting for something to which they are rightfully entitled.

Furthermore, some of those people will die between January and August, with the result that those people never would get the increase to which they are entitled.

So I would say to the Senator that when one looks at the facts of life that exist today, what is practical and can be done, if the Senate insists on continuing to tie up this bill with trade legislation and a family assistance plan, a social security bill will not become law this year. If Senators are determined to have their way about family assistance and trade legislation, there is no reason to think the same determination will not prevail in the next Congress, with the result that Senators could be equally as adamant, so the bill might not become law next year.

Mr. MILLER. Mr. President, the Senator made a very valid point. He might have gone further and pointed out, apart from the things he has been discussing, that the Committee on Finance, after many long days, made some real and constructive improvements in the medicare and medicaid provisions and old-age assistance provisions; and if these are scuttled they will not take effect for some time. These are the kinds of changes that should take effect "yesterday." That will be delayed also.

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

Mr. MILLER. I yield.

Mr. LONG. Is it not true that the Ribicoff-Bennett amendment, pending at the desk, does not go into effect as far as any beneficiary is concerned, until January 1972, anyway; and as far as the 14 million people it would add to the welfare rolls, they do not start getting those benefits until July of 1972; and there is nothing to keep Congress from passing it during the 18 months between now and the time the beneficiaries would get those checks?

Mr. MILLER. The Senator is correct, but in fairness I should respond by pointing out we all know it will take probably 1 year for the department to crank up the machinery necessary to put a far-reaching welfare reform plan into effect. In fact, this is one reason why the Senator from Connecticut was very adamant about a pilot testing program, because such a program could isolate some defects, not only in administration, but also defects, perhaps, in the law, which would enable us to take some action on this before it went into effect finally.

I think the Senator's real point is that there is more of an immediacy problem in social security, medicare, medicaid, and old age assistance than a welfare reform program which will not take effect until January 1, 1972, at the earliest.

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

Mr. MILLER. I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I asked the Senator to yield so I could reply to our distinguished chairman instead of a point raised by my distinguished colleague from Iowa.

The chairman is correct that there is nothing to prevent those interested in trade legislation from placing an amendment in the social security bill or the family assistance program.

I am deeply bothered that we have tied together so many programs in one bill. In all candor, there is not a single program in this huge bill that legitimately does not deserve extensive debate that would extend over 2, 3, or 4 weeks, because they are all complex matters.

But the family assistance program was before us for 16 months; it passed the House, as the trade bill passed the House, but we had full hearings on family assistance before the Committee on Finance. When it came to trade we had hearings that lasted 2 days. Trade is a

very important factor in our Nation. I believe those interested in trade legislation should have a full set of hearings. A trade bill legitimately should come from the Committee on Finance, standing by itself. It should be given early priority, just as the family assistance program should be given early priority.

And I wonder if the time has not come to consider the rule of germaneness, instead of making it possible to put every possible amendment onto every piece of legislation.

One of the great tragedies that has taken place in the last few weeks in this body is that we as a body have shown our complete impotence to take care of problems that a democracy must deal with. Here we are as a legislative body going toward the 21st century with the rules and regulations and procedures of the 19th century. We are acting in the Senate today as if this were the age of Daniel Webster, at a time when problems keep pushing against us for solution and every institution in the world is under attack and every institution is being pushed for change. Whether such institutions live or die depends on whether those in charge of the institutions have the intelligence and foresight to understand the changes that they themselves must put into effect to assure that our institutions live. At a time when our institutions, when our Government, when corporations, when labor unions, when universities are being pushed for changes, there is no reason for us to sit here in our smugness and think that, because we have done things a certain way for 150 years, that is good enough for the future.

There is much soul-searching to be done by us. This is an institution which has proven its value, but if this body of 100 men and women are unable to understand each other and the great changes being faced by the United States and the world, we are dealing a blow to our precious heritage of free government. The Senate is a great institution. But it will not stay great and it will not be great if we continue to do in the future as we have done in the past month.

Mr. MILLER. Mr. President, I might add just a footnote to what the Senator from Connecticut has so eloquently said, and that is that if we are going to make a change in the rules, one of them should be in a rule which prohibits a major piece of legislation, such as the one we are now considering, from having one single amendment filed to it. I would suggest there are those who might refrain from following that rule, but if it were a rule, it would be a rule which was legal, and I would like to see the present rule changed. So if we are going to make some changes, let us make changes across the board, instead of making one change here or there.

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

Mr. MILLER. I promised to yield to the Senator from Vermont (Mr. AIKEN). I will yield to the Senator from Connecticut later.

Mr. AIKEN. Mr. President, I would like to see most of the Senate version of H.R. 17550 enacted into law, and I would vote for most of it. I would vote for the Ribicoff-Bennett amendment if I had had the chance and felt that by approving those provisions we were not killing the whole bill.

However, I believe that if we undertook to act on the whole bill now we would not accomplish any of it. There is no possibility of its becoming law, and every one of us here knows that. I do not want to go home and face the people, many of whom depend almost wholly upon their social security checks. I do not want to go home and face those people who are so dependent and so helped by the medicare law, or would be helped by the medicare amendment proposed, and tell them that I voted to kill their social security increase and their increased benefits from medicare because I could not get everything I wanted. I think that would be a pretty shameful thing to do.

So I am going to vote for the Long motion, although, as I have said, I would like other parts of the bill. We are coming back into a new session some time next month and will have a chance to act on these other sections of the bill then. But I certainly hope we do not have to go home now and tell these people who are dependent upon social security and medicare that we turned our backs on them because we could not be big shots and get everything we wanted at this session.

Mr. MILLER. Mr. President, I yield to the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I appreciate the sincerity and the truth of what the Senator from Connecticut (Mr. RIBICOFF) said to the Senate a few minutes ago, but I do think a few points should be touched on as to what faces us, and one is the key place of the so-called rule XXII controversy, which will break out again in January, and, second, the key place of the administration in everything that is happening here.

On the first, with respect to rule XXII, I agree with the Senator from Connecticut that if rule XXII is not changed, we are governed by a two-thirds vote, and not by a majority vote, and until we are governed by majority vote, with reasonable opportunity for debate, we will run into these roadblocks. Not very often, but on occasion I have used the provisions of rule XXII. That is symptomatic and characteristic of the fact that the reform will have to be a basic reform, a reform of the rules which we will all accept. With others, I will be one of the prime movers in January to reform rule XXII. I rose only to emphasize the key part of the rule. We modified it once. Obviously it was not enough. It was one of the reasons why I joined others in this procedure, although I began to doubt whether we should keep on the same old track, in the plan to challenge the existing rule XXII, which we will again try to change in January.

As to the administration, I hope very much the administration will play its part in the next few days. We need to know whether the administration will accept an assurance that FAP will be one of the first matters considered in the next session. We need to know whether the administration agrees with me, with the Senator from Connecticut (Mr. RIBICOFF), and others, that it is a great mistake to discuss this trade issue, on which people like myself may well get licked. I give the Senate my assurance that in the new session we will make no effort such as we are making now with respect to the consideration of the bill. If the country, after an opportunity to talk it out and hear it out in terms of hearings, wants quotas, then I certainly will not be so un-American as to put myself in the position of thwarting its will, although I think my country would be making a great mistake.

So I hope we can come to an accommodation, not only on our part, but on the part of the President who has a very important part to play here.

If the Senator from Iowa (Mr. MILLER) will indulge me 1 minute further, I call my colleagues' attention to the fact that the New York Times, which has not been overly kind to the Republican administration, as we all know, nevertheless wrote an editorial the other day pointing out that the lameduck session, much to its surprise, and to mine, had accomplished some good, such as enactment of the broker-dealer bill which is critically important to the security of our country.

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

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

THE LIVELY DUCK

The unusual post-election session of Congress was expected to be a lame duck, but it has proved much more lively than lame. The productivity of both houses has been obscured by the spectacular impasse which the Senate Finance Committee created when it merged several unrelated bills into one huge unmanageable package.

In the last month, Congress has enacted or reached virtually final action on nearly a dozen significant measures. The Housing bill is considerably more ambitious than the Nixon Administration desired this year and its new provisions for the financing of new towns may have considerable impact on this nation's future urban growth.

The Occupational Health and Safety Bill is an unexpected triumph for the House-Senate conference committee system which has been the subject of much justifiable criticism of late. Only the sunniest optimists really expected a bill to pass this year. But after several arduous sessions with Administration, trade union and industry lobbyists hovering about, the conferees reached compromises on several bitterly contested issues. For the first time, workers can now look forward to effective, federally enforced safety and health standards where they work.

The manpower bill which President Nixon unwisely vetoed is another significant accomplishment. As almost any Mayor could tell the President, there is no alternative to federally financed public service jobs to meet the double crunch of rising unemployment and unbalanced municipal budgets. It is difficult to reconcile Mr. Nixon's veto attack on dead-end WPA-type jobs with his solicitude for the survival of financially shaky aerospace companies. Apparently, one man's Lockheed is another man's leaf-raking.

The House and Senate also reached agreement last week on the Air Pollution Bill with its stringent requirement of a pollution-free automobile by 1975 and its tough standards for new power plants and manufacturing plants.

Until recently, Congress's recent approval of a sizable Federal program to assist famlly

planning would have been regarded as a breathtaking accomplishment. It is highly significant that population control has now ceased to be politically controversial. Congress in the last several days has also completed action on bills to insure the brokerage accounts of small investors, extend aid to the bankrupt Penn Central Railroad, improve the law-enforcement assistance provisions of the Crime Control Act of 1968, and amend the food stamp plan.

Only the food stamp bill remains in doubt. Representative Poage, Texas Democrat, and his conservative colleagues on the House Agriculture Committee finally made some substantial concessions on their atrocious bill, although it remains inferior to the compassionate, constructive bill put through the Senate by Senator McGovern. Forty years after the Great Depression began, the most durable illusion in Congress is that poverty is due to an individual's moral failings. No amount of government coercion or food stamp blackmail can make men work who either cannot or will not work.

Yet if this lame-duck session has stepped lively and accomplished more than might have been predicted six weeks ago, the failure of the Senate to overcome the irresponsibility of its Finance Committee casts a dark shadow over the session and, indeed, over the good repute of representative government in this country. Whatever the fate next week of the welfare reform or the import quota bill, the Senate leadership in the new Congress has to look squarely at this problem and seek effective answers, whether they be revised procedures in the Senate or new members on the Finance Committee or both.

Mr. JAVITS. Mr. President, other things can happen, as the Senator from Vermont pointed out, if we give them a chance. So, in spite of my deep feeling for FAP, I, too, am beginning to have the feeling that I shall vote for the motion in order to do something instead of accepting the certainty that we can do nothing. But, in order to do it and make it successful and make it whole to the American people, I feel the administration must play a part, and I hope very much it will.

I thank my colleagues very much.

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

Mr. MILLER. Mr. President, may I just make a comment to the Senator from New York?

Mr. JAVITS. I yield to the Senator from Iowa.

Mr. MILLER. I know that the Senator from New York feels very strongly about rule XXII and the need for a change. Perhaps I did not quite accurately hear what he said, but I gained the impression that he might be suggesting that rule XXII is un-American.

There are a good many Members of the Senate who feel very strongly about rule XXII, who also feel very strongly about majority rule. Of course, we all know that a mere simple majority of 51 Senators here in the U.S. Senate may well not reflect more than about a third of the people of this country—perhaps only 25 percent. If we are really interested in the most important majority, which perhaps is the majority of the people of this country, we might find 18 Senators who could stand here and represent the majority of the people of the United States; but I do not think most of us would want them to decide issues in the Senate.

It seems to me that rule XXII has weathered the storms over the years. I know when I first came to the Senate, and we invoked cloture, I think it was in 1961, that was the first time in about 35 years that the Senate had invoked cloture. But in the last 10 years we have invoked cloture nine or 10 times. So that shows that when there are really important measures, and especially if they have bipartisan support, we can get the job done when the time comes.

The Senator from New York well knows that every time he files an amendment to rule XXII, he always finds an amendment to his amendment filed by the Senator from Iowa, agreeing to a change to three-fifths of the Senators, provided that a majority of the Members on both sides of the aisle have joined in it. The reason, of course, is so that a ruthless majority will not be able to choke off debate by the minority.

I would like to see a change in the cloture rule, but it would have to be coupled with that proviso. I would suggest to my friend from New York that, strongly though he may feel about a change and the need for a change in rule XXII, we have some colleagues who do not want any change at all, and I do not think we should attribute to them any less love of the Senate and love of our country than we ourselves share.

Mr. JAVITS. Mr. President, will the Senator yield for a clarification?

Mr. MILLER. I yield.

Mr. JAVITS. I did not apply the word "un-American" to rule XXII, or to anyone who believes in it, which I do not. The proper word is really "irrelevant." I happened to apply it in terms of my own feeling that to block arbitrarily a vote, even on trade quotas, which I think would be a disaster to our country, would in my judgment be against the national interest in trying to get things done.

What is relevant to rule XXII is that no proposal that I know of, including the one which, with the Senator from Michigan (Mr. HART), I espouse, the so-called Douglas clinch, does not have a provision that before cloture on anything there be a minimum of 4 weeks' debate, and up to 6 weeks' debate.

It seems to me that if we want to get things done, ultimately, after debate, elucidation, education, and public discussion, we must come to a vote. That is the rule that is hamstringing us in terms of getting the public business done. That is all I said.

Certainly no Senator has a right to make a moral judgment as to whether this or that is un-American. Calhoun felt that the idea of a concurrent majority was essential to the future of our country, and had I been in the Senate then, I would not have considered him un-American. This was his considered best judgment as to what was in the highest and best interests of our land. I grant him or any other Senator full moral equality with myself as to judging what is best for our land.

I do not feel that any Senator who favors the filibuster rule is un-American or against American tradition, or anything like that.

Mr. MILLER. I appreciate the clarification. I ask the Senator, is not what he is really saying this: That with the short time remaining for the Senate between now and the last day of this Congress, it would be, to use his language, against the best interest of the country to be arbitrary?

Mr. JAVITS. That is correct.

Mr. MILLER. And he indicated that after we had time, which we will have early next year, to debate this matter at great length and analyze it forward and backward, then, but not until then, we would be able to say we had not acted arbitrarily?

Mr. JAVITS. That is exactly right. And, for example, to add just one word, Brimmer of the Federal Reserve gives us figures as to what it will cost the consumers of this country to put quotas on foods and textiles. No one here has been able to test those figures either up, down, or sideways, except in the most cursory and on-the-surface manner, because we simply have not had the time and opportunity to do it in depth.

Mr. HOLLAND. Mr. President, will the Senator yield to me?

Mr. MILLER. I yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator, and compliment him as well as the Senator from New York, because I, too, agree that what we have to consider now, with the very short time remaining, is how to get worthwhile things done; and that is what should occupy the attention and time of the Senate during the few days and hours remaining.

I am not going to talk about rule XXII. I think the Senate knows how I feel about it, and yet I doubt if many Senators remember that a number of years ago I suggested on this floor that rule XXII not be applied to defense measures, and that a simple majority be permitted to bring debate to a close with reference to matters vital to the Nation's defense.

But, Mr. President, to come back to the motion of the junior Senator from Louisiana, the Senator will remember, though I cannot go into the details of our closed session of some 2 or 3 weeks ago, that the Senator from Florida then made substantially the same suggestion as has now been made by the Senator from Louisiana. Of course, I agree with him, and, of course, I shall vote with him. I think that the thing we should do is recommit this overburdened legislation—overburdened by amendments—back to his committee, with adequate instructions to report it, so that an immediate conference can be held with the House of Representatives, and particularly so that the much-needed increases to the recipients of social security can speedily go into effect.

I am told there are something like 26 million recipients of social security. Some Senators spoke of the need of doing something for all the States. I cannot think of anything which would help the people in every State—thousands and thousands of them, even in our smaller States—to a greater degree than to help them out somewhat through the improvement of their social security payments.

So I commend the Senator from Louisiana, and I shall support his motion.

Mr. President, while not saying anything adverse about the amendment of

the Senator from Connecticut, I call attention to the fact that it is 139 pages long, and I call attention also to the fact that the distinguished senior Senator from Delaware has pointed out obvious defects in it, which cannot be reached under the parliamentary situation.

I was an original sponsor of the trade amendment in the form of a separate bill, offered by the Senator from South Carolina (Mr. HOLLINGS) and others. I am interested in that amendment. But I think that, putting first things first, the motion of the Senator from Louisiana for recommittal with instructions should be agreed to, and I think that the record ought to be perfectly clear now as to who it is, if anyone, that will hold up payments to the recipients of social security in the increased amounts that the social security portion of this bill provides.

It will not be the Senator from Louisiana. It will not be those who support his motion. It will not be those who want to support his motion if no vote is permitted because of lengthy discussion. It will be those who, by one means or another, oppose the motion of the Senator from Louisiana. The Senator from Florida stands ready to support it and then to support the shortened bill when it comes back, so that it can go to an immediate conference, and he hopes that the Senate will do just that. It is the only way we are going to get something done which is of immense importance to 26 million American citizens, many of whom are living under circumstances in which they need more money simply to live, simply to exist.

The Senator from Florida commends his distinguished friend, the Senator from Louisiana, on his motion, and hopes that Senators will permit it to be voted upon shortly, and that we shall then move ahead along the course suggested by the Senator from Louisiana.

I thank the distinguished Senator for yielding. I simply wanted to support him in his position and also to support that part of the statement made by the Senator from New York in which he made it clear that if we are to get anything done, that is the only way we are going to get it done.

I thank the Senator for yielding.

Mr. MILLER. I appreciate the comments of the distinguished Senator from Florida. As usual, he has cut to the heart of the problem and has done his level best to get on with the business of the Senate. Had it not been for him, I am afraid we would not have gotten to the business of the Senate on a great many previous occasions.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I have been listening to the debate for the last hour or so, and I still find that those who are expressing sympathy for the proposal that has been put forth by the distinguished Senator from Delaware and the distinguished Senator from Louisiana, in terms of effectively stripping all the provisions of this bill, with the exception of social security, are singularly unconvincing.

I think the arguments of the distinguished Senator from Connecticut still remain. It is a fine hour, when everyone stands up here and talks about the importance of increasing social security. There is not a Member of the Senate who has not understood that for the last year or the last 2 years. Suddenly, in the final few hours of this Congress, they say, "We know what has to be done; we have to take care of the social security recipients," and therefore try to say, "If you don't vote for this, you're really against those who need social security." In effect, that is what is attempted to be done.

The Senator from Connecticut has pointed out—and I must say it has been interesting, because with the exception of himself, and sometimes the participation of the Senator from Utah (Mr. BENNETT) and the distinguished Senator from Oklahoma (Mr. HARRIS), only a few voices have been raised by the President's own party in defense of this proposal. I might add that the President deserves credit for that proposal because there is a great need for it.

We perpetrate a fraud upon the American people by suggesting that we will not act and act responsibly to increase social security, or that we cannot do so or will not do so in the next session of Congress. The fact remains that I think we have a responsibility and an obligation to act on the President's program on family assistance. I do not think it is persuasive to say, "We are not really getting into the question of whether it will become law. We do not have to take statements made by the members of the opposite party that suggest we are not going to act." This body has a responsibility to act on this matter. We can wrestle around here all hours of the day and night listening to the parliamentary gymnastics of our good friend, the Senator from Delaware, and other different proposals, always expounding the thesis that they are ready to vote; but as we know, the fact remains that they are not ready to vote. It is an obstructionist tactic, and we are denying our responsibility to the American people in not being able to act.

It is as clear and precise as that, Mr. President; and I think the Senator from Connecticut has pointed this up very well, not only in his comments this afternoon but throughout the debate on this issue over the past weeks.

I would hope that those who are in the White House, who have threatened to call Congress back on January 4, would instead use their influence to try to marshal the kind of support for the votes to see whether we can find some way to meet our responsibility to the millions of Americans who are living in the most destitute conditions and are crying out for some kind of help and assistance.

I ask the distinguished Senator from Connecticut, is it not true that, in effect, if this family assistance program is killed, under the amendments that have been taken by the Finance Committee, we will be thrown back to some punitive and degrading features in the welfare system—for example, the residency requirement, and the man-in-the-house rule?

Mr. RIBICOFF. The Senator is correct. I was under the impression that the chairman struck out those provisions of the bill that had to do completely with welfare, but this is not so.

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

Mr. KENNEDY. I yield.

Mr. LONG. This motion does not strike what the committee proposed to do with regard to residency requirements.

The committee proposal with regard to the residency requirement would say that the State from which the welfare recipient is receiving welfare benefits would continue to pay him for 1 year after he leaves that State, during which time he would acquire residency to have benefits paid by the subsequent State.

The Senator will note that the number of people receiving AFDC assistance increased sharply after the Supreme Court decision on residency and the man-in-the-house rule. I suspect that the Senator will find that a great many of those people are on the welfare rolls twice—once in one State and once in another.

Mr. KENNEDY. Mr. President, as I understand——

Mr. RIBICOFF. The Senator is correct. I was under the impression that what the Senator was doing was striking out all but the social security provisions, and the argument was that we were going to make sure that 26 million Americans were going to get the social security provisions. But, apparently, the Senator has not done this. He is putting up to a vote, eventually, the most retrogressive, the most reactionary, the most punitive type of welfare legislation in the entire history of the country, and it is a disservice to the U.S. Senate; because I think most of us, including myself—and I thank the Senator for bringing it to our attention—were under the impression that what was being done was merely giving us an opportunity to vote on social security, which apparently is not the case.

Mr. KENNEDY. Furthermore, would the Senator from Connecticut enlighten me on this: Are not these the provisions about which the Supreme Court has expressed an opinion in terms of their constitutionality or their basis in law?

Mr. RIBICOFF. Certainly.

Mr. KENNEDY. So, in effect, we not only are stripping away all these other provisions, but also, we would be getting the reprehensible features which the Senator from Connecticut has just identified.

Mr. RIBICOFF. The Senator is correct. The Supreme Court of the United States struck down both the man-in-the-house rule and the residency requirements. By some legerdemain, the Finance Committee wrote in, by a change of language, restrictions trying to avoid the Supreme Court decisions. I would be shocked and surprised if the Supreme Court would sustain the action of the Finance Committee, which, in my opinion, is just as wrong as the provisions stricken down by the Supreme Court of the United States.

Mr. KENNEDY. Will the Senator agree with me that if we were to vote for the proposal to strip these other provisions from the bill, in effect, we would be taking some kind of action that would show almost tacit approval?

Mr. RIBICOFF. Without question. But, in fact, I believe that a majority of

the Senate is filled with compassion. I believe that a majority of the Senate wants justice to be done to the poor of our Nation. What we would be doing under the guise of helping people on social security would be to punish millions of Americans without their knowledge. That is what we would be doing by this action.

Mr. KENNEDY. It would certainly appear to me that by this action the entire membership of our party should have a fair knowledge in their own minds of what we are doing. As I mentioned before, I do not think we have to hear time and time again about the need for social security. Everyone knows there is a great need for it and we should act on it. We are willing to, and we must act on it. But also, as the distinguished Senator from Connecticut has pointed out, we would be instituting the kinds of adjustments and changes which I think are unconstitutional and which I feel are reprehensible and which I think would be doing a great disservice and complicating further the already terribly complicated welfare program.

Mr. LONG. Mr. President, I suggest that the Senator consult the Parliamentarian about the motion to recommit. Everything that is germane to that part of the bill would remain subject to amendment. Any Senator can make his motion to strike out or to amend anything that remains in the bill. The motion to recommit was made in order to put the bill in such a shape that it could be passed. If the Senator does not like a provision, such as the residency requirement provision, all he has to do is move to strike or to amend it.

But now we have been debating for days on the trade amendment, and on the family assistance amendment. We are still debating an amendment to the first amendment which is an amendment to the trade amendment and we will never conclude debate. We will reach adjournment without any action. This is the 28th day of December, and 1 day between now and the time we adjourn is Sunday, which means that we have only 5 days during which the Senate can act, and that is assuming we can arrive at an agreement between House and Senate, and then agree to what the conferees have done.

It would be my hope that if this motion is agreed to we could get a time limitation on the various amendments. We could get a limitation of 1 hour to be equally divided, perhaps, or if a Senator wants to pick out some particular amendment he does not like, we could make it 1 or 2 hours, and provide time on each amendment and vote on them and bring the matter to a conclusion.

I am satisfied that positions on the trade amendment are such that we will not reach a vote on the trade bill, nor on the family assistance program. Therefore, we should try to see that as much as we can be done is done to provide these benefits for the people.

The Senator mentions that we did not strip this bill to titles 1 and 2. I would hope that we would not want to take out all the good that is in the other titles of the bill, all that we provide for little children, such as the increased matching for day care purposes from 80 to 90 percent. I would hope that we would not strike out what the bill provides for the aged, such as the minimum of a $130 income for the aged on public welfare, if they have no other resources. I hope the Senator is not against that, or what we provide for with regard to migrant workers, the bill requires States to have a program with 75-percent Federal matching for the expenses of caring for migrant families with children. I hope he is not against that. I am sure that he would be for it.

There are many other things which are good in this bill and they should be voted on. There are some things we should do to tighten up on the welfare mess. For that is what it is, a welfare mess. A majority of people who talk about welfare call it that. Among other things the mess means that we have millions of people on welfare who do not belong there.

A woman in Louisiana was recently arrested. She was on the welfare rolls four times and was applying a fifth time when she was arrested. There was a young girl in California, who was a member of what is called "Cheaters, Incorporated," I believe, and she had gotten on the welfare rolls 10 times in Alameda just to show how easy it was, and she was not eligible at all. These kinds of things should be corrected somehow. Some effort was made by this committee to try to do something about these things.

The Senator says the residency requirement is vicious. Well, whatever the Senate wants to do is all right with me. What we said on the committee was that it was all right to be on the rolls just one time, and in one State, but if they leave from one State and go to another, then the State from whence they came would pay for another year until they had achieved a residency requirement in the other State.

The General Accounting Office took a sample of 600 cases in New York and some 14 percent of these were totally unqualified. Even New York itself agreed that 11 percent were not qualified, and that they should be looked into. That is what, from the viewpoint of a lot of people, is meant by the welfare mess. There are millions on the welfare rolls who do not belong there and the only way to correct it is to put only those on who belong there.

I hope that we can do all the things the bill seeks to accomplish; that is, to help the 26 million people who need social security, and to provide for migrant workers, and to provide for children and day care centers, and to help the old people of this country. All these things should be done.

I am frank to say that I do not think any responsible committee looking at the welfare mess would fail to note that there are many people on welfare who have no real claim, title, or justification for being there. Nor do I think a responsible committee would want fathers who desert their children to be free from supporting their children.

As to the Federal court decisions, one decision says that we cannot even insist that the mother tell us who is the father of her child.

Mr. TALMADGE. If the Senator will let me interject there, there is another court decision where the welfare investigator cannot even go into the home to investigate the family status.

Mr. LONG. That is correct. Imagine that. Here is the court telling us that Uncle Sam has to support the child, yet the mother can refuse even to tell us who she thinks the father of the child might be.

I believe that, as a part of correcting this welfare mess, we should tighten up on the loose ends and perhaps loosen up on the tight ends. We can do a lot better by putting people on the rolls who belong there and taking those people off who do not belong there.

In any event, if there is anything the Senate does not like about this bill, they can vote on it, and that will be that.

Mr. SCOTT. If the Senator would yield me a moment, because I have not taken my share of this debate yet, and some Senators have been overburdened with the responsibility, I would like to say in response to my friend, the assistant majority leader, that I would not worry about the blame for the delays. There is plenty of blame to go around for everyone. Everyone can dip in and have some, because the reason we have taken so long and the reason we have not been able to act is due to a multiplicity of fears and the many concerns among various Senators, some so-called free trade Senators who are determined not to let this matter get to a vote for fear some trade legislation will get in it.

Other Senators have an interest in textiles, but not in shoes, or in shoes but not in textiles. Some do not care whether they wear anything or walk in anything whatsoever.

There are some that do not want the family assistance program. There are others who do.

Some Senators want social security in its pristine and virginal form as it left the committee—if that was a virginal form, which I must doubt. Other Senators wish to make certain amendments.

The Senator from Massachusetts and I, I believe, will vote the same way on this amendment. We will vote against recommittal to strip the family assistance program from the bill.

I would like to see it there.

We are confronted with a condition and not a theory. The condition is that we are not getting anywhere. The theory is that we wish we would, but we have 100 different opinions on the matter.

We are worse off than the character described by the late Stephen Leacock who got on his horse and galloped off in seven different directions.

I think it is not necessary to say that one Senator is holding up the bill. In my judgment, everyone is holding everyone else up.

The Senate, instead of increasing the level of its edifice in the public regard, is engaged in holding up each other and mysteriously—perhaps not so mysteriously—lowering its edifice in the public mind.

The Senate is in a mess. It is about to vote on a motion to recommit which probably will pass. When it does, we will

go on to the matter of social security and decide whether we will accept that measure or not.

Mr. President, I hope that, should this come down to a point where we can discuss only social security and its amendments, we will adopt and accept it and send to the other body—if we can find them—a workable bill. I think that we shall have to hurry because the stories are that the other body is in a mood to be rather peripatetic by tomorrow night. While they cannot adjourn without us, they can leave without us. We are having trouble getting a quorum, or will have. Therefore, I would hope that the motion to recommit would not pass. My own judgment tells me that it probably will. If it does, let us at least get as much business done as we can. But, more important than anything else, let us have, before we drop this bill, an assurance from the chairman and the ranking minority member of the Ways and Means Committee of the other body that they will bring it up promptly in the beginning of the next session and act promptly on it and send it over here.

I would then hope that the majority leader and I could deliver certain assurances to this body which I have not had a chance as yet to discuss with him. However, he is on his horse and will be here in a few minutes. I hear the gallop of approaching hooves at the moment. I think that we will be able to make some statement about the matter.

Mr. President, last year, on the floor of this Senate, I had the privilege of introducing the Family Assistance Act of 1969 (S. 2986). At the time, I noted that "This bill constitutes one of the most important domestic initiatives which the Nixon administration will undertake," and that it was vitally essential to the successful implementation of the President's stated goal, to "assist millions of Americans out of poverty and into productivity."

Nothing that has happened during the intervening 14 months—none of the testimony offered during committee hearings or the seemingly endless spate of words that have been written about this legislation—has caused me to alter my position. On the contrary, I am more convinced than ever that a complete overhaul of our welfare system is long overdue.

The family assistance plan is the vehicle through which this can be accomplished. It represents an idea whose time has come.

Our present welfare system is collapsing of its own weight. Only within the past decade, the cost of the program of aid to families with dependent children—AFDC—has tripled while the number of recipients has doubled. And yet, in spite of our largess, there is no end in sight.

In my own State of Pennsylvania, in the 1-year period from April 1969 to April 1970, there was a 23.7 percent increase in the number of AFDC recipients and a 51.9 percent increase in the amount of payments. Where will it all end?

Worse, still, inequities built into the system continue unabated. How can we justify a program in which the State of residence is a more important criterion than the state of need in determining the level of benefits?

What we have today is a program impossible to administer equitably, which imposes an increasingly heavy financial burden upon the taxpayer, and which does not do the job it was designed to do in the first place.

We have long since passed the time when anyone would suggest that a solution to the welfare problem lies in making assistance difficult to get and unpleasant to take. But it appears that unconsciously, at least, this is exactly what we are doing. Unlike the quality of mercy that blesses both the one who gives and the one who receives, public welfare today demeans both.

The present welfare system, designed as a temporary expedient, emerged from the depression of the thirties to cope with the problems of the thirties. It is an anachronism that should long since have been laid to rest.

It was established as an optional State program to provide assistance to specific categories of the financially indigent—the blind, the disabled, the aged, and dependent children and their guardians. Initially, able-bodied male workers were not eligible for assistance.

Despite the fact that large-scale unemployment, such as was witnessed in the thirties, is not an issue today, the poor are still with us. Moreover, notwithstanding our substantial economic growth, we now accept the fact that there will always be poverty and unemployment even in the midst of plenty. Even in 1968, a good year in terms of employment opportunities, monthly unemployment averaged 2.8 million workers.

The program of aid to families with dependent children, to which I previously referred, was designed primarily for families in which the father was absent or incapacitated. It has since been amended to provide, at the State's option, assistance to families with unemployed fathers. However, only half the States have exercised this option. The result is that some families receive more from AFDC benefits than families headed by employable men receive from earnings.

The net effect has been to encourage the breakup of families in order that they might qualify for public assistance. If ever a program ran counter to the intent of those who enacted it as well as those charged with administering it, this is it. It is completely indefensible.

What we have created, in effect, is a two-headed monster which, on the one hand, encourages family breakup and, on the other, penalizes those who work. I have yet to hear a satisfactory explanation of why income from employment and receipt of public assistance should be mutually exclusive.

Our present hodgepodge of welfare systems also suffers from a lack of uniformity. Welfare programs are actually State programs that receive Federal matching funds and operate within loose Federal guidelines. The not surprising result is that systems differ from State to State in such essential features as coverage, benefits, and administrative practices.

With all of these negative features, it is a wonder that the program has survived this long. But there have been two factors working in favor of the status quo—inertia and the lack of innovative, viable alternative which goes to the heart of the problem instead of treating the symptoms.

We now have for our consideration what has aptly been termed the most innovative social legislation of the past 30 years. All we have left to contend with is our inertia.

Some may justifiably argue that change is not necessarily progress—and with that philosophy I must agree. But let us look at what the legislation does contain.

The family assistance plan now before the Senate calls for payments to all families with children having incomes below stipulated amounts. At the same time, it encourages employment by requiring registration for work or training, while permitting recipients who are employed to retain a portion of their earnings. These features, together with the establishment of national eligibility standards and some measure of Federal administration, make this legislation more than change just for the sake of change.

I am particularly pleased that the Governor of Pennsylvania, the Honorable Raymond P. Shafer, and the Governor-elect, Milton Shapp, have given their wholehearted endorsement to the Family Assistance Act of 1970.

While much of the discussion concerning this legislation has focused on its impact on families with children, we should not lose sight of title XVI which provides for grants to States for aid to the aged, the blind, and the disabled. One of its provisions calls for cash assistance in an amount which would guarantee an income of $110 per month per recipient. In addition, the earnings exemption for the disabled has been liberalized, making it consistent with that already in effect for the blind.

There is only one aspect of this bill in which it is vulnerable—it is not perfect. I submit, however, that if we wait for perfection, we will be discussing these same issues next year, and the year after that, and the year after that, ad infinitum, while welfare costs and human misery grow apace. And, even then, we would only be postponing the inevitable.

While perfection is an ideal toward which we must always strive, it is not a realistic goal in terms of any legislation, and certainly not in terms of an undertaking as massive as this.

I suggest, therefore, that the question should not be: "Is it perfect?" but rather: "What is the alternative?"

With whatever imperfections it contains, the family assistance plan does provide fiscal relief for financially hard-pressed States; it does raise benefit levels for recipients in areas where they are the lowest; it does combine work requirements with work incentives; it does reduce inequities inherent in our present welfare system; and it does establish a national minimum payment, national eligibility standards, and national meth-

ods of administration. This is no mean achievement.

For the first time, all States will be governed by the same set of rules, and each will have the option of contracting for Federal administration of both the supplementary payments and the adult category programs. In addition, the Federal Government would reimburse States for any costs resulting from this legislation in excess of 90 percent of their actual expenditures for calendar year 1971, plus a factor for cost-of-living increases.

What is the alternative? If there is one, why has it not been produced since the President introduced FAP in August 1969?

There is one additional aspect of welfare reform that has not been emphasized sufficiently. Ordinarily, when we speak of the failure of the welfare system, we buttress our remarks with statistics which show the astronomical increase over the years in caseloads and cost. But there is a conspicuous lack of statistics reflecting the failure of welfare in terms of the waste in human resources.

When the President addressed the Nation in August 1969 on the need for welfare reform, he noted that "poverty is not only a state of income. It is also a state of mind and a state of health." It is this state of mind and state of health to which I want to address myself briefly.

Recently we have witnessed a crescendo of concern regarding our natural resources, and certainly no one would dispute the importance of this precious heritage. But what more important resource than its children does any nation possess? And how would one weigh our efforts in preserving this resource in terms of its collective state of mind and state of health?

In a statement last April, the President remarked:

> We all know how the present welfare system breaks up families, demeans human dignity, and condemns poor people to a lifetime on the dole.

We know that it is not unusual for succeeding generations of the same family to become so enmeshed in the welfare morass that it becomes increasingly difficult to escape. Is this to be the birthright we bequeath to children born into poverty?

As we contemplate the cost of implementing this program, may I suggest that we also consider the cost of rejecting it. The legislation before us provides both the obligation and the opportunity for meaningful welfare reform.

It has been written that "the fathers have eaten sour grapes and the children's teeth are set on edge." How many children born into poverty during the past 35 years have been reared in an atmosphere of bitterness and despair? I venture to say it is more than any one of us would venture to admit. This is a burden that no child should be asked to bear, a legacy no parent should be forced to bestow. It is our responsibility to provide a better heritage for future generations.

One year ago, I introduced the Family Assistance Act of 1969. In reviewing my remarks of that time, I am impressed by the similarity with the situation today. Only one element has changed significantly in the past 14 months—the urgency of the occasion. If we do not act quickly, we will not have the opportunity to act at all in this Congress.

We are told that there is a time to keep, and a time to cast away—a time to keep silent, and a time to speak. May I also suggest that there is a time to discuss and a time to act.

And the time to act is now.

Mr. JAVITS. Mr. President, there has been some comment about the support for the President's initiative in respect to the family assistance program from the Republican side. In my judgment, there are a number of us who are deeply convinced that this is a very essential reform and that it represents a really historic first by the President and a breakthrough equivalent to his espousal of dealing with hunger in this country, or even superior to that.

We have all been distracted, I by my deep feelings about the trade bill and others by other matters. That has not been made clear. There is, in my judgment, a vast amount of support on the Republican side for the President's initiative.

I hope that that matter will not be lost on those who write and on those who speak, because it is a fact. The tumult which has been created has been such as to make it almost impossible to voice that in a deliberate way, even by one so convinced as I am.

So, before we lock this up, I think it is very important to make that clear.

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

Mr. JAVITS. I yield.

Mr. RIBICOFF. Mr. President, I think the Senator from New York is wrong. I think that the press is exactly right. The Republicans have not given the President of the United States support on this program. Let us not have ourselves misunderstood. What support the President has had in the Finance Committee and what support he has had on the floor of the Senate has been on this side of the aisle. I do not want to stand here and say that I am the only one fighting for the program. I have been out here naked fighting for the program. There has been no help or succor from the Republicans or from the administration. We now have this motion to recommit which is altogether different from the motion that we thought was going to be made, without casting any reflection on anyone.

We now have a motion to recommit. I am curious how the Senators on the other side will vote on that motion to recommit.

The President of the United States and the Vice President went up and down this country asking for men to be elected that would support and help him. I would like to see the Members of the Senate support and help him.

Support for the President's program has come from this side of the aisle. The job that the President has to do is with the Members on the other side of the aisle, instead of beating the Members on this side of the aisle over the head.

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

Mr. SCOTT. Mr. President, I had agreed to yield to the Senator from Colorado first. However, I will yield to the Senator from New York.

Mr. JAVITS. Mr. President, I do not think that what the Senator from Connecticut has said in any way changes the matter and makes me wrong. The fact is that I said that in the tumult of this debate such support as there is over here has not been evidenced. There is support, in my judgment, for the family assistance plan. That plan has an excellent chance to win a majority of the membership of this side of the aisle.

It happens that only the Senator from Utah (Mr. BENNETT)—out of great loyalty, fine and noble gentleman that he is—felt that he could support this plan in the committee. However, I do not think that is evidence of the degree of support over here.

Second, I point out to my friend, the Senator from Connecticut, that this motion is amendable. If he does not like what is in it and if I do not like what is in it, we can amend it. There is no cloture on time. It is completely amendable and debatable.

I hope very much that we will join together to amend it so as to deal with the things that we consider to be unfair, so that we will be able to resurrect something from this bill other than just the social security aspects of the matter.

Mr. RIBICOFF. Mr. President, I give great credit to the President of the United States for proposing the program. In all candor, I do not know of any Democrat who, if he had been elected President, would have proposed it. It took a lot of courage and foresight for President Nixon to propose this program. He is subject to a lot of criticism by people who will say that these people do not deserve help.

The President had the courage and foresight to see that any society that has a trillion dollar gross national product has a certain overhead that it pays for any failures. And when we consider the 14 million people who would be helped under this program, we realize that the President was right. There are those who say that no family of four ought to have less than $1,600 a year.

I wonder if any Senator would stand up and say that no family of four is entitled to $1,600 a year.

I believe in what the President of the United States was trying to do. I do not support him because he is a Democrat or a Republican. I happen to believe in this program. I believe that the President was on the right track in proposing this most imaginative program in which he showed great compassion, a program which is likely to start us on the road toward eliminating poverty. I think it deserves more help and support from the members of his own party.

What is so ironic to me is that in the closing days we want to expedite the business of the Senate and it could be expedited by saying that what we will do is to vote on social security, because the leadership in the other body has said they will not address itself to anything

but social security. What our chairman has done by his motion has been to bring this matter completely back into controversy, in which we forget the progressive parts of the President's program and substitute the most reactionary element in the last 30 years in social services in this Nation.

So now we start all over again in a vast debate in which Members on this side of the aisle have undone what they supposedly have tried to do to simplify the work of the Senate so we can go home.

Several Senators addressed the Chair.

Mr. SCOTT. Mr. President, I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, the RECORD should be clear that the Senator from Iowa joined the Senator from Connecticut in his motion to get his amendment attached to the social security bill. I think the Senator from New York should understand that. There were two of us, at least, and there might have been a third. So the Republican side has not been wanting.

But the matter is not as simple as the Senator from Connecticut puts it.

He is suggesting, "Here is an amendment. Vote it up or down." But it is filled with defects. It is a disservice to the Senate to put it up to the Senate in that way. We should have a chance to work our will on amendments to the bill.

The Senator from Connecticut, by his parliamentary maneuver, in putting the matter before us in that shape, is not being helpful to the President.

Mr. RIBICOFF. Mr. President, may I say to the distinguished Senator from Iowa, if I may reply, the only reason it is in that shape is that the Senate refused to accede to the requests of the Senator from Delaware to enable the Ribicoff-Bennett proposal, to be put in the first degree. I said I would accede to this arrangement after discussion with the Senator from Delaware; and we mentioned the reason we wanted it opened up was to give the Senator from Iowa and the Senator from Oklahoma an opportunity to introduce between them, 10 to 12 amendments which they had. When this request was refused we had no alternative and this was the only way to get the family assistance program before the Senate. It was not what we wanted. We had no alternative, after consultation among the minority leader, the Senator from Utah (Mr. BENNETT) and me.

Mr. MILLER. Mr. President, had it not been for the Senator from Connecticut offering the amendment in the second degree, in the first place, the efforts of the Senator from Delaware would not have been necessary at all. So the foundation for our trouble was laid when this amendment was placed at the desk in the second degree, and the Senator from Connecticut was the one who did that.

Mr. RIBICOFF. The foundation for the trouble was when the trade amendment was placed before the family assistance amendment, and when it became subject to filibuster, and the only way we could remove the filibuster and get the President's family assistance program considered, was to use a parliamentary procedure.

Mr. SCOTT. Mr. President, I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I thank the Senator for yielding. I would like to say two or three words.

First of all, I think this proves conclusively not only that coming back here after the election was a mistake, but that coming back here at this time was a horrible mistake. Many of the things that have been discussed here are really superficial. They do not get down to the basic things that are wrong here, and wrong in Congress.

There is no need and there is no reason, save and except the family assistance plan that we should have been in session after Labor Day of this year. If we would not sit around blindly and accept the "stuff" that is dished out to us, not only by word of mouth, the press, radio, and so forth, that Congress is just getting so complicated we have to be here all year, and if we would start using our heads, we would not accept such a mess of potage as that kind of statement.

We lost our chance to get out of here in a reasonable time. We would have performed one of the greatest services to this country if we could get our business done at an early time in the year and not accept blindly the statement that we are supposed to stay here all year, and if we would reassert what I think is one of the greatest aspects of this Government, and that is the right of the people at home to see their Senators and Congressmen in their own communities, to get their interpretations of what has happened, and to subject them to questions in their own communities during the fall. That cannot be done so long as we operate on the absurd basis we have.

This surpasses rule XXI. I am never going to vote for anything below 60 percent, and anyone in a smaller populated State who does is foolish for the simple reason that anyone who subjects himself to cloture based on majority rule is having a blind faith in human nature which this Senator certainly does not enjoy. So I do not think we should.

Now, here we are at this hour. No one can fault the President's courage in attempting to get out the family assistance plan. While we have been flagellated and somewhat castigated by the Senator from Connecticut, I think the Senator from Iowa has adequately answered that.

By the same token, those Senators on the committee, whether they were on the Democratic side or on the Republican side, would have been fulfilling less than their duties of office, and they would have been doing less than they swore to do when they stood at the desk of the President of the Senate if they had not devoted their best ability to working out a bill which was a workable bill, in fact.

We know that there are many bad things in the present welfare system. Glen Billings, a county commissioner in one of our large counties, which adjoins Senator HANSEN'S wonderful State told me in my office 1 week before Christmas that if the present welfare load increased in his county at the rate it increased the last 3 years, it would equal the total county budget. It is a challenge to all of us.

Here we are 3 days, 4 days, 5 days, perhaps, to adjournment. I know the Senator from Connecticut feels strongly about his position. But there are others of us in the Chamber who have worked for things for many, many years in the Senate, who are being thwarted this minute by a filibuster in this Chamber, which I think is to the detriment of the people of this country, which will destroy one entire industry in this country, and which will destroy a whole area of scientific and technological advancement. We have feelings, too. We feel as strongly about this as the Senator from Connecticut feels, but we have to face the facts. We have a troika here. I would like to see a family assistance plan worked out. I am convinced, and I say this frankly, that the bill that has been reported to us does not contain many things, because questions have been raised here again and again to which there has not been provided full answers.

I would have been happy to have seen a pilot plan reported so that we could try it out in some section or area and find out what it is going to cost and whether this Government can sustain it, and whether out of this multiplicity of welfare plans and "do good" programs which we have passed, overlapping, overlapping, and overlapping again in this country, we could bring some sense and order in one family assistance program. This is what I would dearly hope the Senate could do. But I am a practical man, too.

In these last few 4 or 5 days, I know we are not going to resolve the free trade measure, in which the Senator from New York is so interested. I know we are not going to resolve the family assistance plan. I do think we have some commitments—at least some of us—with respect to social security which we could fulfill.

Therefore, I expect, whether there is a rollcall or not, to vote for the motion to recommit, with the assurance and understanding which I understand the Senator from Louisiana has given, or is willing to give, that as soon as this matter may properly be brought before his committee, they will attack it again.

My personal feeling is that we owe every member of that Finance Committee a debt of gratitude. I do not care whether they supported the plan or whether they were against certain phases of it, no committee has applied itself so diligently to a given portion of legislation as that committee has in these last 4 months. I may be off a month, but it does not matter. They have met night and day, they have met morning and afternoon, and if we do not get the family assistance plan this year, if we do not work it out in a form which is acceptable to the Senate as a whole, we still owe the members of that committee a debt of gratitude. The members of that committee, with every bit of power they had, and consistent with the very multitudinous questions, technical questions, and legal questions involved in it, have done a job for all of us upon which we can build in the coming year.

I hope we are able to do this. I hope we are able to resolve it. At least if we

take action which we can take, we can expect to do it.

When we get to rule XXII, we will talk about that in January.

I say again that every one of the members of the Finance Committee—I do not care whether they were for it or against it—who attended the meetings and heard the 350 or 400 witnesses, deserve the thanks of the Senate, whether we are able to resolve it at this moment or not.

Mr. President, I told the majority leader that I thought when we came back we should have a quorum call some time during the day, and I would hope to have an opportunity at a later time to suggest the absence of a quorum in order to find out who is present for business.

Mr. SCOTT. Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator. Mr. President, the Senator from Florida is not in politics. Six days from now he leaves the floor of the Senate. He is not interested in any political implications in connection with any of the several issues bound together in this bill.

The Senator from Florida cannot be charged with opposing the President, because no less an authority than the Congressional Quarterly has said that the Senator from Florida has supported the President more than any other Senator on this side of the aisle since the President has presided as such. The Senator from Florida has no apology to make for that. He has voted with the President when he has thought he was right.

The Senator from Florida has not only great respect, but deep affection, for the Senator from Connecticut, and I think the Senator from Connecticut knows that. But after looking at the charts presented by my distinguished friend, the senior Senator from our oldest State, Delaware, the other day—charts prepared not by him but by the statistical staff of the Health, Education, and Welfare Department—the Senator from Florida knows perfectly well that there are provisions in this 139-page amendment offered by the Senator from Connecticut which need to be corrected and which cannot be corrected under the parliamentary situation now prevailing.

The Senator from Florida has not participated in either of the filibusters that have been going on, on either the trade bill, which he supports, or the family assistance plan, which he would like to support if it were a more perfect measure. But the Senator from Florida, trying to be realistic and hoping the Senate will do something in support of its own reputation, suggests there is one chance for us to get something done in connection with the package and that is to support the motion made by his distinguished friend from Louisiana, and that is that the bill be recommitted with instructions to report it back with only certain titles remaining, let the Senate pass on that measure, and send it to conference.

What does it mean? It means that over 26 million citizens who are now existing, many of them, on pitiful social security payments, will be recognized by the Senate as having a need to have sympathetic care shown for their condition.

If more were possible, if we had time, it would be a different situation, but we do not have the time. We have 5 days for the passage of a bill, for the conference, and then for the passage of that conference report if one ensues.

The Senator from Florida, being one who has supported the President in larger measure than any other Democrat in the Senate, simply says that he could not vote for the measure now offered by the Senator from Connecticut, much as he is in support of many of its provisions, because of the difficulties so clearly shown by the charts which the Senate saw the other day, which make it so clear that the measure has to be changed, has to be modified, has to be amended before he expects the rule of reason to be applicable to the poor people of our Nation.

So, Mr. President, the Senator from Florida hopes, speaking as a realist only, without reflection on anyone, that the Senate decides to be realistic, decides to vote to return this measure to committee with instructions which have been mentioned, so the Senate may quickly, as I believe it will quickly, work its will for the modification of the bill.

The Senator from Florida praises highly the Senator from Louisiana, because it was not an easy thing for him, with very great interest in some of the measures in the bill which will have to be eliminated under this motion, having reported the bill in a much different condition, to make this motion. I think he knows what I think every other Senator on the floor who is a realist knows, and that is that the only way open to us whereby we can get something done is to follow that course.

One more word. I was a little amused to hear some of my friends say we are trying to put the blame on somebody. I am not trying to put the blame on anybody. I am just putting it where it belongs. If the course offered by the distinguished Senator from Louisiana does not prevail and if nothing is done on the bill, it will simply mean that the 26 million people who are recipients of social security will know they were unheeded and unattended to and will believe that the Senate has gone home, at a time when we should be saying Happy New Year, offering them a stone instead of the bread they have asked for.

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

Mr. HOLLAND. I yield to the Senator from Louisiana.

Mr. LONG. It was suggested by the Senator from Massachusetts and also by the Senator from Connecticut that there was something antipoor or at least something unworthy in leaving in portions of title V. These sections of title 5 which I seek to save are worth $1 billion to the poor of this country. That is why I did not move to strike these sections.

As a matter of fact, after the Senator from Delaware (Mr. WILLIAMS) proposed that we limit this measure to titles I and II, I urged him to join with me in saving certain parts of title V. Those provisions include $300 million in higher welfare payments for the aged; $500 million in additional Federal funds for child care, increased matching for family planning, funds for migratory workers, and for persons training under the work incentive program; and $200 million to encourage the provision of jobs for welfare recipients.

Mr. President, here is a provision of the bill calling for additional help for poor people, for children, the disabled, the blind, the aged, and for aiding persons who hope to better themselves through employment to bring them better income.

But the fact is that in several instances the court incorrectly construed the statutory language we ourselves wrote, along with the Committee on Ways and Means, and we have sought to set straight in precise terms what Congress meant. I would hope that this would not prevent the Senate from voting for the motion, because everything that would remain in the bill would be subject to amendment, and if the Senate does not want any part of it, the Senate would be at liberty to strike it out.

Mr. SCOTT. Mr. President, I yield to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I sought the floor in my own right.

Mr. SCOTT. Very well; I yield to the Senator from Kentucky.

Mr. HARRIS. Does the Senator intend to hold the floor for some time?

Mr. SCOTT. No; after yielding to the distinguished Senator from Kentucky, I was about to suggest the absence of a quorum. I was trying to get to a vote.

Mr. HARRIS. Mr. President, I have an amendment.

Mr. SCOTT. So, if I may yield first to the Senator from Kentucky, then I shall yield the floor.

Mr. COOPER. Mr. President, as was stated a moment ago, we face a condition, not a theory. Does the Senator from Pennsylvania consider that there is no possibility of our being able to vote "yea" or "nay" on the family assistance plan during this week?

Mr. SCOTT. My answer to that is that, acting for the administration and out of my own desire as a Senator as well, I have been doing everything in my power to bring about a vote up or down on the family assistance plan. I am for it. I am sure it is imperfect, as is most of our major legislation, but I would like to see it enacted.

I think we have exhausted, in this Chamber, every possible means known to me. If it were possible to get cloture, I would have done that. I am convinced it is not only impossible to get cloture, but it is difficult, at this late date, to get 16 Senators willing to even sign a motion for cloture.

I regret very much that, as I see it, we are not going to be able to get a vote up or down on this plan. I think we should have it.

Mr. COOPER. I think so, too. I must say, after sitting here for the last 2 weeks, not taking any part in the debate on this particular measure, that it has become apparent to me, as I think to everyone, that we cannot get cloture on any part of the bill, and we cannot get a vote up or down except on the motion to recommit, and then a vote upon the

social security part of the bill if it is reported.

I doubt that a single Senator would vote against the social security measure. Certainly I shall vote for social security. But if the question is raised as to whether a vote for recommitment is an indication of opposition to the family assistance plan, then I intend to vote against the motion to recommit. Of course, I am for social security, like everyone else in the Senate, but I wish to make it clear that I am also for the family assistance plan.

I speak with some feeling about this matter for it is a subject of long concern to me. I do not intend to bore the Senate, but in 1930, I was elected as county judge of my rural county in Kentucky, chiefly an administrative position. I was 28 years of age and found myself the head of my county in a depression. For 8 years I served, and there poured into my office people, hungry and sick, as in every other area of this country, with no hope, no source of help except their government.

Whatever has been said about the WPA program of that time, it was a great program. It gave work and sustenance and hope to people. It did a great deal of constructive work. I have traveled through every section of my State since that time—once or twice a year—and particularly in the section which has become familiar to everyone as "Appalachia." I have seen, since 1938, program after program, proposed to lift up the poor on welfare. They have been good programs, as far as food is concerned—school lunches, milk, surplus commodities, and finally the food stamp plan.

However, with all of these programs, and the costly poverty program, the people have not broken out of the awful and ugly cycle of welfare without work or purpose. It involves a deterioration of the human spirit and mind. There is forming in my State, as I am sure is true in the great cities of other States a class of our people who are separated and alienated from the rest of society.

I do not know what is wrong with the family assistance plan bill. I am sure it can be improved. I am sure it ought to be corrected. But I know when corrected, it ought to be passed, to turn away from the present system of goods, food and clothing, necessary, as they are, and turn on people in the direction of training, education, work and self-sufficiency.

I believe it is going to be terribly difficult for them to break out of the cycle. We will find many cannot learn because of their long disassociation from education. Many of them cannot eat properly, because there is no one to tell them how to use nutritious foods. It will be hard for many to get work, because they are not trained and educated to perform useful work in our technical society. But the change from welfare to training, education, and work must be made.

From the moment I heard President Nixon make his speech on television over a year ago, I must say my heart and my spirits lifted up. I thought I saw at last something in the making to help our people in our own country.

If we cannot help people in our own country, we cannot expect to help others anywhere in the world. So I hope very much that this plan will be corrected properly and will be enacted. It will not be enacted this session, but early next year. I hope that the plan or the test plan of the Senator from Connecticut, will be enacted.

Mr. President, to indicate that I am for the family assistance, I shall vote against the motion to recommit.

Mr. SCOTT. Mr. President, the Senator from Kentucky pretty much expresses my opinion.

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

Mr. SCOTT. I yield.

Mr. CASE. I commend the Senator from Kentucky, who needs no commendation from the Senator from New Jersey or anyone else, but I do. As the Senator from Pennsylvania has said about himself, he expresses my views to a "T," and my answer will follow his on this motion.

Mr. SCOTT. Mr. President, I am about to address a question to the distinguished majority leader.

I would like to say that had we had an opportunity to vote on this matter up or down, I am as convinced as I can be, based on the length of my experience in this body, that a majority of Senators on both sides would have supported the family assistance plan.

I ask the distinguished majority leader, as I said I would do when he was on his way to the Chamber, I have expressed the opinion that if this bill does not pass in this session, that as soon as it comes over from the other body next year we in this body would seek to refer it to the Finance Committee, and that we would, following proper and complete hearings, do all within our power as the joint leadership to expedite action by the Senate on this family assistance measure. I would appreciate the comments of the distinguished majority leader on this point.

Mr. MANSFIELD. Mr. President, in response to the statement just made by the distinguished minority leader, first let me say that it is my intention to vote against the motion to recommit. Second, let me say that the President has placed great stress on this particular domestic program. There is a need for much to be done. I have some grave questions about it in my mind, but I am willing to resolve my doubts in favor of what the President seems to be so personally and intensely interested in achieving.

It has been pointed out that the welfare rates are skyrocketing, and that the number of people on welfare is increasing at a tremendous rate.

If the motion to recommit carries, I wish to give the distinguished minority leader and the Senate my assurance that I shall do all I can as a Senator to bring the matter up for debate and consideration once it is reported out of the Finance Committee and placed on the calendar. It is my understanding that the distinguished chairman of that committee has indicated an interest in taking the matter up if the House acts and after it has acted. That is within the purview of the committee. I do not think it is something which, if gone into, should be gone into hastily, even though there have been extensive hearings this year.

So I am assured by what the distinguished Senator from Louisiana has told me—I hope I am free to state this—that after a bill is reported by the committee and passed by the House, hearings would be held here as expeditiously as possible. When a bill is reported by the Finance Committee, I assure the Senate that I will be glad to join with the Senator from Pennsylvania in doing all I can to expedite debate, consideration, and disposal.

I reiterate that I think the President deserves this much courtesy and this much in the way of consideration.

Mr. SCOTT. I thank the distinguished majority leader.

I yield the floor.

Mr. HARRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. PEARSON). The Senator will state it.

Mr. HARRIS. Is the pending motion subject to amendment?

The PRESIDING OFFICER. The instructions are subject to amendment.

Mr. HARRIS. Mr. President, a further separate parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARRIS. If the motion of the Senator from Louisiana is adopted, would the bill thereafter reported to the Senate be subject to amendment by the Senate?

The PRESIDING OFFICER. That is correct.

Mr. HARRIS. Would the bill be subject to an amendment in the form of a modified version of the Ribicoff-Bennett amendment?

The PRESIDING OFFICER. That is correct.

Mr. HARRIS. Mr. President, first, let me say that I do not in any case intend to support the motion of the Senator from Louisiana. I believe that the Senate ought to act on both social security and welfare reform. I am hopeful yet that we can, if this motion is rejected, get a vote on the Ribicoff-Bennett amendment. It is an improved version of an amendment which was rejected in the Senate Finance Committee—improved, I think, because of determined opposition. It has not been improved enough. If it were adopted by the Senate, it would be my hope to amend it, either through later motions to strike and insert or by other means, to improve it further still. I think it needs to be acted upon. The time is at hand for real welfare reform. I hope, therefore, that this motion will not be agreed to.

The thing that has us in so much trouble is the trade section of this bill, which I vigorously oppose. I oppose it both on the substance of the issues involved and on the procedural question involved. This section is totally nongermane to the principal issues involved in this bill—social security and welfare—and I would hope that the Senate would at last decide to put aside this nongermane section, the trade section. It is much too late in this session, with only two days of hearings in the Finance Committee, to try to write this kind of

major trade legislation, the most important trade legislation we have seen proposed in this country since 1962.

So I would hope that that section could be dropped, and the Senate could proceed to consider social security benefits and welfare reform. I twice moved in the committee to strike the trade section from this bill, and I hope that that may yet be done by the Senate; and then the Senate, with proper deliberation, with proper hearings, could take up the whole matter, the very complicated matter, of trade early next year and act upon it.

I think that those who support the general provisions of the trade portion of this bill can be reassured by the statement of the distinguished Senator from New York—which I would echo—that there would not be an attempt to delay, through a filibuster or by extended debate, final consideration of some trade bill during the early part of next session, after the proper consideration had been given in the committee and on the floor.

Furthermore, I think Senators should be aware that, as has just been stated by the Presiding Officer, the adoption of the pending motion would be a nullity; because if the motion to recommit is agreed to by the Senate and the bill comes back here as a social security bill, it is then subject to an amendment which, as a matter of fact, I already have had printed, which is an improved version of the Ribicoff-Bennett amendment—improved by amendments which I feel need to be made to it. So we would be doing nothing at all. It is time for the Senate to get down to business on this issue and to make its decisions and adopt real welfare reform in this session. I do not believe we will save any time by proceeding with the motion to recommit with instructions.

Furthermore, as has been pointed out by the distinguished Senator from Massachusetts and the distinguished Senator from Connecticut, the motion of the distinguished Senator from Louisiana does not just strip this bill down to social security, medicare, and medicaid. The bill, as would be reported back to the Senate if this motion is successful, would still include welfare provisions. But those welfare provisions would not be the kind of innovative welfare reform, the kind of progressive welfare changes, that many of us feel are desperately needed. Instead, they would be the kind of regressive and punitive welfare amendments which the Senate on occasion in the past has rejected because they tend to demean those who receive welfare, making it much more likely that they will continue in the cycle of dependency by making them at least second-class citizens and attempting to punish them for their poverty, rather than offering the kind of helping hand we should offer.

So, Mr. President, I now move to amend the motion of the Senator from Louisiana by adding to the instructions a provision that title V also be stricken, and I should like to be heard on the motion.

Mr. LONG. I ask for the yeas and nays, Mr. President.

Mr. HARRIS. Mr. President, I should like to be heard on my motion.

The PRESIDING OFFICER. The Chair inquires of the Senator from Louisiana whether he is asking for the yeas and nays on the amendment.

Mr. LONG. I am asking for the yeas and nays on the Senator's amendment to the motion.

The yeas and nays were ordered.

Mr. HARRIS. Mr. President, I send to the desk the modified version.

The PRESIDING OFFICER. The clerk will state the modified amendment.

The assistant legislative clerk read as follows:

On page 405 strike lines 1 through 25 and strike all on pages 406 through pages 498 and on page 499 strike lines 1 through 17.

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

Mr. HARRIS. May I first say what the amendment is, and then I will be pleased to yield to the distinguished Senator from New York.

This amendment would add to the instructions under the Long amendment the instruction that the entire title V of the reported bill be stricken as well as the other provisions which he would strike under his proposed instructions.

I reiterate that I do not in any case intend to support the motion to recommit, but these are issues we will have to face in the Senate at one time or another if the motion to recommit is successful. These issues will have to be faced then; and if the motion to recommit is adopted, I would hope it would be adopted in its best form.

This amendment would strike the committee provision which would institute a type of 1-year residency requirement in the face of the Supreme Court opinion to the contrary, would strike that provision of the committee bill which would resurrect the onerous man-in-the-house rule, would strike from the bill the provision which would require a return of the amount paid to the welfare recipient who does not prevail in hearings, a provision which would certainly deter challenges of illegal regulations by recipients and others, would strike the committee provision which would overturn another Federal case having to do with adding eligibility requirements wholly unrelated to the needs of poor children, would strike the committee provision which would tend to abrogate the right of privacy guaranteed to citizens under the Constitution as it relates to welfare recipients; and would strike the committee provision which would do away with the present system which allows the declaration method for determining eligibility, with spot checks.

I will go into any of these provisions which Senators may want to discuss. I had hoped that the distinguished chairman of the committee would agree to this amendment. The amendment which I have offered would do another thing: it would strike from title 5 also the provision which was added in committee on the motion of the distinguished chairman, the Senator from Louisiana (Mr. LONG), setting up a Federal Child Care Corporation. I opposed that proposal in committee. I do not believe it is a good proposal from the standpoint of the children involved. It would set up a Federal corporation to provide child care or day care for children, including the children of welfare families. It would leave out, in my judgment, two basic fundamental requirements of any proper child care program; that is, parental involvement and community control. The day has long since passed when poor people or black people or other minorities will be willing to allow a private business corporation made up of outsiders to come into the neighborhood and take over child care or day care for their children. I am desperately afraid that is what could happen under a private enterprise franchise system which is permissible under this child care corporation proposal.

Therefore, I think the thing to do, if the motion to recommit is adopted, is to strike all of title V and then take up the issue later on, if the motion to recommit is adopted. As I said before, I certainly hope it will not be, but if it is, then I want it to be in its best form.

I now yield to the Senator from New York (Mr. JAVITS), without losing my right to the floor.

Mr. JAVITS. Mr. President, I wish to express my satisfaction at the Senator's amendment. That is what I indicated in debate before to our colleague from Connecticut, who has taken such a laudable and fine lead in respect of the President's plan for family assistance. I think, if we are not going to be back exactly where we started, the confluence of two things is necessary; first, another controversial provision—to wit, title I—should remain in the bill if we are going to try to avoid the height of controversy; and some accommodation satisfactory to the President and satisfactory to Senators RIBICOFF and BENNETT and others who are also interested in family assistance. Otherwise, no matter what we do on a motion to recommit, we will be back exactly where we started, and we will only have demeaned ourselves by marching up the hill and marching right down again.

I shall support the Senator's amendment.

Mr. HARRIS. I thank the Senator from New York for his comments.

I now yield to the Senator from Connecticut without losing my right to the floor.

Mr. RIBICOFF. Mr. President, I want to commend the Senator from Oklahoma. I shall vote against the Long proposal to recommit. I shall definitely vote for the amendment of the Senator from Oklahoma to the motion of the Senator from Louisiana. The Senator from Oklahoma is absolutely correct, if we are not going to vote on the family assistance and have another look next year at the welfare reform, what the Senate certainly does not want to do is to adopt some welfare changes which do not go forward as the President desires, but go backward against the recommendations of every student in the field of welfare, and every former Secretary of Health, Education, and Welfare, Democratic or Republican.

So I hope that this body will vote for the motion of the Senator from Okla-

homa and will vote against the proposal of the Senator from Louisiana.

Mr. CURTIS. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. HARRIS. I yield.

Mr. CURTIS. Did I correctly understand the distinguished Senator from Oklahoma to say that, should the Senate by a majority vote recommit the bill to eliminate family assistance and trade that, notwithstanding that majority expression on the part of the Senate, he would instigate another motion and the Senate would be back debating family assistance?

Mr. HARRIS. No, the Senator does not understand me correctly. What I did was to inquire of the Chair whether, if the Long motion were to be adopted, a modified version of the Bennett-Ribicoff amendment might thereafter be offered to the newly reported bill, and the answer of the Chair was in the affirmative. So I said to the Senate that that is one reason why we should get down to business on the pending bill, rather than go through the process of a motion to reconsider, because what will be done could be, in my opinion, a nullity, based upon what the Chair has said.

Mr. CURTIS. I understood what the Chair said was that the Senator would have the right to offer an amendment. There is no question about that. But if the Senate, by majority vote, expresses itself in favor of eliminating these controversial sections, would the Senator from Oklahoma, in the face of that vote, offer another amendment on family assistance should the Long amendment prevail?

Mr. HARRIS. Does the Senator from Nebraska think that a motion to reconsider which strikes trade and many other provisions of the bill and the pending amendment relating to welfare reform is exactly the same question, yes or no, as voting on a modified version of the Ribicoff-Bennett amendment, yes or no? It would not be.

Mr. CURTIS. It has this difference, that the Senate would, by majority vote, direct a certain course, to wit, that a portion of the bill go forward. My question merely amounts to this: Would the Senator from Oklahoma feel that he would be bound by a majority vote of the Senate if they so voted?

Mr. HARRIS. I would be bound in every respect by what the Chair holds is binding as a result of what the Senate had done. Senators can interpret whatever the Senate does in the way they want to interpret it. I may interpret it my way, but the one interpretation that really means anything is what the Chair says, and he has just ruled that a modified version of the Ribicoff-Bennett proposal would thereafter be in order. And I say to the Senate, therefore, that there is no use going through this process, that we should get down to business on the pending bill.

Mr. CURTIS. I do not think the Chair would compel the Senator to offer the amendment. My question was, Would the Senator offer it in the face of a majority vote of the Senate?

Mr. RIBICOFF. If he did not, I would. Let me make it perfectly clear that I had discussions on this proposal with the Senator from Delaware and I was under the definite impression, after my discussion with him, that we were going to strike out titles III, IV, and V. I was shocked to learn that that was not the case, that a portion of title V was retained, so that under the circumstances I do not think any such agreement would be binding. If the motion were defeated by the Senate and another proposal was adopted, I would feel honor bound, therefore, to reintroduce this amendment, the family assistance program, the Ribicoff-Bennett amendment.

Mr. CURTIS. That answers my question.

Mr. HARRIS. Mr. President, let me wind up briefly. I would be glad to agree to a time limitation on the consideration of my amendment if there is any desire that that be done. Someone may want to propose that at some later time. I do not want to hold up the Senate very long. However. I want to say a word in support of my amendemnt.

The amendment I have offered would take out those provisions which seek to go backward, insofar as the rights of welfare recipients are concerned.

I want to address myself briefly to the regressive welfare provisions of the committee bill which the motion I have offered would strike. I opposed these provisions very strongly in the committee, as did other members of the committee.

I will only mention two or three of them.

First of all, there is the provision in the committee bill which would reverse the progress recently made concerning the declaration method of determining eligibility. Mr. President, when Mitchell Ginsburg some time ago became head of the welfare program in the city of New York, he began to acquaint himself with what one might call the eccentricities of the welfare laws in that city and State, and elsewhere around the country. He found, for example, that there was a very detailed investigation that went on in regard to whether or not a welfare applicant had told the truth as to whether he had any insurance with some cash value.

The city of New York had a very detailed and complex system of following up that declaration that the welfare applicant had made, that he had no insurance with a cash value, by a series of letters and other checks with insurance companies around the country.

Dr. Ginsburg asked those on the welfare staff of the city of New York what that elaborate system of checking the declaration on the welfare application cost.

He was told that that system of checking and investigating prior to the time the welfare applicant was able to receive assistance, during the past year, had cost the city of New York some $125,000, as I recall it.

He then asked how much money the city of New York had gained as a result of the elaborate investigation system.

The answer was that the city had gained $7,500, as I remember it.

Dr. Ginsburg said to cut it out. He said, in effect, "Let us not continue this investigative program."

Someone asked, "What about the cheats?"

Dr. Ginsburg said, in effect, "We cannot continue to spend $125,000 a year in order to pick up $7,500 of net revenue."

Mr. President, that kind of case can be duplicated all around the country. Welfare caseworkers over the years have become almost a hated enemy of a lot of welfare recipients around the country. It is not right that they should be, but they have been made investigators and law enforcement police and almost everything else. In addition to being social workers and trying to help people get a chance to get out of poverty and to get off welfare and to be self-sustaining and to get a job, instead of rendering the kind of social services that case workers mostly would like to do and are trained to do, they have for so many years been engaged in trying to enforce the law against those whom they are supposed to serve.

The declaration method of determining eligibility was instituted during the past administration in HEW and has been carried on during this administration. The tests of that system have shown that only 1.8 percent of such applicants were found to be ineligible. Maybe there is less chiseling and cheating by those who apply for welfare than by those of us who fill out income tax returns. Why would not the same system of checking be done in each case? Why would not that apply in both cases?

I will mention only two other provisions that my amendment would strike from the committee bill if it were adopted by the Senate.

One is the so-called man-in-the-house rule. The Supreme Court of the United States in the cases of King against Smith, Lewis against Martin, and Shapiro against Solomon struck down those rules which would base eligibility, not on actual resources available to the children or to a family, but on an imagined income from people not legally obligated to support the children involved.

The clear import of those old rules was that a welfare recipient was a second-class citizen who did not have the same rights as other citizens.

We support a welfare system—and many of us support a reformed welfare system—not only because of the morality involved, because we want to do what is right insofar as we can toward a lot of people who are less fortunate than ourselves, but also because it is in our own self-interest to do so. Mr. President, if we do not help provide a decent standard of health and a decent standard of life and enough to eat for the little children in this country, for all the little children in this country, we pay for it many times over in increased welfare, in the continuation of the welfare cycle, in remedial education and training, in narcotic addiction, and in prisons.

Mr. President, the costs of prisons and of crimes are far more than it would cost us to do the right thing in the initial instance and provide for a decent standard of living for every child, which

I think, is the right of every child in America. If I am correct in feeling that it is in our own self-interest to provide for a decent standard of living for every child in our country, then we would be defeating our State purposes, if, by our rules and our laws, we demean those who receive welfare assistance, if we degrade them and hold them up to public shame and ridicule, as was true under some of these old rules and laws that the Supreme Court has now stricken down.

We would now go back to those old rules, those old, degrading, and demeaning rules which in many instances make second-class citizens out of welfare recipients, that tend to take away from them rights that other American citizens enjoy. That is why the amendment I have offered to the motion of the Senator from Louisiana would strike out those regressive portions of the bill.

It would strike out that portion of the measure which attempts to get around the opinion of the Supreme Court in the case of Shapiro against Thompson, which knocked down the 1-year residency requirement for people in need of public assistance.

America is one country where whether a little child is born in Mississippi, Oklahoma, or New York decides if that little child, that American child, is entitled to the same kind of chance for a decent life and the same chance for decent health, and the right against hunger, and the right to live in a decent home and to go to a decent school.

Mr. President, years ago there were some who said that if Oklahoma or Mississippi had an inferior system of education or, if Oklahoma or Mississippi discriminated against little black children in their school systems, "That is the business of Mississippi," or "That is Oklahoma's business." There were some who said, "That is not our business in the Senate or at the Federal level."

In my view, that was wrong on moral grounds, but it has proved to be wrong on practical grounds, as well, because that child born in Mississippi or born in Oklahoma did not necessarily stay in Oklahoma or Mississippi. That child may move to Detroit, to New York, or to Chicago, and if he goes there scarred by ravages of a segregated and discriminatory educational system or if he goes there with the handicap of an inferior education, that has been shown to become the concern of every one of us, as a practical matter, and we pay double for it. Those of us who live in other States, other than those States where that inferior education or discriminatory education was first provided, pay our part.

The Supreme Court said that everyone in this country is a citizen of this country and they said that every citizen of this country is entitled to the same kind of equal treatment under the law, and they said that residency requirements of 1 year cannot be set up, as has been done in many State welfare systems. They said that is unconstitutional.

The welfare system in New York City, for example, is held up as one that is supposed to draw people into that State. There is a myth that people go from place to place, across State lines, in order to get into a State with a more generous welfare system. That is a myth, and the facts show that it is a myth. People do not move from State to State because of the difference in welfare laws or the difference in welfare programs. In New York, a check showed that less than 3 percent of those who applied for welfare had lived in the State for less than 1 year.

People move from one place to another hoping for a better job. So often, especially now when fewer jobs are available, with a needlessly slack economy, with job lines needlessly long, they find that chance is not there for one reason or another, and many of them apply for welfare. Only about one-third of those eligible for welfare have applied in the past but many of them are becoming more pinched as the economy becomes tighter and tighter.

With a 1-year residency requirement there was case after case of a young mother with children in whose home the gas had been turned off, the electricity had been turned off, the children did not have shoes or clothing to go to school. They had applied for welfare but were told that the residency requirement prevented them from being eligible, other forms of relief had run out, and here were little children who were desperately in need but who were not eligible as welfare recipients because of the residency law.

The Supreme Court said that is not constitutional. I agree with the Supreme Court as a matter of law and as a matter of substance.

Now, the Committee on Finance, over my objection, comes in with a modification of that rule and says that these people can stay under the old State's system for 1 year and then be eligible under the new State's system. That is an attempt to get around what the Supreme Court said is illegal, and if it is agreed to there will be a snarl and mess about whose checks go where and who the recipients are.

I hope the Senate will agree to the amendment I have offered to the Long motion and not agree to the Long motion, but get down to the business of welfare reform and social security.

I made the motion in committee to increase to 10 percent the 5-percent benefit increase which had been voted in the social security bill by the House. I joined vigorously in the motion of the chairman to raise the minimum benefit to $100. Those two provisions in that bill should be agreed to and there are other very good provisions in that bill which should be agreed to. I believe they will be agreed to by the Senate.

I hope we will have real welfare reform. The welfare restrictions contained in title V are not real welfare reform; they are totally inconsistent with welfare reform. It would be a step backward to adopt them. The other provisions we would strike in title V can be put back in by amendment to the bill if it comes back in amended form, or, as I would prefer, by adoption of an improved version of the Ribicoff-Bennett amendment.

Mr. LONG. Mr. President, every provision the Senator seeks to strike would be subject to amendment if the motion to recommit carries. The Senator is saying he is not going to vote for the motion to recommit and he would have no obligation to go along with anything the motions suggests or provides, if it carries. He has already said he is going to vote against it, even if he gets his way, so what is the use of trying to humor the Senator.

On the other hand, I believe it would be well to point out with respect to those who might be inclined to vote for the motion that the whole purpose of the motion is to dispose of these two issues which are keeping us from voting on the bill. One is the family assistance plan and the other is the trade bill.

When one votes for the motion there is an implied understanding that, having done that, if we want to pass the bill we will proceed to table further versions of family assistance and the Trade Act, to keep those off the bill in the event it is so reduced.

If the motion were agreed to the Senator could move to strike any part of that which remained in the bill, and that would be entirely in order. The motion would suggest that anyone could amend or strike from the bill something he did not like.

Unfortunately, the Senator will not let us get to that point. Now, he is filibustering the bill.

Mr. HARRIS. In what way? I believe I offered to have a time limitation on the amendment.

Mr. LONG. The Senator keeps talking about the matter. The Senator made a long speech.

Mr. HARRIS. I will ask a question now, if the Senator will yield for that purpose.

Mr. LONG. I yield.

Mr. HARRIS. Mr. President, I ask unanimous consent that further debate on the pending amendment to the Long motion be limited to 30 minutes, equally divided between the Senator from Louisiana and me.

Mr. LONG. May I suggest it be 10 minutes equally divided.

Mr. HARRIS. I am pleased to agree to that.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. LONG. Mr. President, let me just make it clear that the Senator in his motion——

The PRESIDING OFFICER. Who yields time?

Mr. LONG. I yield myself 5 minutes.

The Senator in his motion would strike out every single provision that helps the people who need it most. For example, if his motion passed, under the provision for 10 percent social security increases and a $100 minimum, States would be required to consider every item of income that would go to a needy person. So when social security beneficiaries received a $10 or $20 or $30 increase in their social security checks, as the case might be, the States would be required to proceed to cut their welfare checks by the same

amount that the social security checks had been increased.

I am sure the Senator would not like that to happen, but that is what would happen if the Senate agreed to his amendment.

We have provided that there will be a $130 minimum for people who are not even drawing social security, if they have no other income. That provision would be stricken out by the Senator's amendment.

There are other provisions relating to migrant families with children. I have seen the Senator vote to help migrant families, but his amendment would strike the provision wherein the Government would put up 75 percent of the cost of helping migrant families.

There is provision for 90 percent rather than 80 percent matching funds for training people and providing them with work under the work incentive program. That provision would be striken out.

There is a provision for more generous matching funds for child care. That provision would be stricken out. The matching formula for child care would be moved up from 75 percent to 90 percent. That provision would be stricken.

There is provision for tax credit for those who hire people who are on the work incentive program, which is designed to train people and get them jobs. That provision would be stricken.

Altogether, there are benefits amounting to $1 billion for people who need it most.

If the Senator wants to propose amendments to strike what remains in the bill point by point, I think we ought to do that when we get around to voting on recommitting the bill, which he is against. If we do not do that, it will not be possible for the Senate to make any kind of decision with regard to the people who the Senate believes should not be on the rolls and whom the Senate believes would be benefited by an erroneous court decision. That is something which should be decided, but it will not be decided in the event the amendment carries, because we will never get around to voting on it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, I yield myself 2 minutes.

The Senator wants to make things go faster, and the best way to do that is to take out these provisions which I have listed. The other questions which are raised by the distinguished Senator from Louisiana are irrelevant because I have already asked the Chair about it, and the Chair has responded that if the Long motion is agreed to and the bill is reported back to the Senate, it will be amendable. We could then take up in an affirmative way, as I think we should, the items the Senator has set forth.

I do not think the committee went as far as it could with regard to migrant workers. I think that issue should be brought up as an affirmative matter.

I do not think the committee did the right thing in relation to child care, as I said earlier. I would rather strike that provision from the bill and take it up in an affirmative way, if the motion is going to be agreed to, by later amendment. The other provisions which have been mentioned obviously are provisions which can be offered, if the motion is agreed to, by amendment; and I say now they will be.

We ought not, on the one hand, say we are not going to have any welfare reform, which is the import of the motion of the Senator from Louisiana, and then turn back again and say, not only are we not going to have any welfare reform, but we are going to go backward. My motion would prevent us from doing that.

Mr. LONG. Mr. President, I yield 1 minute to the Senator from Utah (Mr. BENNETT).

Mr. BENNETT. Mr. President, it seems to me that if we are ever going to get this matter handled, it would be better to clear the decks. I have been opposed to the motion to recommit, but I realize that, because of the lateness of the hour, because we have to go to conference with the House on this and on several other bills, we should not continue this futile exercise. I would have to oppose the amendment of the Senator from Oklahoma, because it just confuses the issue. It divides those who might have supported the action of the Senate Finance Committee. It is an overkill because, obviously, he is taking out some provisions which he would not want to be taken out.

Reluctantly, I am going to vote for the proposal of the Senator from Louisiana, even though my name is on the other amendment, because I realize we have reached the time and place now where, if we are going to be able to salvage anything, we had better proceed in the way he has indicated.

I have been assured, as have other members of the Senate Finance Committee, that when we meet again in the new session, if we can quickly get a bill over here from the House, we will have a much better opportunity than we have had in the closing weeks of this session to consider the whole problem more carefully.

So I hope the Senate will reject the amendment of the Senator from Oklahoma.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. HARRIS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Oklahoma to the motion of the Senator from Louisiana.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Oregon would vote "yea" and the Senator from South Dakota would vote "nay."

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 27, nays 42, as follows:

[No. 445 Leg.]

YEAS—27

Bayh	Javits	Pell
Brooke	Kennedy	Proxmire
Case	Mathias	Ribicoff
Goodell	McGovern	Schweiker
Griffin	McIntyre	Scott
Harris	Metcalf	Stevenson
Hartke	Mondale	Tydings
Hughes	Moss	Williams, N.J.
Jackson	Nelson	Young, Ohio

NAYS—42

Aiken	Dole	Packwood
Allen	Ellender	Pearson
Allott	Ervin	Prouty
Baker	Fannin	Randolph
Bellmon	Fulbright	Saxbe
Bennett	Gurney	Smith
Bible	Hansen	Sparkman
Boggs	Holland	Spong
Byrd, Va.	Hruska	Stennis
Byrd, W. Va.	Jordan, N.C.	Talmadge
Cannon	Jordan, Idaho	Thurmond
Cook	Long	Williams, Del.
Cooper	Mansfield	Yarborough
Curtis	Miller	Young, N. Dak.

NOT VOTING—31

Anderson	Gore	Mundt
Burdick	Gravel	Murphy
Church	Hart	Muskie
Cotton	Hatfield	Pastore
Cranston	Hollings	Percy
Dodd	Inouye	Russell
Dominick	Magnuson	Stevens
Eagleton	McCarthy	Symington
Eastland	McClellan	Tower
Fong	McGee	
Goldwater	Montoya	

So Mr. HARRIS' amendment was rejected.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR ALLOTT TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from Colorado (Mr. ALLOTT) be recognized tomorrow, after the approval of the Journal, for a period of not to exceed 45 minutes.

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

ORDER FOR TIME TO BE SET ASIDE TOMORROW FOR TRIBUTES TO SENATOR TYDINGS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the speech of the distinguished Senator from Colorado (Mr. ALLOTT) tomorrow, an hour be set aside for the Senate to pay its tributes to a departing colleague, the Senator from Maryland (Mr. TYDINGS).

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

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Mr. HARRIS. Mr. President, I send to the desk an amendment to the pending motion of the distinguished Senator from Louisiana and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 467 strike lines 7 through 25.
On page 468 strike lines 1 through 25.
On page 469 strike lines 1 through 25.
On page 470 strike lines 1 through 25.
On page 471 strike lines 1 through 25.
On page 472 strike lines 1 through 25.
On page 473 strike lines 1 through 25.
On page 474 strike lines 1 through 25.
On page 475 strike lines 1 through 25.
On page 476 strike lines 1 through 25.
On page 477 strike lines 1 through 25.
On page 478 strike lines 1 through 25.
On page 479 strike lines 1 through 25.
On page 480 strike lines 1 through 25.
On page 482 strike lines 1 through 11.
On page 483 strike lines 17 through 25.
On page 484 strike lines 1 through 25.
On page 485 strike lines 1 through 40.

Mr. HARRIS. Mr. President, I would hope that the distinguished Senator from Louisiana could accept this amendment to his motion. It does not deal with anything other than the modifications in the present law, some of which previously have been acted upon by the Supreme Court, that the Finance Committee decided to agree to in regard to welfare restrictions. This amendment does not strike the entire title V as the previous amendment would have done. Therefore, it is not subject to the objections which the distinguished Senator from Louisiana voiced in regard to striking the more wholesome, in my view, provisions of title V. It relates only to those welfare restrictions.

I would just say, in support of the amendment, that if it is the hope of the distinguished Senator from Louisiana that the adoption of his motion to recommit with instructions would shorten things down and the Senate could decide upon social security, medicare, and medicaid alone in this session, the Senator would be defeating his purpose if, having foreclosed, as as practical matter, a vote on welfare reform, he nevertheless proposes to the Senate very serious, very complicated, and highly controversial welfare restrictions, as his motion, unamended, would presently do.

So I would hope that perhaps the Senator could take this amendment; and that would have the effect, should the Senator's motion be adopted, of at least limiting the debate or tending to limit the debate to the items the Senator had in mind.

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

Mr. HARRIS. I yield.

Mr. LONG. If the Senator would refer to page 546, the table of contents of the bill, would he designate the sections to which his amendment makes reference? For example, is he referring to section 540 or 541?

Mr. HARRIS. I could give the Senator a list of these items, but I do not have it from the table of contents. I will just hand it to him.

May I say, while the Senator is looking at it, that the amendment would not relate to the child care provisions of the bill nor to the other provisions of the bill to which the Senator voiced his objections earlier, concerning the other amendment. This amendment would relate only to those restrictions on the present welfare law, the restrictions which the distinguished Senator from Connecticut and I and others objected to very strenuously in committee—to refresh the Senator's memory—and the provisions to which the Senator from Massachusetts strongly objected on the floor of the Senate today.

Mr. LONG. Mr. President, section 546, to which the Senator made reference, is one that would be deleted by the motion I have at the desk, which is pending.

I wonder whether the Senator really feels, from his point of view, that it is regressive to have a definition of employment, for example, as exists in section 551 of this bill, which I understand is one he would strike.

Mr. HARRIS. Mr. President, there is no use in us playing games of any kind. My intent is clear. If the Senator agrees with my intent, we can rapidly work out the matter if there is any defect in this amendment, which was drawn rather hurriedly.

May I say, in my own defense, that I had known that the Senator from Louisiana was going to make a motion to recommit with instructions, but it had been my understanding—and I did not get that understanding from the Senator from Louisiana, I hasten to say—that his motion to recommit with instructions to strike certain portions of this bill would also strike the restrictive welfare provisions of the bill, to which I strongly object, as the Senator knows.

Coming to the Senate floor and finding that that was not the case, I had to draw an amendment hurriedly. I drew one earlier—because of the problem in quickly trying to write out each page number and section—to strike the entire title V. The Senator objected to that. So now I have tried to make the amendment more specific, to strike only those welfare restrictions to which I have referred.

If the amendment is not precise enough, that can be worked out quickly, if the Senator feels he can agree to it.

Mr. LONG. I have felt that the Senate could vote on these various provisions that the Senator finds objectionable. It had seemed to me that the way to do it would be to recommit the bill with instructions to report back. The Senator apparently is not willing to let us vote in that fashion; but it seems to me if it would be well for the Senate to vote on these measures. I believe it is possible to ask for a division, since the Senate would vote on the individual issues anyway, and that way we could see what the sentiment of the Senate is with regard to the matters that the Senator would like to strike.

I would like to ask the present occupant of the chair if it is not correct that a Senator may insist on a division, in which case we would vote separately on each proposition that is offered.

The PRESIDING OFFICER (Mr. SPONG). The Senator is correct in that the Senator may demand a division of an amendment to the extent that the amendment is susceptible to division.

Mr. LONG. For example, sections 540 through 551, I would take it, would be subject to a division which would permit us to vote on each one of those sections in turn.

The PRESIDING OFFICER. Would the Senator give the Chair the page numbers?

Mr. LONG. Each one is a separate amendment. For example, the first one is numbered amendment 275 and I would like to ask that there be a vote on committee amendment 275 first. I would like to ask, Mr. President, that we vote individually on section 540 and then on sections 541, 542, 543, 544, 545, 550, and 551. These are all separate provisions.

Mr. HARRIS. Mr. President, will the Senator from Louisiana yield?

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. LONG. I will yield, but I would like to have the response of the Chair first; then I shall be happy to yield.

The PRESIDING OFFICER. The Chair has previously ruled to the Senator that he has a right to ask for a division in these instances. Now the Chair has not as yet gone over these to say that all of them are susceptible to division, but in the interests of time we are doing that here and now. The Senator from Oklahoma has asked the Senator from Louisiana to yield and the Chair asks the Senator from Louisiana if he does.

Mr. LONG. I would like to ask that the Senate proceed to vote on the first amendment, committee amendment No. 275, section 540 of the bill.

The PRESIDING OFFICER (Mr. SPONG). The Chair rules—is that on page 467?

Mr. LONG. On page 467.

The PRESIDING OFFICER. The Chair for the moment holds that is susceptible of division.

Mr. HARRIS. Mr. President, I take it that the distinguished Senator from Louisiana made his original motion to reconsider with the idea that it might shorten the Senate's consideration of these matters. I do not see how that is consistent with his present request that we divide up the amendment which I have offered to his motion and vote on it as many separate times as we possibly can. His own motion to reconsider with instructions is subject to exactly the same kind of request for a division, Mr. President, and I feel rather strongly that the Senator from Louisiana should not decide what package the Senate will vote upon. He should not be able to put together a package and say, "Let us vote 'yes' or 'no' on his whole package."

The Senator from Louisiana says he does not want the Senate to vote on welfare reform because that would take too much time, but instead he is going to hold us several votes on welfare restrictions. I say that will take too much time, Mr. President.

I now yield to the distinguished Senator from Connecticut without losing my right to the floor.

Mr. LONG. Mr. President, I object.

Mr. BENNETT. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. HARRIS. I thought I had the floor in my own right. I did not ask the Senator to yield to me.

The PRESIDING OFFICER. The Chair asked whether the Senator from Louisiana yielded to the Senator from Oklahoma. The Chair asked him that in his ruling.

Mr. HARRIS. I always appreciate the Chair's help, but not particularly in this instance.

[Laughter.]

Mr. RIBICOFF. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I will yield to the Senator in a moment, but it seems to me that we have an important issue here. The Senate should vote on it. It is one thing for a Senator to say that these are restrictive provisions or backward steps. But it is another thing to start out by putting people on welfare when they do not belong there, and then, when we find they do not belong there, we have to put everyone else on welfare to be equitable. If we are considering taking that approach to welfare legislation, that is not a very logical situation. Another Senator might say that he does not like the 1-year residency requirement, or this and that other committee provision. The committee worked many long months on this subject trying to bring to the Senate a responsible bill.

The first amendment I seek to deal with relates to men who desert their families. The Secretary of Health, Education, and Welfare said that this should be a crime and the committee amendment says it is a misdemeanor for a man intentionally to cross a State boundary for purposes of denying his family support, when desertion occurs, we have to tax taxpayers who are working to support their own families so that they will have to pay not only to support their own families but also to support through taxes the family of the man who deliberately and intentionally crosses the State boundary to avoid discharging his obligations to his family, I do not think we should permit a father to avoid his responsibilities with regard to his family by crossing a State boundary, and thus impose on the taxpayers the duty of supporting his child.

The Secretary of Health, Education, and Welfare is not regarded as a flaming conservative. However, with regard to this issue, his attitude was that we should do something about fathers who impose such heavy burdens on the taxpayers by crossing State boundaries in the way I have described. Does the Senator not think that this should be a misdemeanor? Does the Senator not think we should call upon the Federal Government to sue the man and collect what the Government had to pay because the man crossed the State boundary to avoid his obligations to his family—knowingly and with the intention of doing so?

It is my understanding that about 16 percent of the families receiving welfare are cases where the father deserted the family.

If the father crosses a State boundary to get beyond the reach of that State law, why should it not be a misdemeanor? Why should he not be sued for support of his family? Why should we not vote on it? Let Senators decide what they want to do about a father who deliberately abandons his children and refuses to support them with the result that the Federal Government and the State have to combine their resources to support that family. If Senators think that we should not do anything about it, let them so vote.

Secretary Richardson said he would support such legislation.

He said:

> We would support legislation which made it a Federal crime to cross State lines for the purpose of evading parental responsibility.

The answer is not to put a lot more people on welfare, but to put somebody in jail or at least to try to prosecute him for deliberately abandoning his family. Why can we not vote on it?

Mr. RIBICOFF. Mr. President, how ironic the situation is to have the chairman of the committee pleading for a vote on these amendments which have had limited discussion and practically no debate. I believe that we should vote on practically every measure before the Senate without a filibuster.

The family assistance program is the No. 1 issue in the President's program. We have been debating it for 1 week and the opportunity for a vote has been denied to us.

I am for granting a vote on every measure of the Senator from Louisiana up or down. But if the Senate is willing to vote on the proposal for welfare restrictions being suggested by the chairman of the committee, I think there is also the obligation to have an opportunity to vote on the family assistance program.

I am going to give the Senate that opportunity, because if the motion to recommit and report back is adopted, I will then reintroduce the family assistance program as a substitute for title V. I hope that those Senators who have been calling for a vote on restrictions will then be willing to have a vote on the family assistance program and give the President and the Senate a chance to vote up or down on the family assistance program.

I am all for voting on the amendments of the Senator from Louisiana. But I hope that the Senator will accord the Senate and the President of the United States the same courtesy and will give the Senate an opportunity to vote on the family assistance program shortly.

Mr. LONG. Mr. President, I have not made a speech on either the family assistance program or on the trade bill.

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

Mr. RIBICOFF. I yield.

Mr. MILLER. Mr. President, will the Senator from Connecticut tell us that if he does intend to offer his amendment on the family assistance plan in such a way that the Senate can work its will on modifications to clean out the deficiencies that have been pointed out on the floor of the Senate?

Mr. RIBICOFF. Mr. President, I will offer the family assistance plan that was originally the Ribicoff-Bennett proposal, but will now be the Ribicoff proposal, as a substitute to title V.

That will be an amendment in the first degree. It will be subject to amendment, unless the Parliamentarian rules otherwise.

So, may I say to the Senator that if a Senator thinks that by adopting a proposal of the Senator from Louisiana, he is just going to have a clear-cut vote for social security, he could not be more wrong. What the Senator from Louisiana did, instead of giving us an oportunity to vote on social security—and I was willing to abide by it—was to go back to title V with restrictive amendments. Then, out of a sense of fair play, we should give the Senate a chance to vote on welfare reform.

Mr. LONG. Mr. President, permit me to explain, with reference to what the Senator has said, that the Senator discussed this matter with another Senator and not with the Senator from Louisiana

the possibility of a motion to recommit and report back. The Senator from Connecticut was of the impression that a motion to recommit and report back would eliminate title V.

I had no knowledge of that. I am sure the Senator will affirm the fact that so far as he knows, I had no knowledge of a plan that a motion to recommit was intended to eliminate title V.

When I heard the suggested motion, my first thought was, "Goodness, you would not want to eliminate title V from this bill. You would be striking out $1 billion of help for the poorest people in the country, those who need it the most."

I would be willing to agree, in the spirit of compromise and would go along with this amendment to strike out all these sections that the Senator from Oklahoma would like to strike, but only if we are not confronted with an effort to add family assistance and the other programs to the bill.

Mr. RIBICOFF. Mr. President, the Senator from Delaware is present. I want to explain the chronology. The Senator from Delaware has been opposed to family assistance, and I have been for it. But we have been living for 8 years in that committee in a complete sense of comity.

I have the highest respect for the Senator from Delaware, and I trust that he has the same respect for the Senator from Connecticut.

During all of these weeks, we have been trying to arrive at some way in which we could resolve the differences that confront the Senate, and especially with respect to the family assistance program.

The other day the Senator from Delaware told me that he intended to make a motion to recommit—I think that was on Tuesday, or the day before we adjourned—and report back, striking out titles III, IV, and V.

In a subsequent conversation with the Senator from Delaware, he said to me that he was under the impression that the Senator from Louisiana was going to join with him on his motion to recommit. I therefore took it to mean just that.

The chairman of the House Ways and Means Committee and the ranking minority member have said publicly a number of times—and it has come back to me from others in authority—that under no circumstances would they go to conference on the trade bill, the family assistance, or catastrophic illness.

I do not believe in doing useless things. I recognize that we ought to wind up the Senate's business and we ought to come back to the family assistance and family welfare next year, and that in the interim we should pass the social security bill and amendments to clarify the medicare and medicaid measures, with which the Senator from Delaware and I have been laboring for the past 2 years, which are noncontroversial and the chances are that the House would go along with them in the social security conference.

I was nonplused to find that when the motion to recommit was submitted, we were again on title 5 and the welfare restrictions.

I am willing to forego voting on amendments and on the family assistance program and come back next year.

But I cannot see why we are here now on other welfare restrictions.

This is the same matter that the Senate refused us a vote on with respect to the President's program. If we are on welfare, then we have no alternative. If the Senator wants to vote item by item on the welfare restrictions, the Senator should be willing to give us the courtesy of an opportunity to vote on family assistance, because if the House refuses to go into conference on welfare reform, the President's program, the same conferees will refuse to go into conference on the welfare restrictions now advanced by the Senator from Louisiana.

I want to make the situation clear to the Senate because instead of shortening the session and taking our differences and cutting the Gordian knot, we are back where we started and nothing has been achieved. I was under the impression, after talking to the Senator from Delaware, that we were finally working out of the situation in which we had been.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. WILLIAMS of Delaware. The Senator from Connecticut pointed out last Tuesday that after proposing a series of unanimous-consent requests which were objected to, I stated that I was ready to make a proposal to recommit the bill and to strike all of sections 3, 4, and 5. Section 6 already had been disposed of otherwise. That section referred to veterans' benefits. I tried to get a vote on that motion last Tuesday. I was asked not to press the matter to a vote until the chairman came, back since due to weather he could not be here. I believe the Senator from Connecticut asked that that matter not be voted on at that time, and I accordingly withheld my motion.

Mr. RIBICOFF. The Senator is correct. That was out of courtesy to the chairman who was delayed in New York because of a snowstorm.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. RIBICOFF. I said to the Senator, because he had not been in communication with him, that I thought it was not proper for the Senate to take up a motion to recommit because of the absence of the chairman who could not get back to Washington. So I asked that the matter be held up. Otherwise I would not have held up a vote on the motion of the Senator from Delaware.

Mr. WILLIAMS of Delaware. Then this morning the Senator from Louisiana, as he had a right to do, presented his motion which would keep part of title V. Section 5 represented committee amendments, and I can see his logic there. They represent major reforms of the existing welfare program, and I had hoped they could be retained.

I wonder, in the spirit of getting on with this bill, whether we could not work out some kind of an agreement with the Senator from Louisiana and the Senator from Connecticut—and this is just a suggestion—to strike those three sections without prejudice, and if Senators wanted votes on those amendments, up or down, we could proceed to their consideration. I would like to see this matter closed out and the social security bill passed and sent to conference. It does not appear that we shall get legislation here to increase social security benefits unless we take this step.

I make that suggestion as one who supported a good many amendments of the Senator from Louisiana and some I voted against. I also supported some amendments of the Senator from Connecticut, but we are confronted here with a problem of getting a vote. We had one case pointed out where one person would get three or four different checks from different welfare agencies. I suggested a simplified system to guard against this abuse whereby every welfare recipient would use his social security number. In that way there would be a check against these duplications. That is an amendment which would be most constructive, and I do not think there would be any controversy on its adoption. There could be others, but they could not be offered in their own right and voted on up or down. I would like to see some agreement worked out which would untangle us from this dilemma.

Mr. LONG. Mr. President, in view of the conversations I have heard from other Senators in the Chamber, I modify my motion to include the amendments of the Senator from Oklahoma.

Mr. RIBICOFF. Mr. President, will the Senator yield so that I may suggest the absence of a quorum.

Mr. LONG. 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. LONG. 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. LONG. Mr. President, as I said before suggesting the absence of a quorum, I modify my amendment to accept the amendment the Senator from Oklahoma has offered.

The PRESIDING OFFICER (Mr. SPONG). If the Senator from Louisiana will suspend for a moment, the Chair for the record would like to refine its earlier ruling on the inquiries made by the Senator from Louisiana. The Chair stated at that time that the amendment by the Senator from Oklahoma could be divided to the extent that it was susceptible to division. Upon examining the amendment of the Senator from Oklahoma, the Chair has noted that the amendment, rather than written by section, is written by page; and so, if the Senator from Louisiana were to pursue his earlier course of action, it would be susceptible to division only in three instances.

The parliamentary situation, as the Chair now understands it, is that the Senator from Louisiana wishes to accept the amendment of the Senator from Ok-

lahoma. We would say that to accomplish what the Senator from Oklahoma initially sought, whether there is to be any division or not, it is necessary for him to modify his amendment as originally submitted to the desk to include all of page 481.

Mr. HARRIS. Mr. President, I do so modify it.

The PRESIIDING OFFICER. The amendment is so modified.

The Chair now understands that the Senator from Louisiana now accepts the Harris amendment as modified, as a modification of his instructions.

Mr. LONG. Mr. President, I would like to explain that, based upon the colloquy we had on the floor, there was something of a gentlemen's understanding between two of my fellow Senators, of which I was not aware, involving these particular sections. I discussed the matter with the Senator from Delaware when he mentioned that he felt the motion should be made, and that the Senate should agree to it, including the motion to strike title V. I pointed out that I believed it would be a very grave mistake. I felt that while our liberal friends might desire to strike some part of it, certainly if we were to strike sections 501 through 530, there was involved in those provisions assistance amounting to almost $1 billion to the poor who needed it the most and that that part should not be stricken. It was my feeling that the other sections should be voted on on their merits.

I subsequently learned, partly from the colloquy and partly during the quorum call we had thereafter, that it was the understanding of the Senator from Connecticut that those sections would not be in the bill.

The Senator from Connecticut, who has been one of the champions of the poor and the downtrodden in this country, himself would be the last to strike certain provisions in the beginning of that section which would be highly beneficial to the poor.

So I believe in this fashion we should be able, and I hope we would be able, to agree to the motion to recommit, and that would still leave to Senators the privilege of moving to strike or to amend certain sections, as an amendment to the bill, or to offer something relevant, which was not objectionable, or even to offer something that was not relevant; but it does involve a determination on the part of the Senate to pass on such of that as remains.

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

Mr. LONG. I yield.

Mr. RIBICOFF. Mr. President, I think the statement of the chairman puts an entirely different light on the entire problem, because he is correct that, sections 501 to 530 are basic improvements, in which substantial benefits are given to the aged, the blind, and the disabled, as well as many people on welfare. The other sections that were suggested to be stricken by the Senator from Oklahoma were restrictive. That is why I was at a loss to understand why we would not vote on welfare reform but would on welfare restrictions. There is a difference, and I am glad the chairman has agreed to accept the modification of the amendment of the Senator from Oklahoma.

May I say this in conclusion? As far as I am concerned, I am going to vote "no" to the motion of the Senator because I still think that the Senate should have the opportunity to vote on family assistance. I recognize the realities of the situation. As long as the restrictions are removed, if the Senator from Louisiana should prevail, then I would not consider the family assistance plan at this time, because to do so would amount to going down to defeat on the social security benefits for 26 million Americans and $1 billion worth of increased welfare payments to the people who are at the bottom of the economic and social scale in this country. In addition, the resulting filibuster would render the Senate useless to perform its tasks. But again I am encouraged by my conversations with the Senator from Louisiana and the Senator from Utah, who next year will be the ranking minority member on the Finance Committee, that they will do everything possible to expedite the hearings on the family assistance plan, and I hope on trade as well, because each is important.

I would hope that we on the Finance Committee will recognize our obligation and will not tie social security and catastrophic illness and trade and welfare to one bill. I would hope that we would have the responsibility by leaders in Congress to see that there will be full and separate hearings and markups on each bill, bring them to the floor, and have them debated to the fullest extent possible. I will say to each and every Senator know that the family assistance plan is complex and complicated and a real change in the philosophy of this country and that it deserves long and careful debate. That also goes with respect to trade.

Since I have assurance from the Senator from Montana, the majority leader, the Senator from Pennsylvania, the minority leader, the ranking minority member of the Finance Committee, and the chairman of the committee, I think we can get along with the business of the Senate.

Mr. BENNETT. Mr. President, will the Senator from Louisiana yield so I may respond?

Mr. LONG. I yield.

Mr. BENNETT. Mr. President, to the extent that my efforts will be useful to the processes, I will do everything I can in all three of those areas. I am interested in seeing a correction of our trade situation. I am very interested in following through with the President's proposal to improve our welfare program. I am not sure that this social security bill as we pass it will be the final one. We probably will have more social security amendments.

What gives me hope is the fact that next time we should avoid the time pattern that brought us to this impasse. It is my understanding that we have assurances from the chairman and the minority leader of the House Ways and Means Committee that they will get the legislation over to us early so that we will not be caught at the end of the session, and we should have time in 2 years of the next Congress to give ample time to all three of these matters and I hope make very substantial contributions to their improvement.

To the extent that I can make any contribution to that, I shall be very happy to do so.

Mr. LONG. Mr. President, I yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, we have only 5 days remaining in this session of Congress before we are required to adjourn by the Constitution. It was obvious some days ago that at the rate we were moving, we were spinning our wheels, we were going to wind up getting nowhere, the 26 million retired Americans on social security would be denied their raises, and the 3 million people drawing public assistance—the needy blind, the aged, and the totally and permanently disabled—would be denied the benefits which this bill would give them.

It seems to me that now the Senate is beginning to make progress. But we can only make progress if we recognize the realities of what is possible this late in the legislative session.

Each of us is interested in practically every provision of this bill. I have the honor to represent a State that is heavily dependent upon textiles. Some 250,000 Georgians make their living either in the garment industry, or in textile mills, or in producing the cotton that is sold to the textile mills. There are 2,400,000 Americans similarly situated throughout the country. They are losing their jobs at the rate of 100,000 a year.

The Senate, by overwhelming votes in 1948, in 1968, again in 1969, and again in 1970, has attempted to take corrective action in that regard. The House of Representatives heretofore has refused to accept our efforts in conference. This year the other body sent us a bill of its own. There was substantial opposition in the Senate to the House-passed bill, but the Senate Finance Committee, once by a vote of 9 to 3 and again by a vote of 11 to 6, has determined that these people ought to have some relief and some protection. The Senate, by a vote of 55 to 31 on a motion to lay on the table, also indicated its desire to take affirmative action.

Knowing the realities of the situation, I do not think it is possible at this time to get a trade bill, and for that reason I shall reluctantly vote for the motion of my distinguished chairman, the Senator from Louisiana. I am happy to see the spirit of compromise on the part of the distinguished Senator from Connecticut and others who recognize that at this late date in the session, the Senate is not going to take action to add another 14 million people to the welfare rolls of this country without giving the matter adequate and thorough consideration.

I think, therefore, Mr. President, that in this spirit of compromise, even at this late date, it will still be possible for the Senate to approve a bill to benefit those millions of elderly Americans who are in need and in dire straits. Some of them go hungry most of the time, because they cannot make ends meet on the mere pittance they receive on public assistance

or the small social security benefits that they get at the present time.

For that reason, and only for that reason, I shall support the motion of my distinguished chairman. I ask him now if it will be possible for the Senate Finance Committee, early in the 92d Congress, to take action on trade legislation in order that we can do something to correct our hemorrhage of dollars and gold, our unfavorable balance of payments, and the loss of the business that we are exporting to foreigners throughout the world. It seems to be the policy of many Senators to export all of our jobs and put all our people on welfare. But if we are going to export our jobs, it simply will not be possible to put our people on welfare, because we will not have the tax resources to support the welfare program.

Will my chairman hold hearings on it next year, so we can get early action on the trade bill?

Mr. LONG. Mr. President, I discussed this matter previously with the Senator from Georgia as well as the Senator from Connecticut. Both of them have made the point that we should hold hearings at the earliest possible date consistent with our other duties, because of the pressing need to act in this area.

I can assure the Senator that we will hold hearings at the earliest practicable time, to begin to develop answers to this vexing problem.

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

Mr. LONG. I yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I support the position taken by the chairman of the Finance Committee. What the distinguished Senator from Louisiana is attempting to do is to bring some order out of chaos. He is attempting to strip from the social security bill all of the nongermane amendments.

If we are going to have a social security bill, we can only have that bill, as I see it, at this late stage in the session, if we take off all of these other amendments and strip it down to the social security bill, in order to give the social security recipients an increase in their benefits.

Many of the amendments that will be stricken off of the bill if this recommital motion is carried will be amendments which I have supported. Others will be amendments which I have opposed. But be that as it may, if we are going to bring a social security bill out of this Congress, if the Senate is to have an opportunity to pass a social security benefit bill, then it seems to me to be necessary to follow the recommendation of the chairman of the Committee on Finance to recommit this bill, strip it of its nongermane amendments, and bring back a social security bill, which up to this point has been held hostage by other amendments, and then give the Senate an opportunity to vote for an increase in social security benefits, which benefits, it seems to me, the people so badly need in this time of inflation—and contrary to what many say, I do not think inflation is getting better; indeed, it may be getting worse.

I think the social security recipients are entitled to this increase in their benefits, and I think the Senator from Louisiana has indicated a way by which the Senate can pass this social security bill at this session and provide those benefits.

Mr. LONG. Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. LONG. I yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I associate myself with the remarks made by the Senator from Georgia. I, too, shall support the chairman of our Committee on Finance. I think the reasons for my decision have been adequately set forth by the remarks made by the distinguished Senator from Georgia.

I think there is great need to enact some legislation which will protect this country against the loss of dollars, the loss of jobs, and the outflow of industries that we have been experiencing. But for the time being, I think the actions of the chairman have been courageous, honest, and forthright, and I shall give him my support.

Mr. LONG. I thank the Senator. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I wish to join my colleagues, first, in praising the statesmanship exhibited by the Senator from Louisiana (Mr. LONG), the Senator from Oklahoma (Mr. HARRIS), the Senator from Connecticut (Mr. RIBICOFF), and the leadership of the Senate in bringing this matter to some kind of finality. I think whatever we do now is bound to bring honor to the Senate, and I shall loyally cooperate.

I appreciate very much the statesmanlike attitude of the Senator from Georgia (Mr. TALMADGE), with whom I thoroughly disagree on his statements as to the merits of trade quotas, but I certainly laud his desire to get something done on what we can get done; and I certainly join on that wholeheartedly.

I rise only to make this point: I realize that everything must be the result of accommodation between men. It is a fact that the Senator from Oklahoma (Mr. HARRIS) and the chairman have concerted in eliminating many, if not most, of the objectionable major changes in social philosophy in the welfare plan, by eliminating sections 540 through 551, inclusive, from the bill. There still remains the whole question of Federal child care, and a number of bills have been introduced on that issue, representing an enormous amount of creative thinking. The Senator from Oklahoma has introduced one, the Senator from Indiana (Mr. BAYH) has introduced one, I have introduced one, and there has been a White House conference on the subject.

I really think, with all respect—and that is my reason, of course, for rising—that, if that, too, could be taken out of this consideration, it would be most helpful.

I only appeal to the chairman. I realize that many things have to be put together which lean on each other, and if the chairman of the Finance Committee feels insistent on it, I certainly would not wish to cross him at this late date by offering another amendment. But I do submit to him, with all respect, that the deliberation in which he is now joining—for trade, for the family assistance plan, and for catastrophic health insurance—is equally deserved by the child care provisions of this bill. His own stature and importance in respect of the committee which he heads is so great that I submit to him, as a matter of statesmanship and policy, whether all of us might not be better served if that, too, should be the subject of really profound deliberation and creative enterprise by him and the others.

Mr. LONG. Mr. President, I would hope the Senator would reserve that issue and let the Senate decide it after we have concluded this phase, because some of the most concerned people in the country in this area believe that what we have done with regard to child care is one of the best things that could be done. The AFL–CIO thinks so, and many of the child care experts think so. Some very fine people do not agree and take the view that the Senator from New York takes.

I would urge the Senator to let that be in the same category as an amendment that has to do with peer review under medicare where the majority on the committee agreed with the distinguished Senator from Utah, but the distinguished Senator from Nebraska does not. He is going to submit that issue to the Senate. I wish the Senator from New York would raise the child care question after our motion is agreed to, because it is one about which the best intentioned people differ.

I would hope that the Senator would let us agree to this motion and then raise the child care question and lay out both sides of the argument and let the Senate decide it.

Mr. JAVITS. Mr. President, I am going to comply with what the Senator from Louisiana asks me to do. I think it is in the highest interest of the Senate's action. I did not wish, by remaining silent, to fail to point out the seriousness of this issue, that many of us consider it to be equal in weight with what is going out of the bill right now under this motion and gentlemen's agreement. I did wish to have the Senator informed that this would not be a filibuster or extended debate but a determined fight, because it deserves it.

Mr. McINTYRE. Mr. President, the proposed action by the Senator from Louisiana (Mr. LONG) and the Senator from Delaware (Mr. WILLIAMS) would have the effect of killing the possibilities of providing protection for American shoe and textile workers during this Congress.

There was an attempt to drop protection of the shoe workers in the Finance Committee. That failed.

There was a further attempt to, in effect, kill shoe and textile quotas on December 18. This was defeated by a vote of 31 to 58.

These two recent actions convince me that the sense of the Senate supports the contention that our shoe and textile industries need some form of qualified protection if they are to survive and maintain sorely need payrolls.

These actions confirm my belief that this body is acutely aware of the plight

of the shoe and textile industries and is reluctant to turn its back on them.

I am certain that many Members feel precisely as I do about this issue. We believe in free competition. We are not protectionists as such. But we refuse to stand idly by when unfair overseas competition results in the shutting down of our factories and the unemployment of our workers.

This is painfully true in the case of the shoe industry in my State of New Hampshire and the rest of the Nation, just as it is true in the case of the textile industry throughout the country.

Two years ago the shoe and leather industry was the single largest manufacturing employer in New Hampshire, having a total work force of 20,536 people. By 1969, employment had dropped to 18,466 and the industry had lost its leading role.

In the past 2 years, almost 10 percent of the shoe factories in New Hampshire close down, severely affecting the economy of the communities in which they were located, and by July of 1970, Mr. President, the shoe and leather work force had shrunk to only 16,400.

Now there are those, including the present administration, who apparently view the demise of the domestic shoe industry as unavoidable, inevitable, and, indeed, necessary to preserve our present foreign trade policy.

I strongly disagree with that thesis, and I deeply resent having the economic backbone of my State and this industry severed on the sacrificial block of totally unrestricted free trade.

For the crucial fact remains, Mr. President, that in almost every single case in New Hampshire, the major reason for the shutting down of shoe plants and the resulting loss of jobs can be directly attributed to competition from cheaply made foreign shoes.

Let me repeat once again. I believe in free competition when that competition is fair competition. Our shoe and textile industries are the victims of unfair competition and this is why I continue to urge the enactment of quotas which will restore fairness and, in the long run, strengthen free competition.

Mr. President, I want to join the Senator from Georgia in expressing the hard facts of the situation before us. Within the time constraints facing us at this late hour of the 91st Congress a trade bill is an impossibility. It is also certain that a social security bill is vital to the needs of millions of our elderly citizens. There is solid agreement that social security and medicare amendments can pass. With the promise for early trade legislation consideration in 1971 I will vote to recommit.

The PRESIDING OFFICER. The question is on agreeing to the motion, as modified, of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

On this vote, the Senator from North Dakota (Mr. BURDICK) is paired with the Senator from Rhode Island (Mr. PASTORE). If present and voting, the Senator from North Dakota would vote "yea," and the Senator from Rhode Island would vote "nay."

Mr. GRIFFIN. I announce the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 49, nays 21, as follows:

[No. 446 Leg.]

YEAS—49

Aiken	Gurney	Prouty
Allen	Hansen	Proxmire
Allott	Holland	Randolph
Baker	Hruska	Sparkman
Bellmon	Hughes	Spong
Bennett	Jackson	Stennis
Bible	Jordan, N.C.	Stevenson
Boggs	Jordan, Idaho	Talmadge
Byrd, Va.	Long	Thurmond
Byrd, W. Va.	Magnuson	Tydings
Cannon	McIntyre	Williams, N.J.
Curtis	Metcalf	Williams, Del.
Dole	Miller	Yarborough
Ellender	Moss	Young, N. Dak.
Ervin	Nelson	Young, Ohio
Fannin	Packwood	
Fulbright	Pearson	

NAYS—21

Bayh	Harris	Mondale
Brooke	Hartke	Pell
Case	Javits	Ribicoff
Cook	Kennedy	Saxbe
Cooper	Mansfield	Schweiker
Goodell	Mathias	Scott
Griffin	McGovern	Smith

NOT VOTING—30

Anderson	Goldwater	Montoya
Burdick	Gore	Mundt
Church	Gravel	Murphy
Cotton	Hart	Muskie
Cranston	Hatfield	Pastore
Dodd	Hollings	Percy
Dominick	Inouye	Russell
Eagleton	McCarthy	Stevens
Eastland	McClellan	Symington
Fong	McGee	Tower

So Mr. LONG's motion was agreed to.

Mr. LONG. Mr. President, on behalf of the Committee on Finance I report herewith H.R. 17550, the Social Security Amendments of 1970 modified in accordance with the instructions of the Senate.

The PRESIDING OFFICER (Mr. Moss). The bill will be stated by title.

The legislative clerk read as follows:

H.R. 17550, to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The PRESIDING OFFICER. The clerk will report the first committee amendment.

Mr. LONG. Mr. President, I ask unanimous consent that the Senate agree to the committee amendments en bloc and regard them as original text, preserving the right of Senators to offer amendments thereto.

Mr. JAVITS. Mr. President, on previous occasions I have objected to this because of the inclusion in the bill of the material which, in my judgment, and the judgment of many others here, has weighted down and presented an invitation to disaster for our country. But, Mr. President, it is still possible for any Senator to add on any of these amendments. I join with all my colleagues in the hope that this will not be done. In order to show good faith and to honor the efforts of the Senate to disentangle itself, I shall not object.

The PRESIDING OFFICER. Is there objection to the consideration of the amendments en bloc and that the amendments be agreed to en bloc and that the bill as amended be treated as original text for purposes of further amendment?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Mr. President, if the unanimous-consent request is granted, as is indicated, the amendments may then lie in two degrees, as an original amendment and as amendments or substitutes to that amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct. They will be amendable in two degrees, after the unanimous-consent request is granted.

Is there objection to the request of the Senator from Louisiana?

The Chair hears none, and it is so ordered.

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

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

The Senator from Nebraska is recognized.

AMENDMENT NO. 1122

Mr. CURTIS. Mr. President, I call up amendment No. 1122.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

The Senator from Nebraska (Mr. CURTIS) proposes amendment No. 1122, as follows:

Strike out from page 232, line 11 through line 15, page 269.

UNANIMOUS-CONSENT AGREEMENT

Mr. LONG. Mr. President, is the Senator willing to enter into a time limitation on the consideration of his amendment?

Mr. CURTIS. Mr. President, I would be willing to a time limitation of 15 minutes to the side.

Mr. LONG. Mr. President, I ask unanimous consent that the debate on the amendment be limited to one-half hour, the time to be equally divided between the sponsor of the amendment and the Senator from Utah (Mr. BENNETT).

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

Mr. CURTIS. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. We are on limited time, and we should give our full attention to the debate.

The Senator from Nebraska may proceed.

Mr. CURTIS. Mr. President, I shall try to state my case concisely. I hope that the Senators present will follow it.

The amendment would strike from the bill that section which has been called "peer review." The problem is how we define peer review.

In administering medicare certain abuses have sprung up. Our staff has done some fine work on this matter. In their report they concluded with the recommendation that the medical profession ought to police the medical profession. With that statement I concur.

The committee had before it many problems, as the debate over the last 2 weeks has shown. There was testimony taken on this matter. However, the testimony is far conclusive as to a proper method of peer review.

Mr. President, we ended up with 39 pages or thereabouts on peer review which really has not had the attention that it ought to have. I am not opposing peer review as such. I oppose the language used. And I suggest that in the closing days of Congress, it ought to go out and we should have another look at it next year.

If we wish to examine some of the language, if we turn to page 234 in the bill, it will be seen that this peer review organization will have a lot of authority to police the practice of medicine insofar as these Government programs are concerned.

On page 234, lines 10 through 11 are in line with the idea that the medical profession should police the medical profession. But if we look at lines 20 through 24, we see who else would police the medical profession.

I read what it says:

Such other public, nonprofit private, or other agency or organization, which the Secretary determines, in accordance with criteria prescribed by him in regulations, to be of professional competence and otherwise suitable; . . .

It gives to the Secretary the power to select any organization he wants to tell the doctors how to practice, when a person should go to the hospital, when the facilities are adequate and many other far-reaching questions.

I contend that would enable the Secretary to turn to an organization of some crusader, such as Ralph Nader, or anyone else, to police the medical profession.

I call attention to some other language on pages 237 and 238. There is some very deceptive language there. It reads:

No Professional Standards Review Organization shall utilize the services of any individual who is not a physician to make final determinations with respect to the professional conduct of any physician, or any act performed by any physician in the exercise of his profession.

The catchword there is "final." We could have an organization with thousands of clerks who could take a blue pencil and direct the practice of medicine, if we had one doctor at the top. That doctor would not have to be a practicing physician if he has been to medical school and has a license. He puts his initials on the final paper and that will determine how the medical profession shall treat the patients.

Such language should not be agreed to in the closing days of this Congress. Surely, we should have peer review, but not that kind.

Mr. STENNIS. Mr. President, will the Chair maintain order?

The PRESIDING OFFICER. The Chair admonishes the Senate to be in order. The Senator from Nebraska may continue.

Mr CURTIS. Mr. President, among other things, a peer review organization will have authority to require a doctor treating patients to get permission before what they have what is called elective surgery. Who would be the members of the review organization? Nobody knows because there is a blank check of authority to select any group which the Secretary chooses.

This has the real possibility that the bureaus can police the medical profession. I am not here pleading a case for the doctors. By and large they are well educated people who take care of themselves. I am concerned about the patients.

When medicare was adopted, the people were promised over and over again there would be no interference with the doctor-patient relationship; that they would not be treated in groups but that every individual would have free access to his doctor, unhampered by rules and regulations that told the doctor what decisions to make, when to operate, what medicines to prescribe, and so forth.

I believe this language is too broad. I believe we should have something like this, but certainly not the language that is in the bill. Through the fault of no one, this provision did not get the attention it should have.

My plea is that the matter not be included in this bill and that it be considered in the subsequent bill.

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

Mr. CURTIS. I yield.

Mr. ALLOTT. Mr. President, will the Senator state again what his amendment would do?

Mr. CURTIS. The amendment would strike out the language on page 232 beginning at line 11 through line 15 on page 269.

Mr. ALLOTT. The Senator would strike out all of the language dealing with professional review?

Mr. CURTIS. The Senator is correct.

Mr. ALLOTT. There have been many of these situations which have gotten much public attention. It seems to me we are taking an erroneous step by including the language on page 234 in paragraph (b) and also including subparagraph (e), page 237, which, as the Senator has mentioned, contains the word "final."

The effect is that there could be an unqualified group doing this sort of work and a doctor or a group of doctors could be totally tarred with a brush and after they had had their reputations and perhaps their livelihoods imperiled, the only thing they would have would be on final review they would have a group of doctors to say whether they did or not.

Mr. CURTIS. I thank the Senator. I am on limited time. I do agree with the Senator.

Mr. ALLOTT. I did not realize the Senator was on limited time.

Mr. HARRIS. Mr. President, will the Senator yield to me for 2 minutes?

Mr. CURTIS. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. CURTIS. I yield 1 minute to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I support the amendment of the distinguished Senator from Nebraska, as I did in committee.

I ask unanimous consent to have printed in the RECORD a portion of the separate views I have filed to the report of the committee concerning this matter.

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

The committee adopted a proposal to establish professional standards review organizations at local and State levels throughout the country to review such functions as examination of patient and practitioner profiles; independent medical audits; on-site audits; and the development and application of norms of care and treatment.

The Secretary of Health, Education, and Welfare would be required to enter into agreements with qualified professional standards review organizations, principally local medical societies, to review the totality of care rendered or ordered by physicians for medicare and medicaid patients. Where medical societies are unable or unwilling to undertake the responsibility, the Secretary could contract with States or local health departments or other suitable organizations.

This provision has a laudable purpose: to insure quality care and to hold down unnecessary costs.

However, the proposal contains many unknown and unpredictable factors. Further, there are serious objections that it grants organized medicine too much control over utilization of facilities and payments of claims.

The proposal should be tested before Congress puts it into effect on a total basis as the committee bill would do. I am not satisfied that this proposal will result in the savings which have been claimed by its proponents, nor am I satisfied that the review procedure is the best and most workable which can be devised.

The House provisions on peer review should be strengthened, and the Senate committee provisions should be stricken.

Mr. HARRIS. Mr. President, I particularly point out, as I said in those separate views that—

The proposal contains many unknown and unpredictable factors. Further, there are serious objections that it grants organized medicine too much control over utilization of facilities and payments of claims.

Mr. President, I support the amendment of the Senator from Nebraska.

Mr. BENNETT. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, medicare's hospital insurance plan has a deficit over 1967 projections officially estimated at $216 billion over the next 25 years, if we go on as we are going. On the other hand, applying cost projections of the American Hospital Association, that deficit is estimated at $370 billion. Any figure, or any figure between those figures is intolerable.

The committee overwhelmingly voted approval of the professional standards review amendment as the basic approach to bringing about effective medical—and not governmental control of medicare and medicaid. Our present medicare and medicaid utilization review is fragmented, piecemeal, and ineffective. The basic approach developed and sponsored by Senator BENNETT was modified by the committee in response to the constructive comments of organized medicine and hospitals.

The amendment is designed to assure comprehensive and ongoing review of care provided under medicaid and medicare by physicians at local levels—usually in minimum groupings of 300 practicing doctors. The amendment includes every conceivable safeguard against pro forma or token assumption of responsibilities by doctors. It includes every conceivable safeguard to protect the public interest.

The Professional Standards Review Organization amendment is a responsible answer developed after long and hard work, to bringing medicare and medicaid under effective and professional control. We just cannot permit medicare and medicaid to continue as they have. Congress has a responsibility to act.

The alternative to use of professional standards review organizations is beefed-up review by governmental employees and insurance company personnel. That is an alternative which holds little appeal to us or the doctors.

The plan, which has been entitled PSRO—the Professional Standards Review Organization—has been worked on for months by the staff of the committee, by the staff of HEW, and through consultation with many scores of doctors and professional organizations.

I would say that so far as most medical organizations are concerned, the last remaining disagreement is over how this organization shall be constituted. For obvious reasons there are many people in the American Medical Association who feel that the power should be lodged with the State medical society. I have opposed that because I do not believe it proper for any private organization supported by private funds, open to membership, whose membership would be controlled by private rules, to administer such a law. Therefore, a program was established under which groups of local physicians in an area supporting 300 or more physicians would be invited to offer their services to the Secretary to carry out this review process.

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

Mr. BENNETT. I am happy to yield.

Mr. LONG. Is it not true that in the years we spent studying these matters we found situations such as that in a particular area where there would be one doctor performing five times as many tonsillectomies as the average doctor would be performing? When we looked into it, we found that he should not have been performing five times as many procedures. He should have been performing the same number as the others. Then we would find a doctor giving five times as many injections as other doctors and bringing patients in for unnecessary numbers of office calls, when it would be cheaper to give them packages of pills to take.

Is it not true that we found a multitude of ways in which doctors, hospitals, and nursing homes, particularly those who might not have as many patients as others, performed many unnecessary services thereby running up the costs of the program in ways that everybody agreed should not have happened?

If we do not have the Senator's amendment—and as one on the committee I think he modified it to meet every reasonable objection of medical associations—then we would not have any mechanism to do anything about the abuses by doctors and other providers of care other than the inadequate mechanism we already have.

Mr. BENNETT. I am grateful for the Senator's contribution. Some language was read as to what power goes to the Secretary. It should be pointed out that that is a residual power. He should use first the peer group system of review, and, if it is not available, in the end there should be some type of review by the Federal Government. The priority goes to local peer review groups, and the Secretary cannot act until he has to act.

The point was made that under the language of the bill doctors would have to give permission to take patients into the hospital for elective surgery or elective treatment. Actually, we are concerned with problems that exist under our present system, in which the doctor can take the patient into the hospital and then, after the patient has been there for a long time, the service decides it was improper and refuses to pay for it.

Our problem here is to set up a system by which we can make reasonably sure that the surgery or the other treatment will fall within the medicare rules and be paid for.

The amendment has been drawn so that the peer review organizations will see to it that a man whose patients are properly handled can be given blanket permission to take his patients in for treatment, and they will concern themselves only with the problems.

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

Mr. BENNETT. I yield.

Mr. TALMADGE. Can we not say that the position of the Senate Finance Committee on this amendment is that we want to return the ball game to the players?

Mr. BENNETT. That is right. That is exactly right, but we have to have an umpire in the ultimate sense.

Mr. TALMADGE. Either the doctors police their own profession or it will be policed in Washington by HEW?

Mr. BENNETT. That is right. We want to offer the doctors the first opportunity. We want to give the local doctors, who are aware of the limitations and problems of their colleagues, a chance to pass on that.

The point was made here that all kinds of decisions can be made along the road and that the doctor only will make the final decision. That was put in there to make it possible for the doctor to use registered nurses or use paramedical people to handle the minutia that go into loading a doctor down with all the paperwork and with all the comparatively unimportant decisions. These people would be employees selected by the doctors to represent them.

If this provision is knocked out of the bill, we are left with the House language, and the House language gives the Secretary full power to do anything he pleases. The doctors will have no opportunity to review their own professional activity. The purpose of peer review is not to review the claims situation; it is concerned only with medical necessity, with professional standards, and with the possibility of finding less costly ways of treating patients.

If ever a proposal has been worked over and carefully adjusted to every practical suggestion that has been made by the members of the medical profession, this proposal has been so treated, and I think it would be tragic if we knocked this provision out of the Senate bill and, therefore, had no chance in conference to do anything except take the House language and thus mandated the Secretary of Health, Education, and Welfare to set up a process by which he would review and enforce conditions of medicare.

There must be review. The situations, the difficulties that have been developed, demonstrate that. The doctors want a chance to review themselves. I think this provision gives them that chance without passing it automatically to a private group such as a State medical society.

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

Mr. BENNETT. I yield.

Mr. LONG. Is the language not directed to abuses such as are shown on page 664 of the hearings? Here were two doctors practicing in a ghetto area of a larger city and they were performing, even though they were general practitioners, more tonsillectomies than all of the ear, nose, and throat specialists put together. A man might come into the doctor's office with a headache. The doctor would say, "It looks like you have a headache. Here is an aspirin. Meanwhile, you also ought to have your tonsils taken out." So out would come the tonsils.

Such practices contribute directly to the provision of unnecessary medical services and that is one of the reasons why medicare has cost twice as much as it should and why we have found some doctors making fantastic amounts of money under medicare.

This provision would simply enable the doctors to establish a review organization and continually review the medical care in their community or area. It is only in the event that the doctors declined to do the job right that the Department of Health, Education, and Welfare would get into the picture.

Mr. CURTIS. Does the Senator point out that out in the——

Mr. BENNETT. Mr. President, I have the floor. This is on my time.

Mr. CURTIS. Will the Senator yield?

Mr. BENNETT. Mr. President, how much time do I have left?

The PRESIDING OFFICER. About 2½ to 3 minutes.

Mr. BENNETT. I shall be happy to reserve the remainder of my time so the Senator from Nebraska can ask questions.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. CURTIS. Mr. President, there is no effort on the part of the Senator from Nebraska to defend abuses. They should be stopped, and they are being stopped. The Senator from Georgia said this was an amendment to turn the ball game back to the players.

No one can read lines 20 through 24 on page 234 and say that is to turn it over to the players. It turns the review powers over to any organization which the Secretary determines.

What do they have power to do? Here is what they have power to do: They are to ascertain whether or not such services were medically necessary, and to ascertain concerning the cost of such services, as to whether they meet certain professional standards; they have authority to determine in advance any elective admission to the hospital or to the care facility, or any other care service which consists of an extended or costly course of treatment.

Mr. President, I point the finger at no one, and make no criticism of our committee. We had too much work to do at one time. But I submit that this amendment, consisting of 39 pages, was never read in the committee, it was never read by a staff member to the committee, there was no time after it was printed that a staff member was turned to and asked to go over it section by section. It has language in it that will do things other than that which the proponents would like to have done.

Many of these abuses that are mentioned will be taken care of by Government audit. Many of them will be taken care of by the voluntary committees in the medical association, and, given a little more time, we can write a better peer review.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Utah has 2 minutes remaining.

Mr. BENNETT. Mr. President, I should like to read briefly from page 155 of the committee report:

> Priority in designation as a PSRO would be given to organizations established at local levels representing substantial numbers of practicing physicians who are willing and believed capable of progressively assuming responsibility for overall continuing review of institutional and outpatient care and services. Local sponsorship and operation should help engender confidence in the familiarity of the review group with norms of medical practice in the area as well as in their knowledge of available health care resources and facilities. Furthermore, to the extent that review is employed today, it is usually at the local level. To be approved, a PSRO applicant must provide for the broadest possible involvement, as reviewers on a rotating basis, of physicians engaged in all types of practice in an area such as solo, group, hospital, medical school, and so forth.

Going back to the charge that it would prevent or interfere with elective admissions to hospitals, let me say again that the doctor has all the power in the world to take his patient to the hospital. The thing that must be reviewed is whether that patient is properly covered by medicare, and whether medicare will pay for the services. That is the name of the game. That is the problem that we face.

Mr. President, the following State medical societies have supported the committee's program: Georgia, Mississippi, Pennsylvania, Hawaii, and New Mexico. Many county societies also support it.

I think that the medical profession was disappointed that they did not get the right to conduct these reviews through their private State societies. They want the system. I hope the Senate will support it and give it to them.

The PRESIDING OFFICER (Mr. Moss). All time having expired, the question is on agreeing to the amendment of the Senator from Nebraska (Mr. CURTIS). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. McCARTHY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. YARBOROUGH) would vote "nay."

On this vote, the Senator from Rhode Island (Mr. PASTORE) is paired with the Senator from Louisiana (Mr. ELLENDER). If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Texas would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 18, nays 48, as follows:

[No. 447 Leg.]

YEAS—18

Allott	Dole	Hruska
Bayh	Fannin	Jordan, N.C.
Bellmon	Griffin	Packwood
Cook	Gurney	Pell
Cooper	Hansen	Proxmire
Curtis	Harris	Ribicoff

NAYS—48

Aiken	Case	Long
Allen	Ervin	Magnuson
Baker	Fulbright	Mansfield
Bennett	Hartke	Mathias
Bible	Holland	McIntyre
Boggs	Hughes	Metcalf
Brooke	Jackson	Miller
Byrd, Va.	Javits	Mondale
Byrd, W. Va.	Jordan, Idaho	Moss
Cannon	Kennedy	Nelson

Pearson	Scott	Talmadge
Percy	Smith	Thurmond
Prouty	Sparkman	Williams, N.J.
Randolph	Spong	Williams, Del.
Saxbe	Stennis	Young, N. Dak.
Schweiker	Stevenson	Young, Ohio

NOT VOTING—34

Anderson	Goodell	Mundt
Burdick	Gore	Murphy
Church	Gravel	Muskie
Cotton	Hart	Pastore
Cranston	Hatfield	Russell
Dodd	Hollings	Stevens
Dominick	Inouye	Symington
Eagleton	McCarthy	Tower
Eastland	McClellan	Tydings
Ellender	McGee	Yarborough
Fong	McGovern	
Goldwater	Montoya	

So Mr. CURTIS' amendment (No. 1122) was rejected.

AMENDMENT NO. 1163

Mr. CURTIS. Mr. President, I call up my amendment No. 1163.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CURTIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 145, between lines 14 and 15, insert the following:

(d) In the case of a health care facility providing health care services as of December 18, 1970, which on such date is committed to a formal plan of expansion or replacement, the amendments made by the preceding provisions of this section shall not apply with respect to such expenditures as may be made or obligations incurred for capital items included in such plan where preliminary expenditures toward the plan of expansion or replacement (including payments for studies, surveys, designs, plans, working drawings, specifications, and site acquisition, essential to the acquisition, improvement, expansion, or replacement of the health care facility or equipment concerned) of $100,000 or more, had been made during the three-year period ended December 17, 1970.

Mr. CURTIS. Mr. President, this is a corrective and clarifying amendment. I have submitted it to the chairman of the committee, and I think that he might accept it. I yield to him for such comment as he should like to make.

Mr. LONG. Mr. President, it is my understanding that this amendment is sort of a grandfather provision, involving a clarification of intent as the Senator has stated. It was not considered by the committee, but I see no reason why we could not agree to it.

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

Mr. CURTIS. I yield.

Mr. JAVITS. Should we know something about it?

Mr. CURTIS. The bill provides that hereafter, in determining reimbursement to a hospital for medicare services, they shall disregard any allowances for capital improvements that have been rejected by a State planning agency.

In many States, the State planning agencies are just now being brought into existence. Some of the staff were of the opinion that this amendment was not necessary, but it provides that any care facility which on December 18, 1970, was committed to a formal plan of expansion or replacement, the amendment shall not affect. Such a beginning includes such preliminary expenditures toward expansion or replacement, including payments for studies, surveys, design plans, drawing specifications, site acquisition, improvements and expansion and replacement. In other words, if a hospital has plans underway on December 18, 1970, this new rule that would exclude from consideration their capital cost of facilities, would not apply.

Mr. JAVITS. Is the department saying this is a big problem involved, millions of dollars, or is it a modest problem? I gather it affects particularly the Senator's State?

Mr. CURTIS. In this particular case, it involves the Immanuel Hospital Medical Center in Omaha.

Mr. JAVITS. I have no objection. It is a matter of a modest expansion.

Mr. CURTIS. They have spent millions of dollars on an expansion which is just now getting underway. This hospital is faced with a technical ruling of the Hill-Burton board, made some years ago, entirely outside the purview of what this language contemplates, which might create problems if this amendment is not agreed to.

Mr. JAVITS. I meant universally for the country, is there a problem?

Mr. CURTIS. I think not.

Mr. JAVITS. On that basis, I have no objection.

Mr. CURTIS. Mr. President, I ask for a vote on my amendment.

The PRESIDING OFFICER (Mr. MOSS). The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

AMENDMENT NO. 1106

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator have a further amendment?

Mr. CURTIS. I do. I call up my amendment No. 1106 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

Beginning on page 213, line 17, strike out "PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS" and all of section 239 through page 225, line 23.

Beginning on page 401, line 21, strike out all through page 402, line 11.

Mr. CURTIS. Mr. President, I am willing to agree to a limitation of time.

Mr. LONG. Mr. President, I ask unanimous consent that, if the Senator is willing, the time on this amendment be limited to one-half hour, the time to be equally divided, 15 minutes to a side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Who yields time?

Mr. CURTIS. Mr. President, I yield myself such time as I shall require.

Mr. President, this late in the year and this late at night, it is difficult to make decisions on any bill. Here is what is involved in the amendment: The bill carries provisions for what I term group practice of medicine. This would make it possible for an arrangement to be entered into whereby the recipients of medical care and medicaid to be treated as a group. In other words, instead of that individual doctor-patient relationship, they can join an organization and, by contract with the Government, for a flat fee, they take care of all the group's medical needs.

I want to be fair about this, that it does not force group practice of medicine on the people generally. I do not contend that. All I contend is that this is the beginning of a move toward group practice of medicine.

As I said a bit ago, when these programs were inaugurated we were told over and over again that they would always be administered so as not to interfere with the individual doctor-patient relationship.

Now the costs have gone up; part of it is due to inflation and part to other causes—60 percent to 70 percent of the cost of the problem is in labor—but in grasping for some way to cut down the costs of Government medical programs the provision is advanced.

I have a fear that if we make this start in group practice, it will be enlarged and, little by little, it will become compulsory and we will be sacrificing quality for price. Patients will be treated as groups; not as individuals.

Well, Mr. President, I am concerned about the patients. I think that anyone who is ill, particularly those who do not have the resources to pay their own medical bills, should be treated as an individual, that they should consult with a doctor, with a free exchange of questions and answers, and the doctor should advise the patient of the treatment, hospitalization, operation, or whatnot that he should have.

This will make it possible, however, to contract with groups and have a stated fee that will take care of all their ills.

Some Senators have information about company doctors, whether it is a doctor provided by a railroad company, a mining company, or other company. It has never been as satisfactory as the individual selection of a doctor and the strict maintenance of that individual doctor-patient relationship. This beginning of the group practice is in here, not for the purpose of improving the health care of the people of the country, but it is here to lower the cost.

I am for lowering the cost anywhere it can reasonably be done, but never by sacrificing the quality of care.

I do not believe that if someone joins an organization and that organization contracts with the Government and, for a stated fee, everything is taken care of, that that is as conducive to quality health care as the individual practice of medicine.

Again, Mr. President, I want to make it abundantly clear that I do not contend

that this bill forces group practice on anyone. But it is the beginning.

Now there are other things we can do to cut down the cost. Personally, I never did favor medicare for the extremely wealthy, but that is water over the dam.

Instead of dealing directly with costs, such as doing something that will bring more labor-saving devices into the hospitals, we are turning to a cheaper practice of medicine. We are laying the foundation which could well lead to a sacrifice of quality practice.

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

Mr. CURTIS. I yield.

Mr. COOPER. Mr. President, can the Senator give an example of the way this works?

Mr. CURTIS. An organization is created, which enters into a contract with a doctor or doctors. I do not know on what basis of the contract, but they contract to take care of the ills of their members for a stated fee.

I have the feeling that it will result in a group practice that would be very much like being treated by a company doctor. We have heard much complaint about that. It is a beginning which I believe is a mistake.

Mr. LONG. Mr. President, the part of the bill that the Senator from Nebraska seeks to strike was enthusiastically recommended by President Nixon, which was approved by the House Ways and Means Committee, agreed to by the House of Representatives and which the Senate Finance Committee also agreed to.

Mr. President, this committee approved President Nixon's recommendation, with the exception that it did put on some necessary limitations to tighten it up to prevent abuse.

We are talking about people who could sign a contract with a group known as a health maintenance organization. We could name many such groups. The Kaiser Health Foundation on the west coast, for example, is a type of health maintenance plan. They could, for example, possibly sign some sort of an agreement with the Ochsner Foundation in New Orleans if the doctors want to provide such services. Or they could go to the Mayo Clinic in Minnesota if they wanted to form a health maintenance organization with doctors of all specialties capable of providing any medical service one might want. They would provide the medical services, and the Government would pay 95 percent of what it would cost on a per capita basis to provide this individual with his medicare benefits using present payment mechanisms.

It is anticipated that these health maintenance organizations could save money. In some cases, they would find ways to be more efficient. In other cases, they might use fewer hospital days because they would be able to do better if the patient came for outpatient treatment rather than hospital treatment. By providing more efficient services, they would hope to save some money in their operation and to provide either more or better medical care to the people who are members of the health maintenance organization.

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

Mr. LONG. I yield.

Mr. SAXBE. Mr. President, is not the main thrust of this provision to keep people out of the hospital rather than to put them in $80- and $100-a-day hospital beds?

At the present time under medicare, an old person who is sick is almost forced to go to the hospital to get adequate attention. So we have them under those circumstances in a $75-a-day hospital bed.

Almost anyone subject to medicare has one or more chronic conditions—heart, arthritis, kidney, liver, stomach—something that he is going to have for the rest of his life. He needs maintenance. He needs attention. He needs this on a regular basis in order to keep out of the hospital and to keep him doing something, to keep him active, to keep him in with people.

I believe the concept of this is so that they can band together to get this attention without having to go to a hospital and without having to let this chronic condition develop to the point where it is serious.

This is an effort to try to have plans of the type that have been adopted and which, I am sure, the HEW is contracting for so that they can make a contract with the doctors. It is voluntary. They do not have to do it. They can say, "Will you give me the medical attention I need, not when I am sick, but when I am well so that you can keep me well and keep me out of that high-priced hospital bed?"

I think it is a good thing. I am glad to see it included in the bill.

Mr. LONG. Mr. President, the Senator is correct.

As the Senator from Ohio has pointed out so ably, this offers the health maintenance organization an opportunity to say to people who would be eligible for medicare, "We think we can offer you something better than medicare." If the Government agrees that this may be better for the patient and if they see no possibility of abuse in it, then they would pay 95 percent of what they would pay per capita at the present time to provide this care.

The administration thinks that this is a way to provide better care.

Obviously the people who have been working in this area believe they have something better to offer.

As the Senator mentions, there are several organizations already providing this care. The State of Ohio has a very fine organization in Cleveland that provides health care of this sort.

The administration feels that this type of thing will grow as people find ways to provide more efficient and hopefully better service on a voluntary basis, and at a savings for the most part, with the intent of providing better and more services to the people who participate in this organization.

If we are in error, then a lot of good people have made the same mistake. The House of Representatives thought this was wise. We have drawn our provision even tighter than theirs.

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

Mr. LONG. I yield.

Mr. RANDOLPH. Mr. President, the distinguished manager of the bill and the Senator from Ohio have already given the reasons for the committee provision which includes possibilities for increased emphasis and utilization of outpatient care and facilities.

I wonder if under the proposal in the bill as brought to the floor there is a strict procedure for Federal approval of a program or programs.

Mr. LONG. Yes. There is provision in this bill requiring Federal approval. And the purpose, of course, is to be very careful to make sure the beneficiaries would receive high-quality care.

Mr. HARRIS. Mr. President, will the Senator yield me 2 minutes?

Mr. LONG. Mr. President, I yield to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I rise to oppose the pending amendment. I support the statements made by the distinguished chairman of the committee.

One of the mistakes made when medicare and medicaid were originally enacted into law was that we thereby massively increased the demand for health care but did not concurrently increase the supply of health personnel and health facilities. Because of that massive increase in demand without a concurrent increase of supply, we virtually ruptured the system.

That is one of the reasons why the costs of health care have continued to go up at a very alarming rate. There is presently a shortage of 50,000 doctors in America and a shortage of nurses that is greater than that.

We cannot, with the present financial difficulties of medical schools and health-related schools, see where the increased personnel will come from. We have to increase medical and paramedical personnel in this country. We must increase the facilities available. But we can also do much better with the present medical personnel and paramedical personnel, and we can do much better in the use of present facilities than we are doing. We must do both. We must not only increase the supply but we must also have more efficient use of present personnel and facilities. We cannot do that unless we are willing to go into prepaid and preventive medical care. The provision in this bill starts us in that direction. It is a good provision and I hope the pending amendment is rejected and that we will not require that a doctor be paid on the basis of a fee, but that payment be on a per capita basis. Then, we can move toward prepayment and preventive medicine and toward encouraging group practice on a voluntary basis.

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. CURTIS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Nebraska.

(Putting the question.)

The amendment was rejected.

AMENDMENT NO. 1115

Mr. HARRIS. Mr. President, I call up my amendment No. 1115 which is at the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARRIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

The title of section 131 of the bill is amended by striking out "TAX RATES".

SEC. 2. The amendments made by subsection (b) of section 131 of the bill shall be deleted and the following shall be inserted in lieu thereof:

"(b) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"'AUTOMATIC ADJUSTMENT OF THE CONTRIBUTION AND BENEFIT BASE

"'SEC. 230. (a) On or before August 15 of 1972 and each year thereafter, the Secretary shall determine and publish in the Federal Register the contribution and benefit base (as defined in subsection (b)) for the first calendar year following the year in which the determination is made.

"'(b) The contribution and benefit base for a particular calendar year shall be whichever of the following is the larger:

"'(1) the product of $9,000 and the ratio of (A) the average taxable wages of all persons for whom taxable wages were reported to the Secretary for the first calendar quarter of the calendar year immediately preceding the year in which a determination under subsection (a) is made for such particular calendar year to (B) the average of the taxable wages of all persons for whom taxable wages were reported to the Secretary for the first calendar quarter of 1970, with such product, if not a multiple of $300, being rounded to the next higher multiple of $300 where such product is a multiple of $150 but not of $300 and to the nearest multiple of $300 in any other case; or

"'(2) the contribution and benefit base for the calendar year preceding such particular calendar year.

"'(c) Notwithstanding the provisions of subsections (a) and (b), the contribution and benefit base provided by such subsections with respect to a particular calendar year shall not be effective as provided in such subsections—

"'(1) if in the calendar year in which the determination (required by subsection (a)) is made a law has been enacted which provides for (i) a general increase in the primary insurance amounts of all individuals entitled to benefits under this title, or (ii) a change in the rate of tax on wages and self-employment income under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance, or (iii) an increase in the amount of earnings of individuals that may be counted for benefits under this title and that may be taxed under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance, or

"'(2) unless a benefit increase, as provided in section 215(i) of such Act, is also to be effective for such year'.".

SEC. 3. Section 131 of the bill is further amended by adding at the end thereof the following:

"(d) In each year in which the Secretary determines—

"(1) under section 215(i)(2)(A) of the Social Security Act, that a cost-of-living benefit increase is required, effective for the following January, or

"(2) under subsections (a) and (b) of section 230 of such Act, the amount of the contribution and benefit base, effective for the following year,

he shall, on or before August 15 of the year in which such determination is made, report to the Congress the amounts so determined. Such report shall include information which according to the actuarial estimates published in the annual report of the Board of Trustees on the preceding March 1, specifies the extent to which the long-range cost of the automatic increase in benefits is covered (or exceeded) by the contribution and benefit base that will be effective for the year in which the benefit increase is effective."

Mr. HARRIS. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HARRIS. Mr. President, I ask unanimous consent that debate on the pending amendment be limited to 30 minutes, equally divided between the Senator from Louisiana and me.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. HARRIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. HARRIS. Mr. President, I call the attention of Senators to a memorandum in support of my amendment No. 1115, which has been placed on the desks of the Senators. I will briefly state the purpose of the amendment. This is a very fundamental and important amendment.

Basically the amendment would finance the automatic increases in social security benefits by increasing the taxable wage base, as the House did, to finance the automatic cost-of-living increases provided in the bill—rather than the position of the Committee on Finance which would, unless this amendment is agreed to, finance the automatic cost-of-living increases one-half by raising the taxable wage base and one-half by raising the tax rate.

This is a fundamental and important amendment because if the Senate agrees to the Senate committee and rejects the pending amendment, the automatic cost-of-living increases in social security benefits would not be financed on a progressive basis, that is, by raising the wage base upon which social security benefits are based. That would be entirely consistent with the determination to raise the benefits at all, because wages generally would have gone up by reason of inflation. Otherwise, the Secretary would have to make all sorts of detailed calculations and finance cost-of-living increases under social security by both tax rate increases and an increase in the wage base.

The social security tax system is a regressive system and it gets tougher and tougher for wage earners to bear. That is why in committee I supported an amendment which would begin now to pay a portion of increased social security benefits out of general revenues. That amendment was not agreed to, but I think eventually it will be agreed to, and it will have to be agreed to because I think we have reached the saturation point in the social security tax rate. The burden has become too great for the working man. Feeling that way, I offered an amendment which would have financed a portion of the benefit increase in the bill by raising the wage base to $12,000. Presently the taxable wage base under the committee bill would stop at $9,000. Anyone making more than $9,000 a year would not pay any more than those who make $9,000 a year and under.

Furthermore, the social security tax rate is a regressive rate because it is a flat rate and not based on graduated income, even up to the committee $9,000 wage base figure.

Every time we can we should try to make that tax rate more progressive and make that burden more evenly distributed on the basis of ability to pay, as we envisioned generally the income tax system would do. That is what this amendment would do.

The amendment does not get into the question of whether social security would be financed from general revenues, and it does not get into the question of presently raising the taxable wage base. It does provide that when cost of living increases go into effect automatically under this bill, as they would do here under either the bill adopted by the Senate committee or by the House, that increase which comes about by reason of the fact that wages have gone up and the cost of living has gone up, would be financed by raising the taxable wage base, and then, the Committee on Finance, and the Ways and Means Committee, of the Senate and the House, could, if they wanted, recommend changes in the law with respect to tax rates, wage bases, increased benefits, or whatever. But the automatic cost of living increases, unless Congress did something to the contrary, by raising the wage base and not the rate, would take a step forward toward making the social security tax system more progressive than it is.

Mr. President, I think this provision is desperately needed.

Mr. MILLER. Mr. President, will the Senator yield to me?

Mr. LONG. Mr. President, I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, I should point out that the Senator from Oklahoma in so many words has suggested that we do away with the fundamental concept of social security and social insurance, and make it into a welfare plan. This regressive feature of social security is something that has existed ever since social security went on the books, and properly so. Regardless of income, people put in a certain amount of tax money each year, and the employer matches it each year. As a result, contributors can look forward to the day when they will receive, under insurance annuity type tables, a series of benefits.

If the Senate wants to do away with the concept of social insurance and make social security a welfare program, it might as well do away with all social se-

curity taxes and make everything subject to the general fund in the Treasury. That argument has been made through the years and it has been consistently rejected through the years.

The Committee on Finance was very much aware of this problem. We found, upon advice from the Commissioner of Social Security, that just because there is inflation which might increase the cost of living which would warrant increases in social security benefits, it did not necessarily mean that there would have to be an increase in either the wage base or the tax rates because it has been shown that during inflationary periods the general level of wages rises somewhat faster than prices and the revenue increases resulting from the increased wage rates might pay for the increased cost under the automatic increase provision.

The Finance Committee reached a compromise. The compromise reached was to let the financing come half from an increase in wage rates and half from an increase in tax rates. A good argument could be made for having the entire amount come from wage rate increases.

The committee arrived at a reasonable solution. It was a compromise solution. I would like to see it stay the way it is.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, I yield myself 2 additional minutes.

This amendment does not involve anything more than trying to make the automatic cost-of-living increase reflect in its financing, as the House-passed bill would do, the inflation in wages and in other costs, simply by raising the taxable wage base, which, under the Senate version, would be $9,000, each time it was necessary to do so in order to pay for the cost-of-living increase.

The committee proposal would raise the social security tax rates even though that was unnecessary, and even though that would, as generally would be the case, overfinance the cost-of-living increases. Normally, as the Commissioner of Social Security would testify, the normal cost-of-living increase under the bill would be paid for by the same kind of increase in the taxable wage base. It would not be necessary to increase the tax rates, which are already regressive. The taxation is already too burdensome on the ordinary taxpayer. We would not have to do that. That would overfinance it by and large. All that would be necessary to pay the cost of living would be to increase the taxable wage base. That is what the House bill would do. That is what my amendment, if adopted, would do.

Mr. LONG. Mr. President, I yield myself 2 minutes.

The Senator's amendment is based on the assumption that wages will rise twice as fast as the cost of living. That assumption might be correct, and then again it might not. If the assumption does not prove out, then there would not be adequate financing to carry these cost-of-living increases.

Furthermore, one could make the argument that under the social security program, the people who pay the least receive by far the most. For example, in the very bill we have before us, the minimum social security benefit would be $100 a month. Of course, it stands to reason that in the future we will further increase the minimum social security benefit even more than we raise the average benefit for others. So the person at the lower average income level does get a far better buy for the money than the person in the upper brackets.

The Senator's proposal provides that these increases would not mean any tax increase for anybody except those in the higher wage brackets. They would be paying all the taxes to pay for the automatic increases in benefit levels necessary because of increases in the cost of living.

It could well be argued as being a case of bearing down altogether too hard on the relatively few who are paying at the top rate for social security for the benefit of those who are paying at the lowest rate.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. LONG. I yield myself 1 minute more.

It was the view of the committee that we should not permit the Secretary of Health, Education, and Welfare, without the consent of Congress, to use the surpluses that would otherwise flow into the fund; we did not wish him to have the leverage to change his actuarial assumptions and provide additional benefits which might not be financed. It is our judgment that, under the Senator's amendment, that could happen and that is one of the things we wish to protect ourselves against.

It was the judgment of the committee that we should have an increase in the income from the social security tax to finance exactly the increased benefits that would be paid out, reserving to Congress the right, if it chose to do so, to pass additional benefits, or further liberalize the program in other ways after the committee has had the opportunity to consider the problems presented and to have the House and Senate vote on its recommendations.

Just one additional word. It was the thought of those of us on the committee that, although there would be automatic benefit increases as envisioned by the bill—and as we support it in our bill—we do not feel these should be all the increases or all the additional benefits that will be voted in the future. In fact, it is our thought that, in all probability for the foreseeable future, we may still wish to pass a social security bill at least once every Congress to take care of the various needs that arise in addition to taking care of the cost of living, and we may wish to consider the various problems, recommendations and suggestions that can be brought to our attention by Members in both parties.

Mr. HARRIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 7 minutes remaining.

Mr. HARRIS. I yield myself 2 minutes.

First of all, let me just say again that I think the cost of living provisions adopted by the Senate Finance Committee were generally good. I think the additions the committee made with respect to keeping within its own jurisdiction the question of whether the committee would want from time to time to go further than the automatic cost-of-living increases would go are good. But I do not believe the automatic method of financing the automatic cost-of-living increases is in the spirit of progressive taxation.

I think, furthermore, as I said earlier, it should be pointed out that the Senate committee provision would require an automatic increase in tax rates, thereby overfinancing the cost-of-living increases, and overfinancing the bill, obviously, therefore unnecessarily.

There is one other aspect which should be here. My amendment would provide, on an automatic basis, what has been pretty much the ad hoc action of the Congress from time to time in raising the wage base. We started with a wage base back in 1951 of $3,600. That base has been raised from time to time, as wages have gone up and the cost of living has gone up, to $7,800, and under the present bill the taxable wage base would be raised to $9,000.

That is important not only to try to get more progressiveness in the social security tax system, which, as I said, is desperately needed, but raising the taxable wage base from time to time to reflect the rise in wages is important to keep from having a deterioration in the coverage.

As wages have gone up since the wage base was fixed at $3,600, and, as the Senate and the Congress from time to time have increased the wage base to $7,800, and now it is proposed to raise it up to $9,000, if we had kept the wage base to where it was fixed originally at $3,600, beneficiaries would not really have had the kind of coverage and benefits they ought to have had and there would have been a deterioration in the coverage and in the value of the benefits. In other words, the benefits would not really have increased to the degree they should have in order for the person receiving them to stay where they had become accustomed to, according to the cost of living and the rise in wages.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. HARRIS. I am glad to yield.

Mr. MILLER. The Senator has said at least twice that what the bill provides for is potential overfinancing. It was my clear understanding during the deliberations of the committee, coupled with the advice from Mr. Ball, the Commissioner of Social Security, that there is discretion provided in the bill for the Social Security Administrator to increase the wage base and the tax rate only so much as is necessary to finance the increased benefits, and that if we did not put that discretion in there, then there could be over-financing. So that was a bridge that we reached in the committee that Mr. Ball advised us not to cross, and the Finance Committee went along with him.

So I believe the Senator from Oklahoma has misinterpreted the committee's action on this point. I was very much concerned that we not overfinance and not overtax, and I believe the bill reads that way.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRIS. I yield myself an additional minute.

I respectfully disagree with the Senator from Iowa. I refer him to the Commissioner of Social Security. The present tax system in this bill for financing automatic cost-of-living increases from increases in the pay ratio will greatly overfinance it over the actuarial long run. The question is whether it finances the first year the exact amount necessary, and that is the problem, because over the long term, then, it will overburden and overtax the working men and women of this country, who are already paying much more than their fair share of taxation, both under the income tax system and under the social security tax rate.

The tax under social security must be made more progressive. It must keep up with the cost of living and with rising wages, and that is why the Senate and Congress, from time to time, have raised the taxable wage base. That is why, in my opinion, Mr. President, the House of Representatives was quite right in saying that the automatic cost-of-living increases should be automatically financed by raising the wage base, not by increasing the tax rate, which is already regressive and too burdensome.

The PRESIDING OFFICER. Who yields time?

Mr. MILLER. Will the Senator from Louisiana yield me a minute?

Mr. LONG. I yield the Senator from Iowa 1 minute.

Mr. MILLER. I still believe there is a basic difference of opinion here, and that is that the Senator from Oklahoma claims this is going to overfinance and overtax, and I repeat that the Finance Committee had the clear understanding that it would not do so. As a matter of fact, this was a point I raised in the committee, because I did not want overfinancing and overtaxing.

Mr. Ball told the committee we ought to have a provision in here which would permit a discretionary amount, and that if there was an increase in benefits, that would not necessarily mean an increase in tax rates.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. MILLER. And the Social Security Administration can compute all of that out. So I think we are clear on that point.

Mr. HARRIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 2 minutes remaining.

Mr. HARRIS. I reserve that.

Mr. LONG. How much time remains to the opponents?

The PRESIDING OFFICER. Six minutes.

Mr. LONG. I yield 2 minutes to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I hope the committee position will be sustained and the amendment of the Senator from Oklahoma rejected. The committee worked out what we considered to be a very fair method of raising taxes to provide for these future increases. The raising of taxes is never popular, but if we must have them—and we must have them here—we can only try to make them as equitable as possible.

The committee felt it would be better to put half of this prospective increase on the wage base and half of it on the rates. I think that would be much fairer for all taxpayers concerned, and I certainly hope that the amendment of the Senator from Oklahoma, with all due respect to him, will be rejected. If it is adopted it will create an inequity and put all the tax burden on one group of taxpayers rather than spreading it across the board.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, I yield myself the remainder of my time.

The PRESIDING OFFICER. Two minutes.

Mr. HARRIS. Mr. President, I would simply refer Senators to the social security Commissioner and the actuaries there. The facts are that if the taxable wage base is kept up to date with rising wage levels, there will be little if any need for an increase in the tax rate to cover the cost of the automatic cost-of-living increases. I believe that, therefore, the House provision is a fairer one, more equitable for the working men and women of this country, and I hope my amendment will be agreed to.

Mr. SCOTT. Mr. President, in September 1969 the President sent to the Congress a message on social security. Among his recommendations for improvements in the program were an increase in social security benefits and automatic adjustment of the benefits thereafter to increases in the cost of living. I strongly support these recommendations.

H.R. 17550, now before us, is the culmination of long and careful consideration of the administration's important and far-reaching proposals. One of the most important of the provisions in the bill is the automatic adjustment of social security benefits to insure that the purchasing power of those benefits will be maintained. As the President has said, the automatic adjustment provision "will install new security in social security." It will provide peace of mind to the nearly 26 million beneficiaries on the rolls and to those who come on in the future by assuring them that the benefits on which the vast majority of beneficiaries depend for their day-to-day needs will be kept up to date with rises in the cost of living.

We have already provided for automatic adjustment in annuities for the civil service and the military, and I have been looking forward to seeing the same automatic adjustments for our social security beneficiaries. The Committee on Finance has, however, made major changes in the automatic adjustment provisions that were proposed by the President and passed by the House of Representatives. Two of these changes would, in my opinion, negate the effect of the provision.

First, the committee bill would require the Secretary of Health, Education, and Welfare to promulgate increases in both social security tax rates and the contribution and benefit base in order to finance the automatic increases in benefits, even though such increases in social security tax rates would be unnecessary. The reason why such increases would not be necessary is that the cost of the automatic benefit increases can be met from additional income that results from rising earnings levels without increasing the tax rates, provided the contribution and benefit base is increased from time to time. In fact it is estimated that under the committee bill the social security system will be increasingly overfinanced as we move into the future. A responsible Congress could not permit a situation to continue under which the long-range surplus of the social security trust funds which develops from rising wage levels would grow larger each year and at the same time the contribution and benefit base and the tax rates would be increased by the Secretary to meet the cost of the automatic benefit increases that would occur over the years. The Congress unquestionably would act to take care of the surplus—either by stopping the increase in the contribution and benefit base or the tax rates, or both, or by increasing benefit levels over and above the increase provided under the automatic provisions, or by otherwise improving the program to use up or reduce the surplus. In fact, the Secretary of Health, Education, and Welfare might well be promulgating a tax increase while the administration was recommending a cut in social security taxes—a ridiculous situation, as I am sure my colleagues will agree.

Second, the provision for automatic increases in the contribution and benefit base to take account of increases in wages as proposed by the administration would not delegate to the executive branch authority to levy taxes, as has been alleged. The increases in the base would be automatic, and the determination of the amount of the increase would be routine on the basis of wages credited to social security wage records. The committee bill, on the other hand, would delegate authority to levy taxes. It requires that the Secretary of Health, Education, and Welfare determine the cost of each automatic benefit increase in order to determine what increase in the base would be needed. If that determination involved not only the short-range cost but also the long-range cost, many factors involving discretionary selection of assumptions would be required, including assumptions about long-range future mortality rates, fertility rates, the proportion of total population in employment covered by social security, the size of taxable payroll, the size of the population insured for benefits under the program, the proportion of the population that is married, the proportion of eligible people who are beneficiaries, the rate of labor force participation by wom-

en, administrative expenses, and interest rates. Under the committee provision, not only would the Secretary and his staff be making estimates involving judgment in each one of the areas mentioned, as must be done for the purpose of making cost estimates, but he would be setting the tax rates for the social security program based on these judgments. We would in effect be turning over to the Secretary of Health, Education, and Welfare the tax-setting function of the Congress.

The provision for automatic increases in the contribution and benefit base recommended by the President and approved by the House would merely carry out automatically the policy which the Congress has been following on an ad hoc basis since 1950—that is, periodically increasing the social security contribution and benefit base so as to cover the same proportion of total payroll as had been covered earlier, when wage levels were lower. As wages have risen, the $3,600 base that became effective in 1951 has been changed by the Congress, in steps, to $7,800—more or less as it would have been under the automatic provisions.

I should mention that the base must be increased to keep up to date with rising wages not only from the standpoint of the income of the program, but to prevent a deterioration in the earnings covered by the program. For example, a job which paid $3,600 in 1950 pays around $9,000 today. If the base had not been increased over the years the benefits payable to a man in such a job would provide a much smaller proportion of wage replacement than was provided when social security benefits first became payable and there would have been a major deterioration in the protection afforded by the program.

In the past, average wages have increased about twice as fast as the consumer price index. If the base is kept up to date with rising wage levels, as in the administration's proposal, there is no need for any increase in the tax rates to cover the cost of the automatic cost-of-living increases.

I, therefore, wish to urge that amendment No. 1115, offered by Senator HARRIS, be adopted. This amendment would bring the committee bill back in line with the President's proposal for automatic adjustment of benefits and the contribution and benefit base. Under the Harris amendment, as under the administration's proposal, the contribution and benefit base would rise automatically as wages rise. In each year in which the Secretary determines that a cost-of-living benefit increase or an increase in the contribution and benefit base is to be effective for the following year, the Secretary would be required on or before August 15 of the year in which the determination is made to report to the Congress the amounts so determined. He would also indicate whether, according to the actuarial estimates published in the annual report of the board of trustees on the previous March 1, the proposed increase in the base would be sufficient, or more or less than sufficient, to cover the long-range cost of the automatic increase in the benefits. He would have no authority to promulgate any increase other than that dictated by the increase in wages.

The Harris amendment would not change the provision in the committee bill under which the automatic provisions would not take effect if in the year before the year in which the increases were to be effective a bill had been enacted that would either increase social security benefit levels or revise the schedule of social security tax rates or the contribution and benefit base. The automatic adjustment provision, then, takes nothing from the power of the Congress. It does serve as a backup to assure that social security beneficiaries will be protected from the ravages of inflation when the Congress does not act. And with the notification by the Secretary being required by August 15, the Congress would have ample time to intervene if, for example, a promulgated increase in the base was higher than necessary to cover the cost-of-living increase in the benefits, or if the Congress wished to provide a benefit increase that was higher than that provided under the automatic provision. Under such a provision there would be no delegation of function from the Congress to the executive branch.

I urge all of you to join me in supporting this amendment, an amendment that will insure effective implementation of the automatic adjustment provisions in H.R. 17550.

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. HARRIS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. MOSS). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Oklahoma (Mr. HARRIS). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS) and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from New York would vote "yea" and the Senator from South Dakota would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 28, nays 39, as follows:

[No. 448 Leg.]

YEAS—28

Baker	Magnuson	Prouty
Bayh	Mansfield	Proxmire
Brooke	Mathias	Ribicoff
Case	McGovern	Schweiker
Harris	McIntyre	Scott
Hartke	Metcalf	Stevenson
Hughes	Mondale	Williams, N.J.
Jackson	Moss	Yarborough
Javits	Nelson	
Kennedy	Pell	

NAYS—39

Aiken	Dole	Packwood
Allen	Ellender	Pearson
Allott	Ervin	Percy
Bellmon	Fannin	Randolph
Bennett	Griffin	Saxbe
Bible	Gurney	Smith
Boggs	Hansen	Sparkman
Byrd, Va.	Holland	Spong
Byrd, W. Va.	Hruska	Stennis
Cannon	Jordan, N.C.	Talmadge
Cook	Jordan, Idaho	Thurmond
Cooper	Long	Williams, Del.
Curtis	Miller	Young, N. Dak.

NOT VOTING—33

Anderson	Goldwater	Montoya
Burdick	Goodell	Mundt
Church	Gore	Murphy
Cotton	Gravel	Muskie
Cranston	Hart	Pastore
Dodd	Hatfield	Russell
Dominick	Hollings	Stevens
Eagleton	Inouye	Symington
Eastland	McCarthy	Tower
Fong	McClellan	Tydings
Fulbright	McGee	Young, Ohio

So Mr. HARRIS' amendment was rejected.

Mr. PROUTY obtained the floor.

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

Mr. PROUTY. I yield.

Mr. JAVITS. Mr. President, how late will we stay tonight?

Mr. MANSFIELD. Quite late.

Could the leadership have some idea as to how many amendments are still to be offered?

Mr. President, it looks to me as though we have approximately 11 amendments still to be considered. I understand that all Senators who are offering amendments are very considerate as to the idea of a limitation of time. I would suggest that, in view of the fact that we have only 4 or 5 days left before we adjourn sine die, we get as many of these amendments out of the way tonight as possible and, hopefully, reach a point where we can consider final passage of the bill. So I would say that we will be here until 11 or 12 o'clock.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. May I suggest, with respect to time limitation, that we might even contract the time on some of these amendments?

Mr. MANSFIELD. I have made some inquiries, and it appears that the best way to do it would be to take up each one individually.

Mr. PROUTY. Mr. President, on behalf of myself and the distinguished junior Senator from Ohio (Mr. SAXBE), I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. PACKWOOD). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROUTY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. PACKWOOD). Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

At the end of the bill, insert the following new title:

"TITLE XX—ASSURED MINIMUM ANNUAL INCOME BENEFITS FOR THE AGED

"ELIGIBILITY FOR BENEFITS

"SEC. 2001. Every individual who—

"(1) has attained age 65,

"(2) is a resident of the United States (as defined in section 2009),

"(3) has an annual income (as determined pursuant to section 2004) of less than $2,400 in the case of an individual who is married and living with his spouse, or $1,800 in the case of any other individual,

"(4) has filed application for benefits under this title, shall (subject to the succeeding provisions of this title) be entitled to assured minimum annual income benefits for the aged.

"PAYMENT OF BENEFITS

"SEC. 2002. (a) Benefits under this title shall be paid on a monthly basis, except that, if the benefit payable to an individual for any month is less than $5, such benefit may be paid on such other basis (but not less often than semiannually) as the Secretary shall by regulations provide.

"(b) Benefits under this title shall be payable to any individual only for months (i) after the month in which his entitlement thereto is established pursuant to an application therefor filed under section 2001, and (ii) prior to the month in which such individual dies.

"(c) No married individual who is living with his spouse for any month shall be entitled to a payment under this title for such month if the spouse of such individual receives such a payment for such month.

"AMOUNT OF BENEFITS

"SEC. 2003. The amount of the monthly benefit of any individual under this title shall be equal to one-twelfth of the amount by which $2,400 (in the case of a married individual living with his spouse), or $1,800 (in the case of any other individual), exceeds the amount of such individual's annual income (as determined under section 2004) for such year.

"DETERMINATION OF ANNUAL INCOME

"SEC. 2004. (a) For the purposes of this title, the term 'annual income' means, in the case of an individual, the total amount of income (other than income derived by reason of benefit payments under this title) from all sources received in the calendar year with respect to which a determination of annual income of any individual who, during the calendar year, engaged in any trade or business, there shall be deducted any expenses incurred in carrying on such trade or business, and except that, income derived from the sale or exchange of property shall be taken into account only to the extent of the gain derived therefrom.

"(b) In determining the amount of annual income, for purposes of this title, of any individual who is married and living with his spouse, the annual income of such individual shall be regarded as the sum of the annual income of such individual and of the spouse of such individual.

"REPORT OF INCOME TO SECRETARY

"SEC. 2005. (a) Any individual applying for benefits under this title shall submit with his application for such benefits and thereafter reports to the Secretary of his income and of any other matter which is relevant to his entitlement to receive, or the amount of, any benefit payable under this title. Such reports shall be filed at such time, in such form, and shall contain such information as the Secretary shall by regulations prescribe.

"(b) Benefits otherwise payable to an individual for any month shall be suspended until such time as any report required pursuant to subsection (a) to be filed prior to such month shall have been received and evaluated by the Secretary.

"SUSPENSION OF BENEFITS FOR MONTHS WHEN INDIVIDUAL IS ABSENT FROM THE UNITED STATES

"SEC. 2006. Any benefit otherwise payable to an individual under this title for any month shall not be paid if such individual is physically absent from the United States (as defined in section 2009) during all of such month, or if such individual is not, during all of such month, a resident of the United States (as so defined).

"OVERPAYMENTS AND UNDERPAYMENTS

"SEC. 2007. Whenever the Secretary finds that more or less than the correct amount of payment has been made to any individual under this title, proper adjustment or recovery shall be made in accordance with regulations of the Secretary patterned so as to conform, to the maximum extent feasible, to the provisions of section 204 (relating to overpayments and underpayments of benefits under title II).

"ADMINISTRATION

"SEC. 2008. This title shall be administered by the Secretary and through (to the extent feasible) the organization and personnel engaged in the administration of title II.

"DEFINITION OF UNITED STATES

"SEC. 2009. For purposes of this title, the term 'United States' means the fifty States and the District of Columbia.

"APPROPRIATION

"SEC. 2010. There are hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title.

"SHORT TITLE

"SEC. 2011. This Act may be cited as 'The Older Americans Income Assurance Act of 1970'.

"TAX SURCHARGE

"SEC. 2012. (a) Section 51 (a) of the Internal Revenue Code of 1954 (relating to imposition of tax surcharge) is amended to read as follows:

"(a) Imposition of Tax.—

"(1) In general.—In addition to the other taxes imposed by this chapter, there is hereby imposed on the income of every person a tax equal to 3 percent of such person's adjusted tax (as defined in subsection (b)) for the taxable year.

"(2) Limitation.—In case of—

"(A) a husband and wife (or surviving spouse) who file a joint return under section 6013 and whose adjusted tax for the taxable year is less than $580,

"(B) an individual who is a head of a household to whom section 1(b) applies and whose adjusted tax for the taxable year is less than $440, and

"(C) any other individual (other than an estate or trust) whose adjusted tax for the taxable year is less than $290,

the tax imposed by paragraph (1) shall not be greater than an amount equal to twice the tax which would be imposed by paragraph (1) if the tax were imposed on the amount by which the adjusted tax exceeds $290, $220, or $145, respectively."

(b) The amendment made by subsection (a) shall apply to taxable years ending after December 31, 1970. For purposes of section 21 of the Internal Revenue Code of 1954 (relating to effect of changes in rates), the amendment made by subsection (a) shall be treated as changing a rate of tax.

(c) Effective with respect to wages paid after December 31, 1970, the Secretary of the Treasury or his delegate shall prescribe tables for purposes of section 3402(a) of the Internal Revenue Code of 1954 (relating to requirement of withholding) which—

(1) shall be in lieu of the tables contained in paragraphs (3), (4), and (5) of such section, and

(2) shall correspond in form to the tables contained in such paragraph but shall reflect the tax imposed by section 51 (as amended by subsection (a)).

Mr. MANSFIELD. Mr. President, I would like to propound a unanimous-consent request, that there be a 20-minute time limitation on the pending amendment to be equally divided between the author of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. PROUTY. Mr. President, on June 18, 1968, I introduced S. 3654, a bill referred to the Senate Finance Committee, an early version of the Older Americans Income Assurance Act.

On March 6, 1970, I reintroduced the bill, S. 3554.

Briefly, the measure simply assures a minimum income to individuals age 65 or over of $150 per month—$200 for aged couples. Payment would be administered as part of the social security system and financed out of general revenues.

Mr. President, a 3-percent income tax surcharge is provided to raise the additional necessary revenue.

Under this proposal, more than $650 million would be gained in revenue for the States. So, in effect, this is a revenue-sharing plan as well as a guaranteed income plan for our elder citizens.

Mr. President, I think it is significant that nearly every one of our 50 States is facing a serious financial crisis. President Nixon sent us a revenue sharing proposal over a year ago. That proposal is among the unfinished business of this Congress. It is interesting to note that adoption of my Older Americans Income Assurance Act would entail a revenue gain for each State so as to help meet the financial crisis affecting all States.

Mr. President, between 6½ and 7 million people age 65 or over would receive payments under this proposal. Upon enactment an immediate result would be that over 20 percent of those now living in poverty would be moved out of poverty as a result of payments bringing their income up to a nonpoverty level.

In addition, over 2.1 million older Americans receiving old-age assistance under welfare would in effect be taken off the welfare rolls and receive greater benefits under this proposal. For those 2.1 million senior citizens, the average individual cash gain would be $76.32 per month.

Mr. President, let me point out that an explanation of this amendment with various charts and tables has been distributed and is on the desks of all Senators at the present time.

I ask unanimous consent to have them printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. PROUTY. The Older Americans Income Assurance Act will cost approximately $4½ billion a year. It is estimated that the 3 percent income tax surcharge will cover the cost of the amendment.

Mr. President, this proposal is a fair application of an income maintenance system administered by the Federal Government.

Both earned and unearned cash income received by an individual would be subtracted from $150 per month, or $1,800 per year, and the difference would be paid under the Older Americans Income Assurance Act.

Let me cite some examples:

An unmarried individual age 65 or over receives a minimum social security benefit of $64 a month. He also receives $16 a month interest on his savings in the bank. His total income is $80 a month.

Under the Older Americans Income Assurance Act he would also receive $70 a month to bring his income up to $150 a month or $1,800 a year.

Mr. President, let us examine the case of an aged couple who have a combined income of $100 a month from a private pension. That is their only income but they own their own house.

Under the Older Americans Income Assurance Act, since the couple's home would not count as income because it is a non-income-producing asset, they would be entitled to $100 a month in order to bring their annual income up to $2,400 a year.

Carrying that example one step further, suppose the couple sell their house in 1972 for $10,000. In such a situation they would be ineligible for benefits in 1972, but they could receive benefits in 1973 assuming that their income was less than $2,400 that year.

In other words, the effect of my proposal would be to guarantee every older American a reasonable level of cash income.

I think this is extremely important, Mr. President, because for older Americans the solution to poverty is not job training or more education. The solution is simply cash income.

To date we have not solved the problems of poverty for older Americans.

On December 16, the U.S. Department of Commerce released a report based on the recent census concerning consumer income. Among other things that report showed that in the past decade we have reduced the number living in poverty by nearly 15.2 million. However, Mr. President the reduction in the number of those living in poverty came entirely from those under age 65.

For those over age 65 the number living in poverty has actually increased. Over 55 percent of the single individuals trapped by poverty are over age 65. In total between 6½ and 7 million people age 65 or over have cash incomes below the poverty threshold.

The Department of Commerce used a poverty threshold which took into account increased cost of living. For single individual age 65 or over the threshold income was $1,749. For an aged couple the threshold income was $2,194.

Under my Older Americans Income Assurance Act single individuals age 65 or over would have their cash income brought up to $1,800 a year thereby removing all of them from the abject poverty category and aged couples would also be removed from poverty by bringing their income up to $2,400 a year.

On September 22, I testified before the Finance Committee urging adoption of a number of amendments. I am pleased to note that the committee saw fit to adopt my amendment calling for a $100 minimum monthly payment and a 10-percent benefit increase.

I regret that the committee did not grant the same 10-percent benefit increase to beneficiaries receiving the so-called Prouty payment. As you know, Mr. President, there are approximately 640,000 individuals, now age 75 or older, receiving special benefits as a result of my amendment to the Tax Adjustment Act of 1966. That amendment provided a special payment of $35 per month for individuals not otherwise eligible for social security and who were age 72 by 1968. More than 1.5 million individuals have received that benefit which under present law is $46 per month. The other body gave the Prouty beneficiaries the same 5-percent benefit increase given regular social sercurity recipients. Unfortunately the Finance Committee retained that 5-percent increase even though other social security recipients were given a 10-percent increase.

Since I do not want to now delay passage of this bill I shall make equal treatment for Prouty payment beneficiaries my first task in the 92d Congress.

Finally, I am pleased to see that this bill liberalized the earnings limitation on the so-called retirement test. I had hoped that the Finance Committee would have gone along with my amendment No. 698 in fixing the earned limitation at $2,400. However, the committee's action increased this to $2,000 which is a step forward. I know that several colleagues have introduced amendments identical to my amendment No. 698. I want to assure those Senators that I will give my full support to any amendment increasing the earnings limitation to $2,400 a year. After all, this body has twice before passed amendments going to that figure.

Finally, I want to congratulate the committee on increasing widow's benefits from 82½ to 100 percent of the husband's benefits. This is a reform I have been proposing for nearly 10 years. Its adoption by both the House and the Senate is long overdue.

EXPLANATION OF PROUTY AMENDMENT TO ASSURE A MINIMUM CASH INCOME FOR OLDER AMERICANS

BACKGROUND

On June 18, 1968, Senator Prouty introduced S. 3654, a bill referred to the Senate Finance Committee, an early version of the Older Americans Income Assurance Act.

On March 6, 1970, Prouty re-introduced his measure (S. 3554).

PROVISIONS

The measure simply assures a minimum income to individuals age sixty-five or over of $150 per month ($200 for aged couples). Payments would be administered as part of the Social Security System and financed out of general revenues. A 3 percent income tax surcharge is included to raise the necessary additional revenue.

ADVANTAGES

More than $650 million would be gained revenue for the state. (See charts E and F).

Between 6½ and 7 million people age sixty-five or over would receive payments under the Prouty proposal.

Over 20% of those now living in poverty would be moved out of poverty as a result of payments under the Prouty Proposal.

Over 2.1 million older Americans receiving old age assistance under welfare would in effect be taken off the welfare rolls and receive the greater benefits under the Prouty Proposal.

Nationwide, the average individual cash gain for those now on welfare would be $76.32 per month. (See chart C).

HOW IT WORKS

Both earned and unearned cash income received by an individual would be subtracted from $150 per month, or $1,800 per year, and the difference would be paid under the Older Americans Income Assurance Act.

EXAMPLES

1. Mary Jones who is unmarried receives a minimum Social Security benefit of $64 a month. She also receives interest on her savings in the bank, $16 a month. Her total income is $80 a month.

Under the Prouty Proposal she would also receive $70 a month to bring her income up to $150 a month or $1,800 a year.

2. John Smith and his wife, Mary, have a combined income of $100 a month from a private pension. That is their only income but they own their own house.

Under the Prouty Proposal Mr. and Mrs. Smith's home would not count as income since it is a non-income producing asset, however, they would be entitled to $100 a month under the Prouty Proposal in order to bring their annual income up to $2,400 a year.

3. If Mr. and Mrs. Smith sell their house in 1972 for $10,000 they would be ineligible

for benefits that year but the next year they could receive benefits assuming that their income was less than $2,400 a year.

CHART A.—*Older Americans Income Assurance Act*

[Number of individuals receiving old-age assistance under welfare by year]

Year:	*Number*
1961	2,229,000
1962	2,183,000
1963	2,152,000
1964	2,120,000
1965	2,087,000
1966	2,073,000
1967	2,073,000
1968	2,055,000
1969	2,027,000
1970	2,047,635

CHART B.—*Older Americans Income Assurance Act*

[Total amount spent for old-age assistance under welfare by year]

Year:	*Amount*
1961	$1,568,985,000
1962	1,566,121,000
1963	1,610,310,000
1964	1,606,429,000
1965	1,594,183,000
1966	1,633,675,000
1967	1,679,199,000
1968	1,699,984,000
1969	1,694,175,000
1970	1,817,642,000

CHART C.—*Older Americans Income Assurance Act*

[Average monthly payment for old-age assistance under welfare by year]

Year:	*Average monthly payment*
1961	$59.60
1962	61.55
1963	62.80
1964	63.65
1965	63.10
1966	68.05
1967	67.50
1968	68.95
1969	69.65
1970	73.68

CHART D.—*Older Americans Income Assurance Act*

(1) Federal, State, and local shares for payments under old-age assistance, calendar year 1969:

Federal share (65.6 percent)	$1,213,490,000
State share (29.9 percent)	553,536,000
Local share (4.5 percent)	83,254,000
Total (100 percent)	1,850,280,000

(2) Federal, State, and local shares for payments under old-age assistance (excluding Guam, Puerto Rico, and the Virgin Islands), calendar year 1969:

Federal Share (65.6 percent)	$1,209,832,000
State share (29.9 percent)	551,788,000
Local share (4.5 percent)	83,254,000
Total (100 percent)	1,844,784,000

(3) Federal, and State/local (combined) shares for payments under old-age assistance (excluding Guam, Puerto Rico, and the Virgin Islands), calendar year 1969:

Federal share (65.6 percent)	$1,209,832,000
State and local share (34.4 percent)	634,952,000
Total (100 percent)	1,844,784,000

CHART E.—*Older Americans Income Assurance Act*

[Between by State between Federal and State shares ot payments under old age assistance, calendar year 1969]

State	Federal share	State share
Alabama	$106,595,000	[1] $25,417,000
Alaska	2,363,000	1,329,000
Arizona	10,659,000	2,386,000
Arkansas	52,342,000	9,687,000
California	395,538,000	[1] 198,230,000
Colorado	31,679,000	10,827,000
Connecticut	8,638,000	4,402,000
Delaware	1,528,000	477,000
District of Columbia	2,291,000	900,000
Florida	62,549,000	16,944,000
Georgia	55,443,000	[1] 7,698,000
Hawaii	2,229,000	1,138,000
Idaho	2,606,000	823,000
Illinois	31,125,000	8,866,000
Indiana	27,655,000	[1] 14,749,000
Iowa	30,453,000	12,980,000
Kansas	13,248,000	[1] 5,610,000
Kentucky	41,244,000	7,466,000
Louisiana	99,963,000	24,975,000
Maine	7,358,000	1,258,000
Maryland	6,878,000	[1] 1,821,000
Massachusetts	53,601,000	[1] 27,219,000
Michigan	31,917,000	13,198,000
Minnesota	18,218,000	[1] 7,716,000
Mississippi	40,017,000	7,245,000
Missouri	81,084,000	25,490,000
Montana	2,817,000	[1] 804,000
Nebraska	5,460,000	1,208,000
Nevada	2,462,000	829,000
New Hampshire	5,694,000	[1] 2,297,000
New Jersey	16,516,000	[1] 6,006,000
New Mexico	6,151,000	861,000
New York	101,688,000	[1] 50,597,000
North Carolina	35,589,000	[1] 9,086,000
North Dakota	3,765,000	[1] 1,121,000
Ohio	40,990,000	[1] 9,086,000
Oklahoma	63,693,000	13,092,000
Oregon	5,432,000	[1] 1,942,000
Pennsylvania	46,747,000	21,182,000
Rhode Island	2,237,000	205,000
South Carolina	10,621,000	2,068,000
South Dakota	3,348,000	974,000
Tennessee	42,052,000	9,350,000
Texas	167,050,000	40,573,000
Utah	2,291,000	552,000
Vermont	3,730,000	1,234,000
Virginia	12,287,000	[1] 4,573,000
Washington	18,275,000	6,283,000
West Virginia	9,768,000	2,472,000
Wisconsin	19,181,000	[1] 8,559,000
Wyoming	1,567,000	[1] 503,000

[1] Indicates that "State share" includes some local government funds.

CHART F.—*Older Americans Income Assurance Act*

[Direct revenue savings accruing to States under Older Americans Income Assurance Act]

[State and revenue gain per State [1]]

Alabama	$25,417,000
Alaska	1,329,000
Arizona	2,386,000
Arkansas	9,687,000
California	198,230,000
Colorado	10,827,000
Connecticut	4,402,000
Delaware	477,000
District of Columbia	900,000
Florida	16,944,000
Georgia	7,698,000
Hawaii	1,138,000
Idaho	823,000
Illinois	8,866,000
Indiana	14,749,000
Iowa	12,980,000
Kansas	5,610,000
Kentucky	7,466,000
Louisiana	24,975,000
Maine	1,258,000
Maryland	1,821,000
Massachusetts	27,219,000
Michigan	13,198,000
Minnesota	7,716,000
Mississippi	7,245,000
Missouri	$25,490,000
Montana	804,000
Nebraska	1,208,000
Nevada	829,000
New Hampshire	2,297,000
New Jersey	6,066,000
New Mexico	861,000
New York	50,597,000
North Carolina	9,086,000
North Dakota	1,121,000
Ohio	9,086,000
Oklahoma	13,092,000
Oregon	1,942,000
Pennsylvania	21,182,000
Rhode Island	205,000
South Carolina	2,068,000
South Dakota	974,000
Tennessee	9,350,000
Texas	40,573,000
Utah	552,000
Vermont	1,234,000
Virginia	4,573,000
Washington	6,283,000
West Virginia	2,472,000
Wisconsin	8,559,000
Wyoming	503,000
Total	634,952,000

[1] Under Prouty proposal, states would no longer have to pay for old age assistance under welfare. Figures represent 1969 state payments for Old Age Assistance.

CHART G—OLDER AMERICANS INCOME ASSURANCE ACT

[Comparison between Prouty monthly minimum payment and present average State monthly payments from old age assistance under welfare]

State	Minimum monthly cash income assured under Prouty proposal	Present average OAA monthly cash payments	Individual cash gain under Prouty proposal
Alabama	$150	$66.10	$83.90
Alaska	150	96.45	53.55
Arizona	150	72.20	77.80
Arkansas	150	59.35	90.65
California	150	109.85	40.15
Colorado	150	76.40	73.60
Connecticut	150	90.30	59.70
Delaware	150	73.80	76.20
District ot Columbia	150	89.35	60.65
Florida	150	51.85	98.15
Georgia	150	52.70	97.30
Hawaii	150	89.75	60.25
Idaho	150	63.30	86.70
Illinois	150	73.65	76.35
Indiana	150	55.15	94.85
Iowa	150	112.70	37.30
Kansas	150	78.35	71.65
Kentucky	150	54.50	95.50
Louisiana	150	67.40	82.60
Maine	150	61.25	88.75
Maryland	150	58.60	91.40
Massachusetts	150	99.20	50.80
Michigan	150	75.70	74.30
Minnesota	150	72.65	77.35
Mississippi	150	50.40	99.60
Missouri	150	75.95	74.05
Montana	150	58.20	91.80
Nebraska	150	59.20	90.80
Nevada	150	64.50	85.50
New Hampshire	150	122.90	27.10
New Jersey	150	75.20	74.80
New Mexico	150	57.95	92.05
New York	150	102.00	48.00
North Carolina	150	64.85	84.15
North Dakota	150	64.80	85.20
Ohio	150	60.70	89.30
Oklahoma	150	69.60	80.40
Oregon	150	63.55	86.45
Pennsylvania	150	101.75	48.25
Rhode Island	150	54.25	95.75
South Carolina	150	48.70	101.30
South Dakota	150	59.55	90.45
Tennessee	150	50.40	99.60
Texas	150	62.65	87.35
Utah	150	52.95	97.05
Vermont	150	72.90	77.10
Virginia	150	61.90	88.10
Washington	150	66.65	83.35
West Virginia	150	70.55	79.45
Wisconsin	150	99.20	50.80
Wyoming	150	60.95	89.05
Nationwide	150	73.68	76.32

Mr. President, I am happy, now, to yield to my distinguished colleague from Ohio (Mr. SAXBE).

Mr. SAXBE. Mr. President, the sharp cutting edge of inflation has hit the senior citizens of this country who are presumed to be living in their golden age. They bought protection through social security at the time they were members in the 1930's. The small amount they paid into social security from their pay checks was a large amount in those days. The payrolls of that time averaged from $15 to $75 a week. Today these people who are collecting social security, if they have no other means of support, are public charges.

This amendment attempts to live up to the promise we made to these people when social security became a part of our law in 1935. What the amendment would do would be to say to them that there is a minimum wage for older people over 65 and that they will receive $2,400 as a couple, or $1,800 as an individual.

This is a floor. If they receive money from pension funds or from other retirement programs, of course it will be stricken, because this is the floor. It will help substantially the States that are now in dire financial circumstances.

The PRESIDING OFFICER. All time of the Senator from Vermont has expired.

Mr. SAXBE. Mr. President, how much time was there?

The PRESIDING OFFICER. There was 10 minutes. The Senator from Louisiana has control of the time.

Mr. PROUTY. Mr. President, will the Senator yield us 5 minutes?

Mr. LONG. Mr. President, I yield to the Senator from Vermont.

Mr. PROUTY. Mr. President, I yield to the Senator from Ohio.

Mr. SAXBE. Mr. President, the total amount involved is such that it would aid the States that are now in dire financial circumstances. It is for that reason that I joined in this amendment rather than offer the one that I have at the desk which I do not intend to call up, which would provide $155 a month to these people.

I feel that we have an obligation to see that those people who paid their social security get the insurance which they thought they were getting at the time social security became a law and before inflation took a great deal of it out from under them.

I admit that this is an advanced program, and one that I wish had more time for consideration.

I believe that it is an attempt to live up to our promises to these people and is a genuine attempt to relieve the States of the great financial burdens they find themselves under which, under the original concept of social security, was never contemplated.

I believe that by adjusting this program to the other benefits which they have coming in, we will in the long run help to pay off our obligations and at the same time not send that money into those hands where it is not needed.

A $2,400 payment per couple today is a bare minimum for existence. I have been in the homes of those people who are trying to live on this money. Those people thought at one time that they were secure with a small amount of savings and perhaps a home that was paid for, feeling that social security would take care of them.

They now find it slipping away day by day, month by month, and year by year until they reach the point where they are a public charge.

I think they are entitled to something better. Therefore I feel that this program as contained in this amendment is an obligation that we should try to live up to.

Mr. METCALF. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. PACKWOOD). The Senate will be in order. Let there be order in the Chamber, so that the Senator from Ohio may be heard.

Mr. PROUTY. Mr. President, I invite the attention of the chairman of the Finance Committee, Mr. LONG. I realize that at this late hour, even if the Senate were to approve my amendment, the House conferees would be very reluctant to consider a program of this magnitude. I have discussed this matter with my distinguished colleague, the Senator from Ohio, and we feel that under the present circumstances we perhaps should withdraw the amendment. However, before we do so, we would like to have the assurances of the distinguished chairman of the Finance Committee that next year when this bill is reintroduced, it will be given very serious consideration by the distinguished chairman and other members of the Finance Committee.

Mr. LONG. Mr. President, I yield myself 2 minutes.

Mr. President, the Senator has long had a great interest in older Americans. I very much appreciate his interest in this matter.

I think his statement is correct, and that at this late hour in this Congress, there would be no hope of persuading the House to agree. I think that the committee would certainly like to consider the cost as well as some of the other features of the measure to see the extent to which we could agree to it. I do not think that we could agree to all of it. However, if the Senator would like to have hearings on the matter next year, I would be glad to accommodate him.

Mr. PROUTY. Mr. President, I appreciate the Senator's willingness to give attention to the matter.

I might point out to the Senator that under this proposal the State of Louisiana would in effect receive $24,975,000 because it would not have to expend that amount under the old-age assistance program. This is a revenue-sharing measure as well as a provision to guarantee income for older Americans.

I think our proposal merits careful and serious consideration. I will be glad to appear before the Finance Committee next year and hopefully persuade my colleagues on that committee to report the Older Americans Income Assurance Act.

Mr. President, with the agreement of the distinguished Senator from Ohio, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 1150

Mr. PERCY. Mr. President, I call up amendment No. 1150.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment reads as follows:

On page 46, line 10, strike out "$166.66⅔" and insert in lieu thereof "$200".

On page 46, line 14, strike out "$166.66⅔" and insert in lieu thereof "$200".

On page 46, line 21, strike out "$166.66⅔" and insert in lieu thereof "200".

On page 121, line 21, strike out "166.66⅔" and insert in lieu thereof "200".

UNANIMOUS-CONSENT AGREEMENT

Mr. KENNEDY. Mr. President, would the Senator from Illinois be willing to have a time limitation on the amendment?

Mr. PERCY. Mr. President, I would be very happy to have 10 minutes to the side.

Mr. KENNEDY. Mr. President, I ask unanimous consent that there be a time limitation of not to exceed 20 minutes, the time to be equally divided between the Senator from Illinois and the distinguished Senator from Utah.

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

Mr. PERCY. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, I should first like to commend the Finance Committee and its able chairman as well as the distinguished ranking minority member for taking a good hard look at the problem involved in people working while they are drawing social security and having a disincentive to continue to work because of an arbitrary limitation that has been placed on them.

I commend the committee on increasing the limitation. However, I think we must be realistic and say that the limitation is still much too low.

The amendment I have proposed would increase the current annual earnings limitation from $2,000, which is provided for in the committee bill, to $2,400 and would do so immediately. The provision I had in my original amendment that I discussed with the committee and which I testified about would have increased it substantially and would at the same time have phased it out over a period of 7 years.

I recognize that the cost involved in phasing out the earnings limitation might be exorbitant, though I think that we should do it sometime. I will continue to work toward this.

I hope that the committee will do likewise.

The amendment I originally offered was partially accepted by the House of Representatives and by the Senate Finance Committee. By raising the earn-

ings limitation to $2,000, with a $1 for $2 reduction in earnings above $2,000, and by eliminating the former $1 for $1 reduction in earnings once a person began making $2,880. the House and Senate committees moved in the right direction. I commend them for this. I feel we can and should go further, however, by raising the limitation to $2,400.

Since the social security program was originally devised to provide a floor of protection against the loss of earnings caused by a worker's retirement, death, or disability, the so-called retirement test was established to assure that a worker had, in fact, retired. Since social security was also never intended to provide much more than a modest standard of living, an individual was expected to supplement social security with individual savings or a private pension plan. A person is allowed to keep full social security benefits no matter how much he gets in dividends and interest from investments or savings; but he cannot keep all of his earnings once he makes more than $1,680.

All this is well and good, except that even if a person does as he should and invests in a private pension plan or in savings, this does not assure him an income. There is a certain amount of truth in a remark made by Thomas R. Donahue, an Assistant Secretary of Labor during the Johnson administration, who told the Senate Labor Committee:

> In all too many cases the pension promised shrinks to this: "If you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there's enough money in the fund, and that money has been prudently managed, you will get a pension."

One private study of pension plans revealed that less than 10 percent of 60,000 low-paid workers would ever receive a pension benefit.

What does a person do if all his savings have been eaten away by inflation and his pension plan has collapsed or otherwise failed to provide his needs? All he can do is try to supplement his income by working, yet under present law, he is penalized for doing so.

I now propose in this amendment to increase the earnings limitation immediately to $2,400. While I would like to see a total elimination of the retirement test, I think we must be realistic in recognizing that this would be extremely costly if done now. It is my understanding that an immediate elimination of the "test" would cost between $2.25 and $2.50 billion in the first year, which we all recognize we could not absorb.

The idea of removing the earnings limitation completely—which I feel has considerable merit—should be studied further by the Committee on Finance in 1971.

The cost of my amendment above the committee bill would be $280 million in the first year, and the "level-cost" would be .08 percent of the taxable payroll.

But because my amendment might also preclude the necessity for some aged persons to go on welfare, its additional cost over the committee bill would be offset to a certain extent.

A full one-third of all social security recipients live at or near the poverty level. By raising the earnings limitation to $2,400 instead of $2,000, I think we could prevent some of these people from having to go on welfare, and allow them to maintain their sense of dignity and independence—so important to all of us.

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

Mr. PERCY. I yield.

Mr. JAVITS. Mr. President, I wish to support the Senator's amendment. The Senator has had enormous experience in industrial management. We have been aspiring to do this for a long time. The entire movement to longevity, we understand in geriatrics, is to keep people working. This is the greatest inducement in the world.

As the Senator has stated, the cost of his amendment would be $280 million in the first year, but the people involved will be encouraged to work which may well cancel out what it will cost strictly on an actuarial basis in social security benefits.

Mr. PERCY. Mr. President, I thank my distinguished colleague. Not only will the Government get some of this money back in taxes, but the Federal Government and State and local governments will benefit by not having some of these people go on welfare, and it is much more dignified to receive increases in social security and to receive adjusted earnings, rather than have the humiliating experience of accepting welfare which, many times, is beyond the control of the recipient who thought he would have adequate income to meet his needs. I do not think this is a costly amendment. I think it is a humanitarian amendment.

I commend the committee for moving in this direction. I ask that we move a little further by raising the earnings limitation to $2,400. If a person received the maximum social security and earned the minimum amount, he would still be at the poverty level.

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

Mr. PERCY. I yield.

Mr. HARTKE. Mr. President, I commend the Senator from Illinois. This is a step forward that needs to be taken. I have an amendment at the desk which would provide for a complete elimination of the earnings limitation. Even though we did increase the amount to $2,000, we did accept an amendment which I put before the committee to eliminate the provision for keeping 50 cents of each dollar, which is currently limited to $2,700.

I commend the Senator from Illinois and I hope the Senate agrees to the amendment.

Mr. JAVITS. Mr. President, will the Senator yield to me briefly?

Mr. PERCY. I yield.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that John Scales, of the staff of the Committee on Labor and Public Welfare, who is familiar with child care matters, be permitted in the Chamber.

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

The PRESIDING OFFICER. All time of the Senator from Illinois has expired.

Mr. LONG. Mr. President, this proposal and a number of other meritorious proposals were considered by the committee. It was felt that rather than have a number of modifications of the law, each of which would cost a substantial amount, but not as much as the measure voted in committee, it would be best to vote for an across-the-board 10-percent increase, something that could benefit every social security beneficiary. In addition, we voted for the minimum increase that the Senate voted earlier this year.

These are matters that I would like to vote for as I did for a number of other popular suggestions. The only problem is they all cost a lot of money and we must choose which ones would be the best way to benefit the most people involved. All factors considered, it is the judgment of the committee that the 10-percent across-the-board increase and the $100 minimum would be more meaningful to more people than the increase in earnings base that would be permissible without any reduction in social security benefits.

I regret I cannot support the proposal. The committee went about as far as we could in this area. The committee raised the limitation to $2,000 and eliminated the $1,200 limit on the $1 for $2 reduction, so that the person loses $1 for every $2 he earns until he phases out his benefit. But he would never get to the point where he loses $1 for $1 earnings. Furthermore, the bill provides for an automatic increase in the $2,000 exemption. The committee did consider this general problem to meet the need of these people.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I recognize there is much merit to the amendment of the Senator from Illinois. However, the committee was faced with the problem of how far we should go in liberalizing the social security benefits. The bill now pending before the Senate already increased the benefits for social security by around $3.25 billion more than the House bill provided. The bill did that by raising the benefits from 5 to 10 percent and, as the Senator from Louisiana pointed out, by putting in the amendment providing for a $100 minimum and raising the earnings limitation to $2,000.

There is a limitation as to how far we can go without additional financing. For that reason I hope the committee position will be sustained and that the amendment will be rejected. Perhaps it can be considered at a later time when we have more money. Right now we would have to have a substantial increase in the tax rate over and above what the bill now provides.

Mr. LONG. I yield back the remainder of my time.

Mr. PERCY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Illinois (Mr. PERCY). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Rhode Island (Mr. PASTORE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from North Dakota (Mr. BURDICK) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from Utah (Mr. BENNETT), the Senator from Ohio (Mr. SAXBE), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

If present and voting, the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 52, nays 9, as follows:

[No. 449 Leg.]

YEAS—52

Aiken	Harris	Pell
Allen	Hartke	Percy
Baker	Hruska	Prouty
Bayh	Hughes	Proxmire
Bible	Jackson	Randolph
Boggs	Javits	Ribicoff
Brooke	Jordan, N.C.	Schweiker
Byrd, Va.	Jordan, Idaho	Scott
Byrd, W. Va.	Kennedy	Smith
Cannon	Magnuson	Sparkman
Case	Mansfield	Spong
Cook	Mathias	Stennis
Cooper	Metcalf	Stevenson
Dole	Mondale	Talmadge
Ellender	Moss	Thurmond
Ervin	Nelson	Williams, N.J.
Griffin	Packwood	
Gurney	Pearson	

NAYS—9

Allott	Fannin	Long
Bellmon	Hansen	Miller
Curtis	Holland	Williams, Del.

NOT VOTING—39

Anderson	Goodell	Mundt
Bennett	Gore	Murphy
Burdick	Gravel	Muskie
Church	Hart	Pastore
Cotton	Hatfield	Russell
Cranston	Hollings	Saxbe
Dodd	Inouye	Stevens
Dominick	McCarthy	Symington
Eagleton	McClellan	Tower
Eastland	McGee	Tydings
Fong	McGovern	Yarborough
Fulbright	McIntyre	Young, N. Dak.
Goldwater	Montoya	Young, Ohio

So Mr. PERCY's amendment (No. 1150) was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1151

Mr. PERCY. Mr. President, I call up my amendment No. 1151, and I would be willing to have a 5-minute limitation on the side.

The PRESIDING OFFICER. Does the Senator from New York yield for that purpose?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, I have discussed this matter with the chairman of the committee and the ranking minority member, as well as the author of the amendment. He has two amendments on which I understand a 10-minute limitation on each will be perfectly acceptable, and I ask unanimous consent that that be agreed to under the usual conditions.

Mr. JAVITS. Mr. President, I having been recognized, will the Senator agree that I may follow Senator PERCY?

Mr. MANSFIELD. It is perfectly all right with me.

Mr. JAVITS. I am perfectly happy to yield to him now, but I wish to follow him.

Mr. CANNON. Well, now, Mr. President——

Mr. MANSFIELD. The Senator from New York was recognized.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 499, between lines 17 and 18, insert the following:

DISREGARDING OF FINANCIAL RESPONSIBILITY OF OTHER PERSONS IN DETERMINING ELIGIBILITY OF BLIND INDIVIDUALS FOR AID OR MEDICAL ASSISTANCE

SEC. 571. (a) Section 1002(a)(8) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (B); and

(2) by inserting immediately before the semicolon at the end thereof the following: ", and (D) shall not take into account the financial responsibility of any other natural person for such individual unless such individual is such person's spouse or such person's child who is under age 21."

(b) Section 1602(a)(14)(A) of such Act is amended—

(1) by striking out "and" at the end of clause (i); and

(2) by inserting after clause (ii) the following: "and (iii) shall not take into account the financial responsibility of any other natural person for such individual unless such individual is such person's spouse or such person's child who is under age 21,".

(c) Section 1902(a)(17)(D) of such Act is amended by striking out "or is blind or permanently and totally disabled".

(d) The amendments made by the preceding subsections of this section shall take effect on January 1, 1971.

The PRESIDING OFFICER. Is there objection to a time limitation of 5 minutes for each side?

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

Mr. MANSFIELD. Mr. President, I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. JAVITS. No, Mr. President, I wish to accommodate——

Mr. MANSFIELD. That is all right, but we have to get on, and I do not want to argue, so I withdraw the request.

Mr. JAVITS. May I suggest to the leader that I yield to the Senator from Illinois without losing my right to the floor, which I will be glad to do.

Mr. President, I ask unanimous consent that I may yield to the Senator from Illinois (Mr. PERCY) without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Senator from New York asks that he be recognized after the amendment of the Senator from Illinois.

Mr. PERCY. Mr. President, reserving the right to object, does this cover both amendments?

Mr. JAVITS. Yes; that is satisfactory.

Mr. PERCY. Five minutes a side on each amendment?

Mr. CANNON. Mr. President, I object. I ask for the regular order.

The PRESIDING OFFICER. Objection is heard.

The Senate will be in order. The pending business is the amendment of the Senator from Illinois. The Senator from New York yielded to the Senator from Illinois to offer his amendment and that amendment has been read. There was objection to the unanimous consent request. The Senator from Illinois may withdraw his amendment, but it is the pending business.

Mr. LONG. Mr. President, will the Senator from Illinois yield to me for a question?

Mr. PERCY. I am happy to yield.

Mr. LONG. I would like to ask if the Senator is offering his amendment that has to do with relative responsibility for blind persons, because if it does, we are willing to accept the amendment.

Mr. PERCY. Yes, that is the first amendment, and I am gratified at the indication that the committee chairman is accepting it.

RELATIVE RESPONSIBILITY

Mr. President, I would like to call up my amendment No. 1151 to H.R. 17550 which removes discriminatory provisions of the Social Security Act applying to blind and permanently and totally disabled persons.

At present, title XIX of the Social Security Act—medicaid—in determining eligibility for the extent of medical assistance to be available to individuals, states that "the financial responsibility of any individual for any applicant or recipient of assistance under the act should not be considered unless such applicant or recipient is such individual's spouse or such individual's child who is under age 21; or is blind or permanently disabled.

Titles X and XVI—grants to States for Aid to the Blind; and Grants to States for Aid to the Aged, Blind or Disabled, respectively—also have the effect of allowing States the latitude to set up "relative responsibility" regulations. In other words, blind or permanently and totally disabled persons over age 21 must, in many cases, undergo the humiliating, degrading experience of proving to the State that their parents lack the financial means, or the willingness, to meet their medical—or other—needs.

Nondisabled, needy adults are not subjected to this humiliating experience. Only the blind and otherwise disabled—of whom there are about 82,000 and 600,000, respectively, in the United States—are singled out and expected to bankrupt their parents.

In most cases, when the parents or relatives of adult blind or disabled children are able to offer assistance, they do so willingly. When the parents are not in a position to offer assistance, what is the point of allowing States to say to a blind or disabled individual: "Your parents are responsible for your needs, but since they will not provide them, we will not either." This makes no sense at all in my opinion.

When one considers the hardships caused by blindness, and other disabilities, and the courage and self-confidence necessary to overcome handicaps so as to function in a dynamic society, it seems even more unfortunate that we ask these people to face a humiliating, painful, and unnecessary experience before qualifying for assistance they might need. The sense of independence and self-respect that a blind adult can acquire by knowing he is no longer a burden to his family may make a significant impact on his level of aspiration and ability to move forward into real independence.

The ability to perform successfully and to be a contributing member of society is a necessary foundation for the self-respect of a young blind or disabled adult. As he becomes no longer a burden to his family, the improved attitudes and the more wholesome relationship between him and his parents can be expected to result in increased support and encouragement from them. We thus will have provided the conditions under which a seriously handicapped person can aspire to freedom and achievement and can move forward into real independence.

I, therefore, urge support for this amendment so that we can do away with this glaring inequity and discrimination against blind and disabled citizens within our society.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1151) of the Senator from Illinois.

The amendment was agreed to.

AMENDMENT NO. 1166

Mr. PERCY. Mr. President, I call up my amendment No. 1166.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PERCY. I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. PERCY's amendment (No. 1166) is as follows:

On page 70, line 24, strike out "(D)" and insert in lieu thereof "(E)".

On page 70, insert the following between lines 23 and 24:

"(D) is the grandchild or stepgrandchild of such individual who (i) was living in such individual's household at the time application for child's insurance benefits was filed on behalf of such child, (ii) was legally adopted by such individual in an adoption decreed by a court of competent jurisdiction within the United States, and (iii) had not attained the age of 18 before he began living with such individual, or".

On page 123, after line 24, insert the following:

"BENEFITS FOR A CHILD ON EARNINGS RECORD OF A GRANDPARENT

"SEC. 134. (a) The first sentence of section 216(e) of the Social Security Act is amended by—

"(1) striking out 'and' at the end of clause (1) thereof, and

"(2) inserting immediately before the period at the end thereof the following: ', and (3) a person who is the grandchild or stepgrandchild of an individual, but only if (A) such person was living in such individual's household and receiving at least one-half of his support from such individual, at the time application for child's insurance benefits was filed on behalf of such person as the child of such individual, or at the time such individual died, and (B) such person began living in such individual's household before such person attained age 18'.

"(b) Section 202(d) of such Act is amended by adding at the end thereof the following new paragraph:

"'(9) A child who is a child of an individual under clause (3) of the first sentence of section 216(e) and is not a child of such individual under clause (1) or (2) of such first sentence shall be deemed to be dependent on such individual at the time specified in subparagraph (1)(C) of this subsection, unless at the time specified in clause (3) of such first sentence such child was receiving regular contributions from—

"'(A) his natural or adopting parent, or his stepparent, or

"'(B) a public or private welfare organization which had placed such child in such individual's household under a foster-care program.'

"(c) The first sentence of section 203(c) of such Act is amended—

"(1) by striking out the period at the end thereof and inserting in lieu of such period '; or'; and

"(2) by adding after and below clause (4) thereof the following new clause:

"'(5) in which such individual, if a child who is entitled to child's insurance benefits on the basis of the wages and self-employment income of a person (but would not be so entitled except for application of clause (3) of the first sentence of section 216(e)), is not in the care of such person or the spouse of such person, except that the provisions of this clause shall not apply if such person has died.'

"(e) The amendments made by this section shall apply with respect to monthly benefits payable under title II of the Social Security Act for months after December 1970, but only on the basis of applications filed after the date of enactment of this Act."

GRANDCHILDREN—BENEFITS FOR UNADOPTED GRANDCHILDREN

Mr. PERCY. Mr. President, at this time I would like to call up my amendment No. 1166 to provide benefits for grandchildren dependent upon their grandparents. Under the present social security law, some children who are dependent on their grandparents cannot obtain benefits based on their grandparents' earnings. A grandchild must be adopted by his grandparents before he qualified for a child's social security benefits. This is most unfortunate, as there are cases in which the grandparents, for valid reasons, are either unable to or do not wish to adopt the child, yet still maintain a quasi-parental relationship.

The purpose of social security is to provide the family with a continuing source of income when the family income stops because of the death, retirement, or disability of a worker. Following this, social security benefits are paid to children whose parents have died, retired, or become disabled on the theory that children are generally dependent on their parents and suffer a loss of support when the parents' income stops. However, if that parent is a grandparent the child suffers in being denied a social security benefit. Benefits are extended to grandchildren only when they are legally adopted.

This distinction which prohibits the unadopted child living with and supported by his grandparents from receiving the same benefits he would receive if he were adopted is grossly unfair. A child dependent on his grandparents is as deserving of social security benefits as is a child who is dependent on his parents—perhaps even more deserving as grandparents very possibly would have less income. The payment of these benefits should be based on the realities of the situation.

I, therefore, urge favorable action on my amendment to permit the payment of social security benefits to the dependent grandchildren of disabled, retired, or deceased workers when it can be shown that the child is actually dependent for support upon the grandparents.

My amendment redefines the term "child" so that benefits would be pro-

vided for a grandchild if, at the time the grandparents died or became entitled to benefits, he had been living with the grandparents at least 1 full year—except in the case of death or disability of the grandparent, within the same year as the loss of support from the parents. In addition, it would have to be shown that the grandparents actually furnished at least one-half of the child's support during this time.

Adoption of this measure would correct an anomaly in the social security program. It would make actual dependency the criterion for payments to a grandchild.

Although this is not a major change when measured in terms of the number of people affected, it is nonetheless a major change when measured by the effect it will have on the incomes of those individuals who will qualify for benefits. Moreover, the social security actuaries inform me that because only a relatively few people could be expected to qualify for benefits, adoption of the proposal would have no significant effect on the total cost of the social security program. The "level-cost" would be .01 percent of the taxable payroll. Passage of the bill would eliminate the need for taking action on about 300 private bills annually.

Mr. LONG. Mr. President, if the Senator will yield, the Senator submitted to us an amendment of which this was a part, and we agreed to part of his amendment. Apparently the Senator feels that a problem still remains.

As far as I am concerned, I am willing to take the amendment to conference, and if the conferees will accept it, we are willing to agree to it.

Mr. PERCY. I am deeply gratified at this indication by the committee chairman.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1166) of the Senator from Illinois.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 1117

Mr. JAVITS. Mr. President, I call up my amendment No. 1117.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

Mr. JAVITS' amendment (No. 1117) is as follows:

PRIVATE PENSION BENEFITS THAT DECREASE BY REASON OF SOCIAL SECURITY INCREASES

SEC. 614. (a) Section 404 of the Internal Revenue Code of 1954 (relating to deduction for contributions of an employer to an employee's trust or annuity plan, etc.) is amended by adding at the end thereof the following new subsection:

"(g) PENSION, ETC., PLANS CORRELATED WITH OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS.—If contributions are paid by an employer to a stock bonus, pension, profit-sharing or annuity plan designed to provide benefits upon retirement, and, the amount of the benefit payment or payments to an individual who is entitled to such benefit payment or payments under the plan for any period after December 31, 1970, is reduced, in whole or in part, by reason of an increase in the amount of the monthly insurance benefits which are payable to such individual for such period under title II of the Social Security Act, then the total amount deductible under this section with respect to contributions made by the employer to the plan for the taxable year in which occurs the period described in this section shall, under regulations of the Secretary or his delegate, be reduced by an amount (which shall not be in excess of the total of the amount otherwise so deductible) equal to the net decrease in payments to all individuals under the plan by reason of such increase during such taxable year."

(b) The amendment made by this section shall apply with respect to taxable years of employers contributing to such stock bonus, pension, profit-sharing or annuity plans beginning on or after the date of enactment of this Act.

Mr. JAVITS. I wish to inform the majority leader that I would be willing to debate this amendment for, say, 20 minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be equally divided between the Senator from New York——

Mr. JAVITS. Mr. President, I need 20 minutes. I do not know how much time Senator LONG needs.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 40 minutes on the pending amendment, the time to be equally divided between the Senator from New York and the manager of the bill.

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

Mr. JAVITS. Mr. President, I can dispose of this amendment quite quickly.

The purpose of this amendment is to prevent private pension plans which are correlated with social security benefits, from charging the beneficiaries with the increased social security benefit which they are going to receive in this and in succeeding increases by watering down the private pension benefits which they are entitled to receive.

Last week, I had word from the Treasury Department by letter dated December 16, which I read to the Senate, that it appreciated the equity of this amendment and that under its own regulations it was going to do exactly what this amendment calls for. They end their letter, which is in the RECORD of December 22, and signed by John S. Nolan, a Deputy Assistant Secretary, with this statement:

In light of the foregoing, I believe that the amendment you have proposed to the pending Social Security bill is unnecessary. As you may have been informed, we have submitted to the Office of Management and Budget a proposed report opposing the amendment.

Moreover, they stated in this letter that they have changed their position from the position taken on this matter on April 28, 1967, in a letter which they addressed to Senator RANDOLPH, who was then chairman of the Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on the Aged.

This was the record until late last week when I read in the press that in a statement made to a newspaper reporter, they qualified their position by saying they were going to defer the application of their ruling until December 31, 1971.

We checked back with the Treasury Department and found that what appeared in the newspaper article was so, that they really had made that representation, although they had written me about a week before that my amendment was unnecessary because they were going to do this themselves.

Mr. President, I ask unanimous consent that the Treasury Department letter of December 16 and the newspaper article I had referred to, be inserted in the RECORD at this point.

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

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 16, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in reply to the request of Mr. Gordon of your office for the present position of the Treasury Department concerning the effect of increases in Social Security benefits upon benefits paid to retired employees under so-called offset plans.

Revenue Rulings 69–4 and 69–5, copies of which are attached, provide specific rules for determining whether a pension, annuity, profit-sharing or stock bonus plan is properly integrated with Social Security benefits. Section 7 of Revenue Ruling 69–4 provides that an offset plan (i.e., a plan under which an employee's retirement benefit is reduced by a stated percentage of his Social Security benefit) is properly integrated only if the rate at which the offset is computed does not exceed (1) 83⅓ percent, if the offset is computed on the basis of the benefit to which the employee would be entitled under the Social Security Act as in effect in 1968, or (2) 75 percent, if the offset is computed on the basis of the benefit to which the employee is or would upon application be entitled under the Social Security Act as in effect at the time at which the offset is first applied. Thus, increases in Social Security benefits cannot result in an increase of the amount of the Social Security offset. This represents a change from the position in former Assistant Secretary Surrey's letter of April 28, 1967, to the Honorable Jennings Randolph, Chairman of the Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on Aging.

In light of the foregoing, I believe that the amendment you have proposed to the pending Social Security bill is unnecessary. As you may have been informed, we have submitted to the Office of Management and Budget a proposed report opposing the amendment.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

[From the Washington Post, Dec. 23, 1970]

PENSION PLAN RULES REVISED TO PROHIBIT BENEFIT REDUCTIONS

The Treasury Department has revised its rules in order to prohibit private pension plans from reducing benefits when Social Security payments go up.

The change came to light after Sen. Jacob K. Javits (R-N.Y.) introduced an amend-

ment to the pending Social Security bill to stop the practice.

Javits said he was troubled by complaints after last year's substantial Social Security increases that private pension plan benefits were being watered down as a result.

But Javits took to the floor yesterday to read a Treasury letter indicating the department has already barred the practice. Consequently, he is withdrawing his amendment, Javits said.

The prohibition applies strictly, however, to those workers who retire after Dec. 31, 1971, according to a Treasury source. He said it is "conceivable" that some persons already retired might find their pension benefits reduced by Social Security increases. But this practice is far less common today than formerly, he added.

The big push in corporate employee pension funds came after World War II and largely on the bargaining initiative of labor unions, notably the United Automobile Workers under the late Walter P. Reuther.

Most of these operated under a formula in which the employer made up the difference between Social Security payments and a stated sum. Thus, if a union had negotiated a $100 a month pension benefit and a retiree drew $40 a month in Social Security, the company paid him $60.

Any increase in Social Security reduced the employer's liability proportionately.

The National Association of Manufacturers and other business groups, which had fought establishment of Social Security in the mid-1930s, suddenly became its partisans when the first big improvements were voted in the early 1950s.

As late as 1967 the offset practice was still permitted by Treasury, which has limited authority to regulate private pension funds through its power to certify favorable tax treatment for qualified plans.

Javits said yesterday in his floor speech, "It was appalling to me that in these inflationary times, the result of voting Social Security increases was to deprive the retiree, by reduction of his other pension income—of the very money he needed to cope with the rising cost of living."

In a letter to Javits, John S. Nolan, deputy assistant Treasury secretary for tax policy, advised that the regulations had been revised to limit such offsets to amounts based on 1968 Social Security rates or those in effect at the time the reduction is first applied.

"Thus, increases in Social Security benefits cannot result in an increase of the amount of the Social Security offset," Nolan wrote.

Mr. JAVITS. This indicates that we cannot rely upon the Treasury Department's regulations or its interpretations of its regulations; but if we wish to act on this matter—and they, themselves, have admitted its equity—we have to act on it by legislation.

It seems to me, in all honesty and under the conditions we face, that we are in this situation: I am compelled, by the fact that we are driving through to the conclusion of this bill, to bring up this amendment even though I have not been able to get an answer in writing from the Treasury Department as to the reasons for this change in the position they previously related to me. I have had to depend upon a phone call.

I would hope very much that, under the circumstances, the chairman could see his way clear to take the amendment to conference and unravel it there. The best we have been able to get from the Treasury Department, is that they have not adequately expressed their view or that they have found something in their regulations that causes them to change their view.

There is no question about the equity involved—that, insofar as the pensioner in this type of pension plan is concerned, if an increase in social security will leave him no better off, because his private pension income will be correspondingly reduced. We give it to him with one hand, and private pension plans take it away with the other.

The Treasury Department has the ability, under the tax law, to deal with this, because they determine what is deductible for income tax purposes so far as pension contributions are concerned.

So I think that the fair thing to do would be to take this amendment to conference and unravel the situation. The Treasury said on December 16, 1970, that it is the right thing to do, that they are going to do it, and that my amendment is unnecessary. Within a week, they backtrack to reduce the force of their own letter by approximately three-quarters. That is our own estimate. That is what it results in.

I believe, therefore, that since this is a very equitable matter—as they, themselves, have recognized—we should, at long last, enact into law the substance of the Treasury Department position as originally expressed, and have our own conferees—who I am sure will feel as solicitous as I do about retirees who have both forms of coverage, both private and public, in social security—work it out in a way which would be equitable and fair, especially in view of the fact that the Treasury Department itself has conceded the main point.

I reserve the remainder of my time.

Mr. LONG. I yield myself 3 minutes.

Mr. President, if the amendment is such that the Treasury Department was willing to agree to it, but then reneged on it after the Senator withdrew his amendment, it presents some problems. Unfortunately for those of us on the committee, we were aware of the fact that the Senator had offered the proposal and also that he had withdrawn it, and therefore our staff, being busy with other matters involving this bill, simply studied it no further.

If the Senate wishes to do so, it would be all right with the Senator from Louisiana to take the matter to conference. I am frank to tell the Senator that this may prove to be one of those complicated areas in which the clock will run out on us even in conference and where the answer may not come easily. It would be all right with the Senator from Louisiana to agree to it, but I must say that we do not understand it well enough to advise the Senate how it should vote on the amendment.

Mr. JAVITS. Standing on the threshold of adjournment, and the fact that the Treasury Department agreed only a week ago and now is only backtracking, it seems to me that it could be resolved, and I would be willing to run that risk.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. WILLIAMS of Delaware. I would not want this amendment to go to conference under any illusions that some of us think we would bring it back as written.

I recognize the points that the Senator makes, but if we accept this amendment there is a question as to whether we are changing rules for a thousand private pension plans without those companies having a chance to be heard.

Many of the private pension plans are on the basis that they will give their employees, for example, x amount, or the difference between whatever the social security is and the agreed figure.

A great deal of argument can be made for the position of the Senator from New York, but he is changing the rules after these pension plans have been approved by the Treasury Department. This could be done prospectively, but I question the wisdom of doing it retroactively.

I do not understand the confusion existing in the Treasury Department, because it would be my opinion that they would have no right under existing law to do this by regulation. It would take legislation.

I would be willing to go along with the chairman that we take it to conference; but in all fairness I would only state that in working it out, I can see problems developing here in which we may not be able to do it without coming back and giving those who have these pension plans an opportunity to be heard. With that understanding I would agree to take it to conference, but I do not want the Senator to think we are accepting this amendment and that it can be worked out that easily.

Mr. JAVITS. If the Senator will check back on my presentation of the matter first, which I did on December 1, in putting the amendment into the committee, I made it very clear that not many plans were involved. See CONGRESSIONAL RECORD, December 1, 1970, at 39250. We have the hearings of the Subcommittee on Fiscal Policy of the Joint Economic Committee on that subject. So it is not a very dense problem in terms of the number of plans involved.

The other point, which is critically important, is this: Nobody has a right, in any pension plan, to figure on social security increases to the retiree.

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

Mr. JAVITS. I yield.

Mr. COOK. For the life of me, I cannot see why this should be very difficult, even in conference. I do not see how in the world a corporation can build into a pension plan the actuarial science of contemplating what social security increases will be in the future and say to an employee who pays into a pension program for 30 years, "You will receive $200 a month based on the fact that you will receive $150 in social security. Then, when your social security goes up to $170, your pension goes down to $180 a month." There is not an actuarial expert in the country that could figure that out. But now what they are doing is building into a program benefits for the corporation or the insurance company, so that at no time will we receive over x dollars between pension and social security.

Mr. JAVITS. It is nothing but a windfall proposition. The Treasury recognizes that, but first they told us it was being stopped right away and then they decided that they could not go that far.

Mr. WILLIAMS of Delaware. I am not prejudging the Senator's position, but I

point out some of the problems that can arise. I call attention to the fact that Congress in its wisdom—and Congress is always wise—passed such a provision in the Railroad Retirement Act where this very same formula prevails. I do not know what this would do to the Railroad Retirement Act because the railroad pension is based on the premise that the employee will get x amount made up by the railroads over and beyond social security. We are locked in on that pension plan by law.

This law can be changed, but it does take legislation.

I say again that I am not prejudging this, but I would foresee that there can be problems. Congress itself recognized that principle in the Railroad Retirement Act, and I do not know what effect this would have on that plan. This proposal was not considered by the committee. I am willing to go along with the chairman and take it to conference and not prejudge it, but I do say that we may not be able to work it out. I can foresee problems which may require holding it over for a little more careful study. I would have no objection to taking it to conference with that condition in mind with the thought that we are not dumping it or prejudging it.

Mr. JAVITS. The Railroad Retirement Act is not a Government program like social security. I am dealing only with a private pension fund and not at all with the Railroad Retirement Act. It will have no effect on railroad retirement.

Mr. WILLIAMS of Delaware. Except that the railroad retirement is not a Government insurance plan; the Government is only the trustee. The plan is financed in its entirety by millions of railroad workers, with the railroad paying as the employer and payments being made by the employee. The employee gets x number of dollars in the pension, of which social security is a part. That is the theory of the Railroad Retirement Act.

Mr. JAVITS. The distinguished Senator must know that it does not qualify under the terms of my amendment as a private pension plan. That is all I am arguing. I do not want to get it confused with railroad retirement to which my amendment does not apply. That is admitted, the fact that my amendment covers only private pension plans and does not affect railroad retirement at all. That is all I argue.

Mr. WILLIAMS of Delaware. The precedent we establish would apply to the Railroad Retirement Act. I have heretofore argued this position from the point of view of the Railroad Retirement Act, unsuccessfully, I might say, in the committee, but I know that when we open this up we will be opening up Pandora's box, with a great many problems involving numerous private pension plans.

Mr. JAVITS. The Senator is stretching the rubber band a long way when he says it will be a precedent. I am confining this amendment to private pension plans. Private pension planners should not have the benefit of this windfall. That is all I argue.

Mr. COOK. Is it conceivable, if social security goes high enough, that an individual could pay into a private pension plan for the entire years of his employment and conceivably receive nothing out of it, if in fact this type of downward escalation were to continue to prevail?

Mr. JAVITS. Without any question, that is exactly what could happen; and that is exactly what we are trying to forestall.

Mr. President, I know that a rollcall vote could be had on this amendment, but I am sure of the good faith on the part of the chairman and the conferees as to what will happen and so I am willing to have the amendment subjected to a voice vote.

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. PACKWOOD). The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

AMENDMENT NO. 1155

Mr. HARTKE. Mr. President, I call up my amendment No. 1155 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

Strike out the table which appears on pages 7 and 8 of the bill, and insert in lieu thereof the following new table:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203 (a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$24.20	$82.30 or less	----------	$101	$100.00	$150.00
$24.21	24.60	83.50	$102	102	100.20	150.30
24.61	25.00	84.90	103	104	101.90	152.90
25.01	25.48	86.40	105	106	103.70	155.60
25.49	25.92	87.80	107	107	105.40	158 10
25.93	26.40	89.20	108	109	107.10	160.70
26.41	26.94	90.60	110	113	108.80	163.20
26.95	27.46	91.90	114	118	110.30	165.50
27.47	28.00	93.30	119	122	112.00	168.00
28.01	28.68	94.70	123	127	113.70	170.60
28.69	29.25	96.20	128	132	115.50	173.30
29.26	29.68	97.50	133	136	117.00	175.50
29.69	30.36	98.80	137	141	118.60	177.90
30.37	30.92	100.30	142	146	120.40	180.60
30.93	31.36	101.70	147	150	122.10	183.20
31.37	32.00	103.00	151	155	123.60	185.40
32.01	32.60	104.50	156	160	125.40	188.10
32.61	33.20	105.80	161	164	127.00	190.50
33.21	33.88	107.20	165	169	128.70	193.10
33.89	34.50	108.60	170	174	130.40	195.60
34.51	35.00	110.00	175	178	132.00	198.00
35.01	35.80	111.40	179	183	133.70	200.60
35.81	36.40	112.70	184	188	135.30	203.00
36.41	37.08	114.20	189	193	137.10	205.70
37.09	37.60	115.60	194	197	138.80	208.20
37.61	38.20	116.90	198	202	140.30	210.50
38.21	39.12	118.40	203	207	142.10	213.20
39.13	39.68	119.80	208	211	143.80	215.70
$39.69	$40.33	$121.00	$212	$216	$145.20	$217.80
40.34	41.12	122.50	217	221	147.00	220.50
41.13	41.76	123.90	222	225	148.70	223.10
41.77	42.44	125.30	226	230	150.40	225.60
42.45	43.20	126.70	231	235	152.10	228.20
43.21	43.76	128.20	236	239	153.90	230.90
43.77	44.44	129.50	240	244	155.40	234.30
44.45	44.88	130.80	245	249	157.00	239.10
44.89	45.60	132.30	250	253	158.80	242.90
		133.70	254	258	160.50	247.70
		134.90	259	263	161.90	252.50
		136.40	264	267	163.70	256.40
		137.80	268	272	165.40	261.20
		139.20	273	277	167.10	266.00
		140.60	278	281	168.80	269.80
		142.00	282	286	170.40	274.60
		143.50	287	291	172.20	279.40
		144.70	292	295	173.70	283.20
		146.20	296	300	175.50	288 00
		147.60	301	305	177.20	292.80
		148.90	306	309	178.70	296.70
		150.40	310	314	180.50	301.50
		151.70	315	319	182.10	306.30
		153.00	320	323	183.60	310.10
		154.50	324	328	185.40	314.90
		155.90	329	333	187.10	319.70
		157.40	334	337	188.90	323.60
		158.60	338	342	190.40	328.40
		160.00	343	347	192.00	333.20

"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203 (a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$161.50	$348	$351	$193.80	$337.00
		162.80	352	356	195.40	341.80
		164.30	357	361	197.20	346.60
		165.60	362	365	198.80	350.40
		166.90	366	370	200.30	355.20
		168.40	371	375	202.10	360.00
		169.80	376	379	203.80	363.90
		171.30	380	384	205.60	368.70
		172.50	385	389	207.00	373.50
		173.90	390	393	208.70	377.30
		175.40	394	398	210.50	382.10
		176.70	399	403	212.10	386.90
		178.20	404	407	213.90	390.80
		179.40	408	412	215.30	395.60
		180.70	413	417	216.90	400.40
		182.00	418	421	218.40	404.20
		183.40	422	426	220.10	409.00
		184.60	427	431	221.60	413.80
		185.90	432	436	223.10	418.60
		187.30	437	440	224.80	420.50
		188.50	441	445	226.20	422.90
		189.80	446	450	227.80	425.30
		191.20	451	454	229.50	427.20
		192.40	455	459	230.90	429.60
		193.70	460	464	232.50	432.00
		195.00	465	468	234.00	434.00
		196.40	469	473	235.70	436.40
		197.60	474	478	237.20	438.80
		198.90	479	482	238.70	440.70
		200.30	483	487	240.40	443.10
		201.50	488	492	241.80	445.50
		202.80	493	496	243.40	447.40
		204.20	497	501	245.10	449.80
		205.40	502	506	246.50	452.20
		206.70	507	510	248.10	454.10
		208.00	511	515	249.60	456.50
		209.30	516	520	251.20	458.90
		210.60	521	524	252.80	460.80
		211.90	525	529	254.30	463.20
		213.30	530	534	256.00	465.60
		214.50	535	538	257.40	467.60
		215.80	539	543	259.00	470.00
		217.20	544	548	260.70	472.40
		218.40	549	553	262.10	474.80
		219.70	554	556	263.70	476.20
		220.80	557	560	265.00	478.10
		222.00	561	563	266.40	479.60
		223.10	564	567	267.80	481.50
		224.30	568	570	269.20	482.90
		225.40	571	574	270.50	484.80
		226.60	575	577	272.00	486.30
		227.70	578	581	273.30	488.20
		228.90	582	584	274.70	489.60
		230.00	585	588	276.00	491.60
		231.20	589	591	277.50	493.00
		232.30	592	595	278.80	494.90
		233.50	596	598	280.20	496.40
		234.60	599	602	281.60	498.30
		235.80	603	605	283.00	499.70
		236.90	606	609	284.30	501.60
		238.10	610	612	285.80	503.10
		239.20	613	616	287.10	505.00
		240.40	617	620	288.50	506.90
		241.50	621	623	289.80	508.40
		242.70	624	627	291.30	510.30
		243.80	628	630	292.60	512.10
		245.00	631	634	294.00	514.50
		246.10	635	637	295.40	517.00
		247.30	638	641	296.80	519.40
		248.40	642	644	298.10	521.70
		249.60	645	648	299.60	524.30

"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203 (a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$250.70	$649	$650	$300.90	$526.60
			651	655	301.90	528.40
			656	660	302.90	530.10
			661	665	303.90	531.90
			666	670	304.90	533.60
			671	675	305.90	535.40
			676	680	306.90	537.10
			681	685	307.90	538.90
			686	690	308.90	540.60
			691	695	309.90	542.40
			696	700	310.90	544.10
			701	705	311.90	545.90
			706	710	312.90	547.60
			711	715	313.90	549.40
			716	720	314.90	551.10
			721	725	315.90	552.90
			726	730	316.90	554.60
			731	735	317.90	556.40
			736	740	318.90	558.10
			741	745	319.90	559.90
			746	750	320.90	561.60
			751	755	321.90	563.40
			756	760	322.90	565.10
			761	765	323.90	566.90
			766	770	324.90	568.60
			771	775	325.90	570.40
			776	780	326.90	572.10
			781	785	327.90	573.90
			786	790	328.90	575.60
			791	795	329.90	577.40
			796	800	330.90	579.10
			801	805	331.90	580.90
			806	810	332.90	582.60
			811	815	333.90	584.40
			816	820	334.90	586.10
			821	825	335.90	587.90
			826	830	336.90	589.60
			831	835	337.90	591.40
			836	840	338.90	593.10
			841	845	339.90	594.90
			846	850	340.90	596.60
			851	855	341.90	598.40
			856	860	342.90	600.10
			861	865	343.90	601.90
			866	870	344.90	603.60
			871	875	345.90	605.40
			876	880	346.90	607.10
			881	885	347.90	608.90
			886	890	348.90	610.60
			891	895	349.90	612.40
			896	900	350.90	614.10
			901	905	351.90	615.90
			906	910	352.90	617.60
			911	915	353.90	619.40
			916	920	354.90	621.10
			921	925	355.90	622.90
			926	930	356.90	624.60
			931	935	357.90	626.40
			936	940	358.90	628.10
			941	945	359.90	629.90
			946	950	360.90	631.60
			951	955	361.90	633.40
			956	960	362.90	635.10
			961	965	363.90	636.90
			966	970	364.90	638.60
			971	975	365.90	640.40
			976	980	366.90	642.10
			981	985	367.90	643.90
			986	990	368.90	645.60
			991	995	369.90	647.40
			996	1000	370.90	946.10"

On page 9, line 23, strike out "110 percent" and insert in lieu thereof "120 percent".

On page 72, line 24, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 73, line 19, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 74, line 6, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 74, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 75, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 2, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 5, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 17, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 23, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 77, line 1, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 77, line 12, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 77, line 19, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 78, line 6, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 78, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 78, line 17, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 84, line 2, strike out "5.0 percent" and insert in lieu thereof "5.35 percent".

On page 84, line 5, strike out "5.5" and insert "5.85".

On page 84, line 7, strike out "6.1" and insert "6.45".

On page 84, line 23, strike out "5.0" and insert "5.35".

On page 84, line 25, strike out "5.5" and insert "5.85".

On page 85, line 2, strike out "6.1" and insert "6.45".

Mr. HARTKE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. LONG. Mr. President, would the distinguished Senator agree to a time limitation on his amendment?

Mr. HARTKE. Yes. How much time?

Mr. LONG. Would the Senator agree to 10 minutes to a side?

Mr. HARTKE. I think 15 minutes to a side would be better.

Mr. LONG. Mr. President, I ask unanimous consent that time on the pending amendment be limited to one-half hour to be equally divided between the author of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. HARTKE. Mr. President, I rise in support of H.R. 17550. I support wholeheartedly the many much-needed improvements contained in this bill—in particular, the $100 minimum benefit and the provision calling for automatic increases in social security benefits as the cost of living goes up. The provision to adjust social security benefits automatically will make certain that retired workers, disabled workers, and their dependents and survivors will never again bear the brunt of inflation. But adjusting benefits automatically to take account of increases in the cost of living is small comfort to the people dependent on social security if benefits are inadequate to start with. The provision in the bill that would increase benefit amounts for 1971 by 10 percent is a step in the right direction—but only a step. A 10-percent increase is not enough. We must do more. We have an obligation to make benefit amounts provide true economic security for all beneficiaries.

I, therefore, propose that we revise the bill so as to increase social security cash benefits, not by 10 percent, but by 20 percent.

The need to substantially raise the general level of social security benefits becomes very clear to anyone who looks at the benefit amounts that would be provided under the committee bill and considers the fact that most social security beneficiaries have very little in the way of continuing income other than their social security. For almost all beneficiaries, social security is the main source of continuing income and for about half the beneficiaries social security is virtually the only source of continuing income.

Monthly benefits for retired workers now on the social security rolls who began to draw benefits at age 65 or later average $118; with the 10-percent increase, together with the other benefit improvements provided in the bill, the average would be $136—$4.50 per day. With a 20-percent benefit increase alone—taking no account of the other improvements—the average monthly benefit for retired workers be raised to $141.60. With a 20-percent benefit increase, the benefit amount payable to workers with average monthly earnings of $650, the highest possible under present law, would be increased from $250.70 to $300.90. For a survivor family consisting of a widow and two or more children getting benefits on the basis of $650 of average monthly earnings, total monthly benefits of $526.60 would be payable instead of the $434.40 payable under present law.

With the 10-percent increase and the $100 minimum recommended by the committee, 1.2 million aged beneficiaries would be moved out of poverty. With the 20-percent increase and $100 minimum that I am recommending, this number would increase to 1.6 million. Thus the increase in benefits provided by my amendment will increase the number of people lifted above the poverty level of 400,000. Surely a 20-percent benefit increase is the least we can do.

Frankly, we can do this, and the record shows that I at least am one Senator who pointed this out in 1967 when we made such a gross error as to overcharge the people $500 million on an annual level sufficient to provide for a 15-percent increase the next year without an additional penny to pay for that.

And we can do it without any additional financing in the next several years beyond what the bill now provides. All too often in the past when the Congress has made benefit improvements it has also increased the near-term social security tax rates in order to finance those benefit improvements. In my judgment it is preferable to increase the tax rates 10 or 15 years from now rather than to increase the near-term rates. Because the near-term rates have been increased by congressional action, the assets of the social security cash benefit trust funds now amount to $38 billion and under present law, the assets will increase by more than $7 billion in 1972 and by more than $12 billion in 1973. Even under the financing provided under the committee bill, the size of the funds would increase substantially in future years. I do not believe that there should continue to be unnecessary, large-scale growth in the size of these funds. In fact, I consider it imperative that we discontinue this practice of building up large trust funds. We are taking money from the working poor through a regressive tax that is not needed for benefit payments. This money is then loaned to the Federal Government to finance its general operations at extremely low interest rates. The Government should find other ways to meet its general expenses than to force those who can afford it the least to contribute through a regressive social security tax to meet the cost of operating the Government. Unlike an increase in the contribution and benefit base, which increases social security contributions only for high earners, an increase in contribution rates imposes an additional tax burden on the poor as well as on those better off. The imposition of taxes which serve only to increase the size of trust funds is unfair and unjust and unnecessary.

I am pleased that the Committee on Finance has seen fit to use part of the trust fund assets to pay the cost of the benefit improvements the Committee has recommended. I think we can and should use these assets to finance the additional increase I am recommending.

If we are honest, we will admit that we do not need all the money we have in the trust funds now. The money in the trust funds can be used to pay the cost in the next few years of the additional benefits I am recommending. Rising wages over the years should bring enough money into the social security system in later years to finance the cost of the additional benefits payable then.

Of course, I am basing my conviction that no additional financing is needed for a 20-percent-benefit increase instead of a 10-percent increase on the assumption that wages will continue to rise in the future as they have in the past. I think it is only realistic and reasonable to assume so. It is my belief that we have seriously burdened our citizens with high social security taxes in order to build up large trust funds simply because we have used a level-wage assumption to figure social security costs expressed as a percent of payroll.

If, however, my distinguished fellow colleagues cannot be convinced to move away from this extremely conservative tradition, if they cannot be convinced that it is safe and sound to use a rising-wage assumption to figure social security costs, then general revenues should be used to finance the cost of the additional increase. I am strongly in favor of the idea of the Government's sharing in the cost of the social security program. This idea has been advanced many times before. For example, it was advanced by the Committee on Economic Security in 1935, when the social security program was being conceived. And it was again advanced both by 1938 and 1948 Advisory Councils on Social Security. A majority of foreign social security programs have provisions for Government contributions to their social insurance programs. The United States has delayed too long in financing its social security program in ways which reflect the social characteristics of the protection provided.

The Congress has already provided for general revenue financing of certain special aspects of the program. I am referring to hospital insurance for uninsured people already over age 65 in the early years of the program and to the special payments that the Congress has provided for people age 72 and over who are not eligible for regular cash benefits.

General revenue sharing of part of the cost of the social security program would make an improved program possible without increases in the social security tax burden of those who can afford it the least. The program would continue to be contributory, with benefits related to earnings and conditioned on a specific period of past work under the system. Yet, with provision for a general revenue contribution the cost of the program could be more equitably distributed.

I do not anticipate the need for a Government contribution until further improvements in the social security program are proposed in the future. But if it is the opinion of the Senate that additional financing is needed for my proposed benefit increase I strongly prefer a general revenue contribution to any other method of additional financing. I

am conceding on this matter of financing because I am so strongly convinced that a 10-percent increase in benefits is totally inadequate. Because I am not willing to sacrifice a 20-percent increase on a financial point, I will modify my amendment to include provision for additional financing from general revenues.

If I can secure approval of my proposal for a 20-percent increase in no other way than to provide additional financing, and if we cannot agree to allocate general revenues for that purpose, then I suggest we raise the contribution base to $12,000.

Mr. President, may I point out that when the social security system was originally enacted, the base was $3,000, which covered 90 percent of the working force. To achieve the same percentage today, the program would not be for a limitation of $9,000 or $12,000, but $17,000.

As I have indicated, raising the base increases social security contributions only for high earners and is thus the less regressive alternative. I am told that adequate financing on the same basis we have used in the past would be forthcoming with a $12,000 base and a combined employee-employer contribution rate for cash benefits of 9.2 percent for 1971–74, 11 percent for 1975–79, and 12.5 percent for 1980 and thereafter. These rates are no higher than they would be under present law until 1975.

In conclusion, I want to repeat my conviction that this is a good bill, and one that deserves the support of all of us. With my amendment, however, it could be a truly significant bill—one that would have a substantial impact on the lives of 26 million Americans. I trust that we will not fail our social security beneficiaries when they need our help.

Mr. President, I ask unanimous consent to have printed in the RECORD letters endorsing this proposal from the American Association of Retired Persons, National Retired Teachers Association, the National Farmers Union, and the National Council of Senior Citizens, Inc.

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

AMERICAN ASSOCIATION OF RETIRED PERSONS, NATIONAL RETIRED TEACHERS ASSOCIATION,
Washington, D.C., December 17, 1970.

Hon. VANCE HARTKE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARTKE: On behalf of the more than 2,500,000 members of the National Retired Teachers Association and the American Association of Retired Persons I commend you for your efforts to provide a meaningful across-the-board increase in Social Security benefits. Your Amendment to H.R. 17550 providing for a 20% increase in Social Security benefits effective January, 1971, recognizes the immediate financial needs of over 20 million older Americans.

While we welcome the action taken by the House of Representatives in the area of Social Security reform, the 5% across-the-board increase authorized by the House is far from adequate.

We were pleased to note that the Senate Finance Committee recommended in its report to the Senate that this benefit raise be increased by an additional 5%, providing for a 10% overall increase in benefit levels. However, this benefit increase would not take effect until some months after January, 1971, and with our rapidly rising cost-of-living even the 10% raise would be too little, too late.

This period of spiraling inflation, at an astounding rate of 6% to 7% annually, has a greater and more profound effect on persons living on limited fixed incomes. It is our older and retired citizens who bear the largest share of the burden during such a period of rapid inflation.

The plain truth is that nearly one-third of the more than 20 million Americans 65 years of age and older are now living at or below the poverty level. An even more shocking fact is that many of these people did not become poor until they became old. While possession of monetary resources does not necessarily guarantee happiness, the absence of such resources can prevent people, at any age level, from leading a life of dignity, happiness and usefulness.

We feel that fundamental to creating a meaningful life in old age is insuring sufficient economic resources to these millions of older retired workers who helped build this country and make it great.

Your Amendment to provide a 20% across-the-board increase in Social Security benefits, effective January, 1971, would do much to prevent elderly persons from losing this desperate race with inflation and assure them that their financial situation will, at least, remain relative to today's economy.

Sincerely yours,
CYRIL F. BRICKFIELD,
Legislative Representative.

NATIONAL FARMERS UNION,
Washington, D.C., December 17, 1970.

Hon. VANCE HARTKE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR HARTKE: I wish to express our appreciation for your amendment to increase social security benefits by an additional ten percent above the amount approved by the Senate Finance Committee. The National Farmers Union is strongly in favor of increased payments under social security, and we pledge our full support for your efforts to achieve this through a Senate floor amendment.

Thanks again for your important initiative.

Sincerely,
Dr. WELDON V. BARTON,
Assistant Director of Legislative Services.

NATIONAL COUNCIL OF SENIOR CITIZENS, INC.,
Washington, D.C., December 16, 1970.

Hon. VANCE HARTKE,
Old Senate Office Building,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: We are informed that you are planning to introduce from the floor of the Senate an amendment to H.R. 17550 (Social Security Amendments of 1970) which would provide an additional ten percent across-the-board increase in the cash benefits of the Social Security program.

We in the National Council of Senior Citizens are delighted that you are considering such an amendment and we urge you to go forward with your plans. In my letter of December 14 I cited again some of the well-known facts about the desperate plight of the great majority of elderly citizens in this country who depend, for the most part, on Social Security benefits for their livelihood. As I indicated then, the ten percent increase in benefits contemplated in the Finance Committee bill would not anywhere nearly meet the needs of these older people, nor, indeed, of the widows and other survivors in families whose breadwinners have died. Obviously the five percent increase—without any additional increase in the minimum benefit—as provided in the House-passed bill, would fall even shorter as would any compromise between the two figures which might emerge from conference if the Senate approved only the proposed ten percent increase.

It is our understanding also that you are developing proposals for financing these increases in benefits that would maintain the actuarial integrity of the Social Security System. We believe this is a responsible position and we support you in these efforts. We in the National Council believe strongly that the most equitable method of financing such improved benefits is to make a substantial increase in the contribution and benefit base. Financing by this method avoids placing the additional burden on the younger workers in the lower and middle-wage brackets and places it where it ought to be, on those receiving higher incomes—in short, makes the Social Security tax less regressive and more progressive. In this connection, it is interesting to recall that when the Social Security Act was first passed, the tax base of $3,000 covered the entire wage income of about 96% of all the covered workers. To keep pace with this standard, we would today have a contribution and benefit base approaching $17,000. In the light of the history of the Social Security tax base therefore, the $9,000 base contemplated both in the House-passed bill and the Senate Committee bill continue to lag far behind. Even a $12,000 limit on the taxable wages or a $15,000 one are modest compared to the coverage of wages under the provisions of the original act.

With all good wishes—

Sincerely yours,
NELSON H. CRUIKSHANK,
President.

Mr. LONG. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG. Mr. President, the committee had the proposal before it. I believe the Senator outlined the cost. It would be about $3.3 million a year in excess of the $5 billion in additional social security benefits which the committee voted.

I really do not think that we can afford to go beyond this point. I believe that the tax which the Senate would have to put on to help pay for this extra benefit would be extremely unpopular.

I think that if the Senate were to agree to this amendment, the elderly people of the country would be in for a big disappointment when reading on one day that the Senate voted for a 20-percent increase in social security benefits and then reading 2 or 3 days later that in conference the Senate conferees were only able to sustain an increase of 6 or 7 percent, which is about where the cost of living has gone, and perhaps a little beyond.

Mr. President, we will have enough difficulty working out a bill with the House conferees the way it is now, since there has been some talk of the House conferees not even conferring with us on this matter. I believe it would make it much more difficult to reach an agreement and, as a practical matter, I do not think it is possible to persuade the House to go along to afford the 10-percent increase we have already voted.

I would submit at this time, along with the many other things that have been done in the bill to help the poor, that the committee has done about as much as we could afford to do at this time. I do not think Senators would care to vote the

large tax increases inherent in this amendment.

Does any Senator wish me to yield to him?

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I join the Senator from Louisiana in expressing the hope the Senate rejects the amendment. This could be the amendment that would sink the ship.

Congress raised social security benefits 15 percent about a year ago. The House bill provided for a 5-percent increase, and this bill as reported by the committee carries a 10-percent increase with a $100 minimum. If that amount is doubled again we could end up with no bill at all.

I hope the amendment is rejected.

Mr. HARTKE. Mr. President, I yield myself an additional 2 minutes.

I would like to point out that this same argument was made in 1967. At that time I thought we would accumulate $3 billion. I was wrong. It has been $7 billion. We will spend more money but even if we did not change the base, by 1975 we will accumulate $4,000,700,000 in the trust fund, which will take us to a $30-billion surplus in the trust fund.

If Senators have really been in the field as I have been, talking to the poor people and understanding their problems, they know that two million poor people are eligible for welfare and they do not know how to apply for welfare, and they are not getting social security. If Senators wish to eliminate welfare they should put it on a social security basis. This is about one-fifth of the poor people of America.

I agree with the Senator from Louisiana that if we are going to concede to the House before we start to fight, I imagine we will not do very well. If we put in the 20-percent increase we will be in a better position to hold something in conference than if we started at 10 percent.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. I yield back the remainder of my time.

Mr. HARTKE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (No. 1155) of the Senator from Indiana (Mr. HARTKE). On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay.'

Mr. GRIFFIN. I announce the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from Utah (Mr. BENNETT), the Senator from Ohio (Mr. SAXBE), and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Oregon (Mr. HATFIELD), would vote "nay."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from New York would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 24, nays 40, as follows:

[No. 450 Leg.]

YEAS—24

Bayh	Jackson	Nelson
Brooke	Javits	Pell
Byrd, W. Va.	Kennedy	Prouty
Case	Magnuson	Proxmire
Cranston	McIntyre	Schweiker
Harris	Metcalf	Stevenson
Hartke	Mondale	Symington
Hughes	Moss	Williams, N.J.

NAYS—40

Aiken	Ervin	Pearson
Allen	Fannin	Percy
Allott	Griffin	Randolph
Baker	Gurney	Ribicoff
Bellmon	Hansen	Scott
Bible	Holland	Smith
Boggs	Hruska	Sparkman
Byrd, Va.	Jordan, N.C.	Spong
Cannon	Jordan, Idaho	Stennis
Cook	Long	Talmadge
Cooper	Mansfield	Thurmond
Curtis	Mathias	Williams, Del.
Dole	Miller	
Ellender	Packwood	

NOT VOTING—36

Anderson	Goodell	Mundt
Bennett	Gore	Murphy
Burdick	Gravel	Muskie
Church	Hart	Pastore
Cotton	Hatfield	Russell
Dodd	Hollings	Saxbe
Dominick	Inouye	Stevens
Eagleton	McCarthy	Tower
Eastland	McClellan	Tydings
Fong	McGee	Yarborough
Fulbright	McGovern	Young, N. Dak.
Goldwater	Montoya	Young, Ohio

So the amendment (No. 1155) was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. METCALF. Mr. President, I send to the desk amendment No. 1110, as modified to conform with the new bill.

The PRESIDING OFFICER. The amendment offered by the Senator from Montana will be read.

The legislative clerk proceeded to read the amendment.

Mr. METCALF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 418, between lines 19 and 20, insert the following:

(c) The Secretary shall pay to each State which has a plan approved under title I, X, XIV, XVI, or XIX, or part A of title IV, of the Social Security Act, for each quarter beginning after March 1971, an amount equal to the excess of—

(1) the total expenditures, under the State plan approved under such title or part, as aid or assistance with respect to Indians, Aleuts, Eskimos, or other aboriginal persons, over

(2) the amounts otherwise payable to such State under such title or part and under section 9 of the Act of April 19, 1950 as the Federal share of such aid or assistance to such persons.

Mr. METCALF. Mr. President, this amendment would provide full Federal payments for welfare for all Indian people in all categories that under existing law are provided at 80 percent for the Navajo and Hopi in three categories. The amendment was originally offered as S. 2265, with 14 cosigners, then was revised and introduced as amendment 1110 with the cosponsorship of Senators MANSFIELD, GOLDWATER, GRAVEL, HARRIS, MCCARTHY, MONDALE, MOSS, STEVENS, YARBOROUGH, and ANDERSON.

Our amendment would extend to all States 100 percent Federal payments for expenditures by the States under public assistance programs for aid to all Indians, Aleuts, Eskimos, or other aboriginal persons. Existing law provides a special Federal payment of 80 percent for expenditures by the States in behalf of the Navajo and Hopi receiving old age assistance, aid to dependent children, or aid to the needy blind. Our amendment would provide Federal payments for these three categories and aid to the disabled and medicaid.

In April 1950, the distinguished ranking member of the Senate Finance Committee, Senator CLINTON ANDERSON, with Senators Hayden, O'Mahoney, Chavez, and McFarland succeeded in amending the Social Security Act to increase the Federal share of assistance to the Navajo and Hopi from 75 to 95 percent in some cases and from 60 percent to 92 percent in others.

Mr. President, the American Indian is a Federal responsibility.

In his major policy statement this summer, President Nixon reminded us of this fact. He said:

The special relationship between Indians and the Federal government is the result . . . of solemn obligations which have been en-

tered into by the United States government . . . the Indians have often surrendered claims to vast tracts of land and have accepted life on government reservations. In exchange, the government has agreed to provide community services such as health, education . . . services which would presumably allow Indian communities to enjoy a standard of living comparable to that of other Americans.

The message went on to say:

Because of the high rate of unemployment and underemployment among Indians, there is probably no other group in the country that would be helped as directly and as substantially by programs such as the new Family Assistance Plan and the proposed Family Health Insurance Plan. It is estimated, for example, that more than half of all Indian families would be eligible for Family Assistance benefits and the enactment of this legislation is therefore of critical importance to the American Indian.

Probably it is true that half of all Indian families would be eligible for benefits, but my amendment, incorporating much of the administration's Family Assistance Act, repeals Public Law 474 effective January 1, 1972, and makes no substitute provision so that not even the special payments for the Navajo and the Hopi will be made as before.

It was estimated in 1966 that three-quarters of the Indian families living on reservations earn less than $3,000 annually, and while the off-reservation Indian may earn higher wages because he does not receive the free medical care and other benefits that are available to the reservation Indian, his real income is reduced accordingly. In States in whose boundaries there are large tracts of land set aside as reservations for Indian people, there is an overriding Federal responsibility because the States derive no revenue from these lands.

Deprived of that source of revenue, and realizing precious little in income taxes from a people who earn too little to pay them, the State of Montana and others with large Indian populations are simply not able to handle the burden of welfare assistance.

The Montana Department of Public Welfare has advised me that it is costing $1.1 million in the biennium to provide assistance to Indians in State-approved plans for old age assistance, aid to dependent children, aid to the needy blind, and medicaid, as well as aid to the disabled.

Mr. President, I ask the Department of Health, Education, and Welfare to prepare a projection of the additional Federal cost if our amendment were to be adopted.

Summarized, the additional cost to the Federal Government would be $45 million annually under existing law and $70 million annually with enactment of the family assistance substitute.

Mr. President, I have one final plea.

There are many, many hopeful signs on Indian reservations and among Indian people today. In Montana there are several economic development programs that are changing life on the reservations from one of hopelessness and joblessness to one of hope and industry and employment and education.

There are motels, recreation complexes, et cetera. The Fort Peck Indians, for example, were successful in securing a contract to repair rifles. The enterprise has employed 120 people and has brought a payroll to the reservation that has in turn brought pride and stability. I am convinced that we are on the right track. I am convinced that the Senate, with approval of the Alaska Native claims bill, has prepared the way for Alaska Natives to participate fully in the benefits of economic development in that great State. In Rough Rock, Ariz., a demonstration school among the Navajo Indians has achieved national recognition.

I believe if we continued this momentum, the American Indian in a generation could so significantly improve his condition that the cost of public assistance would drop sharply.

In the meantime, public assistance is a vital support that will assure the success of the education and economic development programs which are bringing opportunity to the American Indian.

Mr. President, I ask unanimous consent that several pertinent documents be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks. They include a history of Public Law 474 prepared by the Honorable Wilbur J. Cohen, cost estimates of my amendment prepared by the Social and Rehabilitation Service of the National Center for Social Statistics, a letter from the administrator of the Montana Department of Public Welfare and another from the claims attorney for that department.

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

PUBLIC ASSISTANCE PROVISIONS FOR NAVAJO AND HOPI INDIANS: PUBLIC LAW 474

(By Wilbur J. Cohen)

On April 19, President Truman approved Public Law 474, providing for the rehabilitation of Navajo and Hopi Indians. Section 9 of this law provides for increasing the Federal share of public assistance payments for needy Indians of these tribes who reside on reservations or on allotted or trust lands and who are recipients of old-age assistance, aid to dependent children, or aid to the blind. The new law becomes effective July 1, 1950. It provides that with respect to assistance payments for these Indians the Federal Government will pay, in addition to its regular share under titles I, IV, and X of the Social Security Act, 80 percent of the State's regular share. The maximums for individual payments specified in the Act apply to these payments.

Thus, in a payment of $20 to a needy individual, the regular State share is $5 and the Federal share is $15. For Navajo and Hopi Indians the Federal Government will pay $4 additional (80 percent of the $5 State share) or a total of $19 out of the $20 payment. The Federal share in such a payment would thus be increased from 75 percent to 95 percent. In a $50 payment the Federal share would be increased from $30 to $46, or from 60 percent to 90 percent.[1] The accompanying table illustrates the effect of section 9 on public assistance payments to Navajo and Hopi Indians.

LEGISLATIVE HISTORY

The first form (S. 1407) of the legislation that became Public Law 474 was introduced on March 25, 1949, by Senators O'Mahoney, Hayden, Chavez, McFarland, and Anderson. Companion bills, H.R. 3476 and H.R. 3489, were introduced in the House of Representatives.[2] S. 1407 passed the Senate on July 6, 1949, with amendments, and passed the House with some further amendments on July 14, 1949.[3] In the Conference Committee a new provision dealing with increased Federal grants to the States for public assistance to Navajo and Hopi Indians was included in section 9. The Conference Report was accepted in both the House and the Senate on October 3, and the bill was then sent to the President. The President vetoed the bill on October 17, 1949,[4] but his veto message did not contain any objection to the public assistance provisions of the bill.

The Senate deleted the provisions of the bill to which the President objected and passed a new bill, S. 2734, on October 18, the day after the veto was received. Immediate consideration of the bill in the House on October 19 was objected to by Representative Kean, a member of the House Committee on Ways and Means.[5]

With the adjournment of Congress, S. 2734 went over the second session in 1950. The House passed the bill on February 21, 1950, with several amendments, one of which changed the method of determining the Federal share of public assistance payments to the two tribes. However, this amendment was based upon an erroneous interpretation of section 9 and in effect made the entire public assistance provision inoperative.[6] The Conference Committee therefore deleted certain language from the amended section 9 and thus restored the section's effectiveness.[7] The Conference Report was adopted by the House on April 6, 1950, and by the Senate on April 10. The President signed the bill on April 19, 1950.

The basic issue as to whether Indians should be given public assistance entirely at Federal expense or on the same basis as other individuals has been the subject of lengthy debate. When the House added the provision to S. 1407 to make all Indians within the Navajo and Hopi reservations subject to the laws of the State in which they live, it became necessary to consider whether this same principle should be applied to public assistance recipients or whether it should be modified in some way. The following quotation from the Conference Committee Report describes the difference of opinion between the two houses:

The House conferees insisted upon section 9, but the Senate conferees wanted it eliminated for the reason that the extension of State laws would obligate the States to make available the benefits of the State social security laws to reservation Indians, an obligation which has not been assumed by New Mexico and Arizona for two reasons: First, they have not admitted their liability, claiming that under the enabling acts and Federal laws the Indian was an obligation of the Federal Government. Second, because of the large Indian population, the States strenuously urged their financial inability to meet this obligation.

The Conference Report also explains the justification for the "80-percent formula": Less than 20 percent of the Navajo and Hopi Indians speak the English language. The States have indicated their willingness to assume the burden of administering the social security laws on the reservations with this additional help. The Conference Committee was of the opinion that this was a fair arrangement particularly in view of the large area of tax-free land and the difficulty in the administration of the law to non-English-speaking people, sparsely settled in places where there are not adequate roads; and that it would be of particular advantage to the Indians themselves. This arrangement can and no doubt will be changed as soon as the Indians are rehabilitated. Both States assume full responsibility for nonreservation Indians at the present time.

The percentage to be paid by the States under this section, other than the cost of

Footnotes at end of article.

administration, is the same as was worked out in a conference at Sante Fe, New Mexico, between representatives of the Federal Security Agency, Bureau of Indian Affairs, the offices of the Attorney General of the States of Arizona and New Mexico, and the State Department of Welfare of the States of Arizona and New Mexico, on April 28 and 29, 1949. At this conference, it was agreed that the net cost to the State would not exceed 10 percent of the total cost incurred by the Federal and State Governments in aid to needy Indians (aged, blind, and dependent children). This is the agreement under which the States are now operating. However, it is the opinion of the Conference Committee that the Indians would be greatly benefited by the States' assuming full responsibility for the administering of this law, and it would assure a continued assistance which would not be dependent upon appropriations through the Bureau of Indian Affairs from year to year.

Before the passage of the Social Security Act, the Federal Government assumed full responsibility for needy reservation Indians, and there is strong argument that the Federal Government still has full responsibility for their care. The additional cost of the extension of social security benefits not heretofore assumed by New Mexico and Arizona is only part of the cost of the extension of State laws to the reservations. Therefore, the Conference Committee is of the opinion that the amendment which was adopted is a fair and equitable division of the expense.

The 80-percent formula embodied in Public Law 474 is based upon a formula proposed in bills S. 691 and H.R. 1921, introduced in both houses on January 27, 1949, for all Indian "wards" in any State. Testimony was given before the House Committee on Ways and Means in favor of H.R. 1921,[10] but the Committee did not report that bill out nor did it include any special provision for Indians in the social security bill, H.R. 6000, reported out by the Committee.

HISTORICAL BACKGROUND

On several occasions Congress has given consideration to legislation affecting Indians receiving public assistance under the Social Security Act. In 1935 when the original social security bill was being considered in the Senate, a provision for payment by the Federal Government of the full cost of Indian pensions was passed by the Senate as an amendment to the pending bill. The proposed amendment provided for a new title in the Social Security Act making payments to Indians "a pension from the United States in the sum of $30 per month."[11] This amendment was sponsored by Senator Norbeck of South Dakota. It was dropped, however, by the Conference Committee and was not included in the final law.

In a special report of the Social Security Board on proposed changes in the Social Security Act, which President Roosevelt submitted to the Congress in January 1939, the Board stated as follows:

A number of States have a considerable Indian population, some of whom are still wards of the Federal Government. The Board believes that, with regard to certain Indians for whom the Federal Government is assuming responsibility in other respects, and who are in need of old-age assistance, aid to the blind, or aid to dependent children the Federal Government should pay the entire cost. If this provision is made, the Board should be authorized to negotiate cooperative agreements with the proper State agencies so that aid to these Indians may be given in the same manner as to other persons in the State, the only difference being in the amount of the Federal contribution. The Board believes that it should also be given authority to grant funds to the Office of Indian Affairs for this purpose, if that appears more desirable in certain circumstances.[12]

The House Committee on Ways and Means, however, did not include any provision concerning Indians in the 1939 social security bill. The Senate Committee on Finance considered an amendment affecting Indians but did not report it out. On the floor of the Senate, an amendment was offered which provided that "notwithstanding any other provisions of law, the Social Security Board shall not disapprove any State plan under titles I, IV and X of this act because such plan does not apply to or include Indians."[13] This amendment passed the Senate but was deleted by the Conference Committee and was not included in the final 1939 law.

The Social Security Administration has consistently interpreted the Social Security Act to mean that a State public assistance plan could not legally be approved if that plan discriminated against any citizen of the United States on account of race. Twenty-four of the 26 States in which there are Indians residing on reservations provide public assistance under the Social Security Act to these individuals. In Arizona and New Mexico, however, questions have been raised over the years by both State agencies as to whether reservation Indians were to be included in the public assistance programs under the Social Security Act.

The immediate factors that led to the inclusion of the public assistance provisions in section 9 of Public Law 474 first made themselves felt on April 17, 1947. On that date the State Board of Public Welfare of New Mexico refused the application of a Navajo Indian for old-age assistance on the grounds that reservation Indians were not a responsibility of the State Welfare Department "just as long as they are under the complete jurisdiction of the Indian service and insofar as the expenditure of State money for their welfare is concerned." At about the same time the Arizona State Department of Public Welfare also took a position that it would not make payments to reservation Indians.

The Social Security Administration discussed the subject with the State agencies in an effort to resolve the conflict between the position they had assumed and the requirement of the Social Security Act that assistance must be available to all eligible persons within the State. Discussions continued over a period of time, and the States were informed that the continued receipt of Federal funds for their public assistance programs was dependent on whether the State programs were operating in conformity with the principle that applications are to be accepted from all who apply and assistance granted to all eligible persons. During the same period the Bureau of Indian Affairs made some payments, as their funds permitted, to needy Indians in the two States.

Finally, after all efforts to bring the States into conformity with the requirements of the Social Security Act had failed, the Commissioner for Social Security, after due notice, held hearings to determine whether there was a failure by New Mexico and Arizona to operate their plans in accordance with sections 4, 404, and 1004 of the Social Security Act. A hearing on New Mexico was held on February 8, 1949, and on Arizona on February 15, 1949. Before findings or determination based upon these hearings were made, the arrangements described in the quotations from the Conference Report on S. 1407 were completed at Santa Fe, New Mexico, on April 28 and 29, 1949, and assistance was provided for reservation Indians in these two States. It was the purpose of Public Law 474 to solve, by congressional action, the problems raised in the hearings before the Social Security Commissioner.[14] As stated in the Conference Report on the bill, the Committee felt that efficient operation could be more definitely assured if the State were to administer the entire program for needy Indians rather than share the responsibility with the Bureau of Indian Affairs.

FOOTNOTES

*Technical Adviser to the Commissioner for Social Security.

[1] The above figures and those in the table are used only as general illustrations of the amount of Federal participation. They are based on hypothetical individual payments, whereas actually, under the basic formula of the Social Security Act, the Federal percentages are not applied to individual payments but rather to the average payments of a State under each title. That part of any payment for a month in excess of $50 to an aged or blind recipient and in excess of $27 with respect to one dependent child in a home and $18 with respect to each of the other dependent children in a home is not counted in computing the averages.

[2] For the history of legislative proposals before 1949 see *Hearings Before a Senate Subcommittee of the Committee on Interior and Insular Affairs on S. 1407* (81st Cong., 1st sess.), pp. 3–7. Hearings were also held on H.R. 3476 by the House Committee on Public Lands.

[3] For proceedings in the House see *Congressional Record* (daily edition), July 14, 1949, pp. 9682–92.

[4] Ibid., Oct. 17, 1949, pp. 15119–20.

[5] Ibid., Oct. 19, 1949, pp. 15243–46.

[6] Ibid., Feb. 21, 1950, p. 2129.

[7] See Conference Report on S. 2734, *Congressional Record* (daily edition), Apr. 5, 1950, p. 4835.

[8] House Report 1338 to accompany S. 1407, Sept. 22, 1949, p. 7.

[9] Ibid., pp. 7–8.

[10] *Hearings before the House Committee on Ways and Means on H.R. 2892* (81st Cong., 1st sess.), pp. 791–801.

[11] *Congressional Record*, June 18, 1935, p. 9540; see also letter from the Commissioner of Indian Affairs stating that he was "in sympathy with this proposal," pp. 9540–41.

[12] *Hearings Relative to the Social Security Act Amendments of 1939 Before the House Committee on Ways and Means* (76th Cong., 1st sess.), February 1939, p. 15. The Secretary of the Interior also urged that "social security benefits for Indians be administered as a part of the general plan for the citizens of the United States" (*Hearings Before the Senate Committee on Finance on H.R. 6635*, 76th Cong., 1st sess., June 1939, p. 272).

[13] *Congressional Record*, July 13, 1939, pp. 9027–28.

[14] On December 27, 1949, the Arizona State Board of Public Welfare adopted a resolution stating that it would not discontinue its policy of excluding crippled reservation Indian children in the provision of treatment services. The Commissioner of the State department in transmitting the Board's resolution to the Chief of the Children's Bureau of the Social Security Administration stated that it was "necessary to sever our connections." No Federal funds have been paid to Arizona under part 2 of title V of the Social Security Act since December 22, 1949.

COST ESTIMATE: SENATOR METCALF'S PROPOSAL

Method for estimating number of Indian recipients and additional Federal cost.

A. Number of Indian recipients.

1. Obtained the recipient rate for Indians by eligibility factor for most recent period for which such data were available (number of Indians obtained from most recent characteristics studies of OAA, AB, APTD, and AFDC recipients.

2. Compared the recipient rates for *all* recipients by eligibility factor for the period corresponding to study year with rate for *all* public assistance recipients as of December 1969.

3. Estimated rate for Indians as of December 1969 by keeping the same relationships between the recipient rates for Indians and

all recipients for the earlier period and the rates for both groups for December 1969.[1]

4. The estimate for the "projected" number of recipients was obtained by increasing the "current" estimated number in 3) above by 50 percent. Adjusted figure used for AFDC and APTD.

B. Costs for maintenance assistance.

1. For the adult categories, we used the estimated U.S. State share of the average payment under HR 16311 times 12 times the estimated number of adult Indian recipients.

2. For the AFDC supplementary payment, we used estimated State share of average monthly supplementary payment for the U.S. (amount obtained from ASPE) times the number of AFDC recipients.

C. Costs for medicaid.

1. Computed a cost per case month amount by eligibility factor for the U.S. which was multiplied by the estimated number of Indian recipients.

2. Inflated amount in 1) above by 8 percent to give effect to the costs for "other" medicaid recipients, i.e., individuals age 21–64 not categorically related and other children under 21.

3. The State share was estimated at 49.2 percent (non-Federal share of total payments in fiscal year 1969) of the total payments for the money payment recipients, categorically related recipients, and other children under 21 plus the total cost for individuals age 21–64 which represented the additional Federal cost under the proposal.

STATE OF MONTANA,
DEPARTMENT OF PUBLIC WELFARE,
Helena, Mont., April 29, 1970.

Hon. LEE METCALF,
Senator from Montana, U.S. Senate, Washington, D.C.

DEAR SENATOR METCALF: Because of your interest in legislation relating to special federal matching for assistance to Indians, I am bringing to your attention the fact that Section 401 of H.R. 16311 (The Family Assistance Plan) would repeal Section 9 of the Act of April 1950 (25 U.S.C. 639) providing for special federal matching for assistance to Navajo-Hopi Indians.

Your bill, S. 2265, which you introduced on May 27, 1969, would extend this special matching for all categories of federally-aided assistance to all Indian tribes in all states. The enactment of this legislation and the resulting additional federal funding would enable Montana to consider options and alternatives for program expansion that are not now available because of the limitation of funds. I am sure there would be similar impact in other states with substantial numbers of Indians.

In view of this, we would strongly urge the inclusion of some form of special assistance for "Indian" states for the programs included under H.R. 16311 as well as for Title XIX of the Social Security Act. Furthermore, pending the implementation of the provisions of H.R. 16311 on July 1, 1971, the provisions of your bill (S. 2265) should be enacted for the interim period and for permanent effect if H.R. 16311 fails of enactment.

We greatly appreciate your efforts in behalf of the public welfare programs and this department. If there is any information you will need from us, please let me know.

With kindest personal regards, I am,
Sincerely yours,

THEODORE CARKULIS,
Administrator.

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[1] Numbers receiving AFDC also were estimated by applying 1.3 percent (percent Indians in 1969 study) to total child recipients, which yielded a lower figure. The lower figure was used as the "current" number and APTD number also was adjusted downward using AFDC as a model.

MAHAN-STROPE,
Helena, Mont., January 15, 1969.

Hon. LEE METCALF,
U.S. Senator from Montana, Senate Office Building, Washington, D.C.

DEAR SENATOR METCALF: The State Department of Public Welfare of the State of Montana has caused to be introduced in the Senate and House of Representatives of the State of Montana during their current Legislation Session, a Joint Resolution urging that the President and Congress expand the aid now given by the Federal Government to the Navajo and Hopi Indians, under Public Law 474, 81st Congress (64 Stat. 47; 25 U.S.C. 639).

This legislation authorized eighty percent (80%) contribution by the Federal Government in addition to all other amounts prescribed, toward expenditures during the preceding quarter by the State under the State plans approved by the Social Security Act for Old Age Assistance, Aid to Dependent Children and Aid to the Needy Blind, to these two Indian Tribes.

The State Department believes that if this aid was expanded to include the Indian Tribes in Montana, and also expanded to not only include the three Welfare categories above mentioned, but all categories of Welfare, including Medical Assistance, there would be a saving of State funds of 1.1 million dollars for the two-year biennium.

We feel that the Indians in Montana deserve equal treatment with the Navajo and Hopi Indians. We feel that they are somewhat similarly situated in that Montana is a sparsely settled state and subject to severe weather conditions and the Indians often find themselves under great hardships. If Congress finds it inadvisable to extend this aid to all Indian Tribes then we would specifically ask that it be extended to those Indian Tribes similarly situated to the Navajo and Hopi Indians, such as the Rocky Boy Reservation Indians in Montana and the other Indians on reservations in the Montana area.

Any consideration you could give to change the present law to extend this aid to the Montana Indians and to increase it to include all categories of Welfare Assistance would be sincerely appreciated.

With kindest regards.
Yours very truly,

THOMAS H. MAHAN,
Claims Attorney for the State Department of Public Welfare.

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

Mr. METCALF. I am delighted to yield.

Mr. MONDALE. I was privileged to join with the Senator from Montana in cosponsoring this proposal.

Is it not a fact that many of the same counties in which Indian reservations and large Indian populations are found, are very often, from a real estate standpoint of financing, burdened in the financing of the local share of these welfare costs? Thus, in addition to everything else, without full Federal support for the welfare costs, they are burdened with constantly rising local welfare charges consisting of local shares of the welfare costs. I know that in the State of Minnesota in some cases these costs have risen to the point where there is literally a destruction of the local real estate tax structure.

Therefore, this amendment, if adopted, would go a long way toward relieving them of what is an unfair and disproportionate imposition. Is that correct?

Mr. METCALF. The Senator is correct. The fact is that in many counties a substantial amount of the land owned by Indians is in a trust status, and therefore is not taxable either for State or county purposes.

Second, if we adopt this amendment, we will have recognized that we have a Federal responsibility for the Indians, and, therefore, the State responsibility will be taken over.

Some of the discrimination among Indians—and we have discrimination all over the Western United States—will be alleviated. The second thing, of course, is that we will have Indians who are on the reservation and have low income, and have no opportunities for employment, given a chance to have a substantial welfare payment.

Mr. MONDALE. Would the Senator yield further?

Mr. METCALF. Certainly.

Mr. MONDALE. Is it not the case that a few of the Indian reservations now enjoy the 100-percent feature?

Mr. METCALF. The Navajos and the Hopis.

Mr. MONDALE. So that what the Senator's amendment would do is simply apply to all Indians similarly situated the same treatment?

Mr. METCALF. All over America.

Mr. MONDALE. I am proud to join in cosponsoring the amendment, and I hope it will be adopted.

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

Mr. METCALF. I am glad to yield.

Mr. HARRIS. Mr. President, I am very pleased to be a cosponsor of the amendment now offered by the distinguished Senator from Montana. He has done a great service in suggesting this amendment. I think it gets at a problem which, as has been rightly pointed out, is a tremendous problem, and one which the Senate ought to meet. I hope the amendment will be adopted.

Mr. RIBICOFF. Mr. President, will the Senator yield for a question?

Mr. METCALF. I yield.

Mr. RIBICOFF. I wonder if the Senator could generally enlighten the Senate as to how many beneficiaries would be affected, as of now, if the Senator's amendment were adopted.

Mr. METCALF. I have talked about Indians. The Interior Committee's definition of an Indian is a person with one-fourth Indian blood. I do not know how many Indians in that category there are in America. In Montana there are 27,000 Indians in that category, but only about 4,000 of those 27,000 are eligible to have relief or welfare programs.

Mr. RIBICOFF. I mean, does not the Department of the Interior or Health, Education, and Welfare know at the present time how many Indians are covered? Because if the Federal Government picks up 80 percent of the cost, they must know what the numbers are.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order, please.

Mr. METCALF. The Federal Government picks up 80 percent of the cost of welfare for only the Navajos and the Hopis. The Federal Government does not pick up any of the cost of welfare

for the Blackfeet, the Crows, the Papagoes, the Sioux, and all those other Indian tribes that are all over the Western United States.

Mr. RIBICOFF. I mean, historically, does the Senator know why the Federal Government picked up the costs for two tribes, and not the others?

Mr. METCALF. Because of the great ability of the distinguished Senators from New Mexico, Mr. ANDERSON and Mr. Chavez, who got this special treatment for Indians in their area.

Mr. RIBICOFF. Those two Indian tribes are in New Mexico only?

Mr. METCALF. That is right. But my amendment would not only provide that 80 percent would be given, but would provide that 100 percent of the contribution be given to all Indian tribes all over the United States, the Western United States.

Mr. RIBICOFF. But the Senator does know the number involved, or the total cost?

Mr. METCALF. What?

Mr. RIBICOFF. The Senator does not know the number involved, or the total cost?

Mr. METCALF. I do not know the number involved, and I have not been able to ascertain the number from either the Department of Health, Education, and Welfare or the Department of the Interior. But it is a matter of common justice that every Indian on welfare should have this contribution from the Federal Government.

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

Mr. METCALF. I yield.

Mr. FANNIN. I think there are approximately 600,000 Indians in the United States. Is that not the figure?

Mr. METCALF. But the 600,000 Indians are not all on welfare.

Mr. FANNIN. No; I understand. But when we are talking about numbers, is it not true that what we are talking about, mostly, is the reservation Indians, as far as the Western United States is concerned?

Mr. METCALF. That is what I am talking about.

Mr. FANNIN. So we really have more tribes than the Navajo and the Hopi involved, and more than the State of New Mexico, because a large part of the Navajo Reservation is in Arizona, as well as the Hopi Reservation.

Mr. METCALF. The Navajos and the Hopis are already taken care of.

Mr. FANNIN. I understand; but among the Papagoes and all these other tribes, there are approximately 60 to 90 reservations in the State of Arizona, depending on how you count reservations, and I ask the Senator how those reservations are covered.

Mr. METCALF. The only reservations covered are the Navajo and the Hopi reservations. They get payment of their welfare costs from the Federal Government. My amendment would provide that all of the costs of welfare for all of the Indians in all of the reservations all over the United States would be paid, 100 percent.

Mr. RIBICOFF. If the Senator is correct——

Mr. FANNIN. I was just trying to help the Senator understand.

Mr. RIBICOFF. Yes. I appreciate that very much, because I think we have a basic problem. I appreciate what the Senator is trying to do, but I think we should have the facts before us. However, we do not have the facts. Between the Interior Department and HEW, we ought to have those figures. The Senator's amendment, as I understand it, covers all Indians all over the United States, regardless of whether or not they are on reservations.

Mr. METCALF. That is correct. If they are Indians and on welfare, they are going to be compensated 100 percent.

Mr. RIBICOFF. So if an Indian lived in Washington, or in the State of Connecticut, and could be so identified, then the cost to the State of Connecticut or the District of Columbia, the entire cost, would be chargeable to the Federal Government?

Mr. METCALF. That is correct.

Mr. RIBICOFF. I think it is unfortunate that we do not have the figures. I am very sympathetic with what the Senator is trying to do. I would hope that if the amendment is adopted and goes to conference, by the next time around, between the departments, they could enlighten the Senator as to the number of people involved.

Mr. METCALF. I would be delighted if they could enlighten me. But it is a matter of justice that an Indian who is on welfare should be compensated by the Federal Government instead of by the State government.

Mr. RIBICOFF. But if an Indian lives in the State of Connecticut and receives welfare——

Mr. METCALF. And is on welfare.

Mr. RIBICOFF. He would be receiving welfare on the same basis as any other resident of the State of Connecticut, and the State of Connecticut would contribute its 50 percent and the Federal Government its 50 percent. What happens in the State of Montana? Do not the State of Montana, the State of Arizona, the State of Washington, and the State of Utah treat the Indians the same as they do every other person who may be indigent and on welfare in their respective States?

Mr. METCALF. Except for the Navahos and the Hopis.

Mr. FANNIN. If the Senator will yield, I am very concerned about the welfare of the Indian and would like to clarify the difference in these programs. From the standpoint of the reservation Indian, we have a different program than we have as far as the nonreservation Indian is concerned. The nonreservation Indian is treated the same as any other citizen, whereas the reservation Indian comes under a different program, administered by the BIA.

It would be very difficult to administer this program other than in the areas where they have the tribes. If we start saying an Indian in Chicago or in New York or Illinois is entitled to such treatment, how do you make that determination, or how do you find that Indian and give him that treatment?

Mr. METCALF. Many Indians, of course, from Montana are in Chicago.

Mr. FANNIN. Yes; I realize that. I am interested in this proposal and would like to find how it would work.

Mr. METCALF. Because of the unfortunate relocation program that a former Secretary of the Interior put into effect, we have reservation Indians from Montana and Arizona in Los Angeles who are on welfare. And, since we have a Federal responsibility for Indians, why should the State of California have to take care of those Indians that we have moved to Los Angeles, or the State of Illinois take care of those Indians that we have moved to Chicago, when we have a responsibility to take care of these welfare Indians, on the reservation or off the reservation?

I can remember a generation ago, in 1937, when I was in the Legislature of the State of Montana, we had the Indians coming down to us from so-called Hill 57, asking for welfare. They asked for appropriations and they asked for help. We failed to do that, and a whole generation has gone by. We have failed to take care of the welfare and we have failed to provide opportunities for these Indians. So we have the same problem over again, a generation later.

This is what I am trying to do: I am trying to say that the Federal Government should assume its responsibility for its Indian wards, and that if they are on welfare, wherever they are, we will pay the welfare.

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

Mr. METCALF. I yield.

Mr. MANSFIELD. May I say, in support of the amendment offered by my distinguished colleague, of which I am a cosponsor, that when he used the word "ward," I think he told the whole story. The Indians do occupy a peculiar position in American society. They are a minority group about which we have forgotten a great deal, from whom we have taken a great deal, who are the subjects of dire poverty on their reservations as well as in the large cities.

I think that this is doing no more than what is just for these people, from whom we took this country, who have received so little consideration, and who should be given a good deal more in the way of compensation than they have received up to this time. I think we can forget the sympathy and the figures and the numbers and recognize a reality and face up to it.

Mr. RIBICOFF. There is no question that what the majority leader says is true, that of all the minority groups, the Indians are lowest in the scale, whether it is poverty, social, economic condition——

Mr. METCALF. Income.

Mr. RIBICOFF. Lower than the blacks, the Mexicans, the Spanish-speaking, any group in American society that we can name. Their poverty is the direst of all and deserves consideration. I am very sympathetic. I am going to support the Senator's amendment.

I do not know what will happen to it in conference, but I would hope that the next time we have a social security bill, between the Interior Department and Health, Education, and Welfare, they would supply some information so we

can address ourselves in a little more depth and a little more understanding of the nature of this problem.

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

Mr. METCALF. I yield.

Mr. LONG. As the Senators have pointed out, a problem of discrimination is involved here, and I would be willing to agree to the amendment and see whether we can work it out with the House in conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 1128

Mr. CANNON. Mr. President, I call up my amendment No. 1128.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 46, line 10, strike out "$166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 46, line 14, strike out "$166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 46, line 21, strike out "$166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 121, line 21, strike out "$166.66⅔" and insert in lieu thereof "$208.33⅓".

Mr. CANNON. Mr. President, this amendment is very simple. It is one that I had printed and ready to offer prior to the submission of amendment No. 1150 by Senator PERCY, which the Senate adopted by an overwhelming vote of 52 to 9. Senator PERCY's amendment proposed a work exemption of $2,400 prior to the loss of social security benefits. My amendment No. 1128 proposes an exemption of $2,500 prior to loss of benefits under the social security provisions. It means that a person could earn $8.33⅓ more per month before losing social security benefits than he would under the amendment offered by Senator PERCY.

I am sure that in view of the overwhelming vote of 52 to 9 that occurred on the Percy amendment——

The PRESIDING OFFICER. The Chair interrupts the Senator to state that the amendment is not in order.

Mr. CANNON. The amendment is not in order?

The PRESIDING OFFICER. It is not in order. That part of the bill already has been amended.

Mr. CANNON. I was going to withdraw it, anyway, in view of the fact that the amendment had been adopted. But I did want to comment on it, because I am sorry that the time limitation on the previous amendment had not been used up, and this amendment therefore occurred at an earlier time than was intended. Otherwise, I would have proposed mine as a substitute.

However, I am sure that the Senate would not want to begrudge the recipients of social security the opportunity to earn another $100 per year before losing their social security benefits. I regret that it is not possible to give them the opportunity to earn $2,500 per year before losing the social security benefits, in view of the high cost of living and the increasing cost, due to the inflation that has been taking place in this country during the past 2 years.

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HARTKE). The Senator will state it.

Mr. COOK. If the Senator were to submit this amendment as an amendment to another section of the bill, other than the section which has already been amended, would the amendment then be in order?

The PRESIDING OFFICER. If the amendment amends a part of the bill which has not previously been amended, then the amendment would be in order.

Mr. COOK. I thank the Chair.

Mr. CANNON. I thank the Senator. I will see if I can find a spot for it.

AMENDMENT NO. 1130

Mr. CANNON. Mr. President, I call up my amendment No. 1130.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Beginning on page 408, line 13, strike out all through page 408, line 20.

On page 522, between lines 21 and 22, insert the following:

"(c) Notwithstanding the provisions of section 2(a)(10), 1002(a)(8), 1402(a)(8), and 1602(a) (13) and (14) of the Social Security Act, each State, in determining need for aid or assistance under a State plan approved under title I, X, XIV, or XVI of such Act, shall disregard (and the plan shall be deemed to require the State to disregard), in addition to any other amounts which the State is required or permitted to disregard in determining such need, any amount (or any portion thereof) paid to an individual under title II of such Act (or under the Railroad Retirement Act of 1937 by reason of the first proviso in section 3(e) thereof) if—

"(1) for the month preceding the first month that monthly insurance benefits payable under title II of the Social Security Act are increased by reason of the enactment of section 101 of this Act—

(A) such individual received aid or assistance under such State plan;

(B) such individual was entitled (on the basis of an application filed in or before such month) to monthly insurance benefits under section 202 or section 223 of the Social Security Act; and

(2) such amount (or portion thereof) is attributable to the increase, in monthly insurance benefits payable under title II of the Social Security Act, resulting from the enactment of section 101 of this Act.

On page 522, line 22, strike out "(c)" and insert in lieu thereof "(d)".

Mr. CANNON. Mr. President, this amendment would prohibit the States from reducing the amount of welfare payments to recipients by the amount of increase those recipients would receive as a result of the passage of the social security amendments to increase the benefits.

In the proposed act, as it now reads, is an exemption to the extent of $10 a month. However, a number of recipients would receive more than an increase of $10 a month under the social security amendments. I think it is indeed unfortunate that States in the past, in many instances, when Congress has enacted a social security increase, have reduced the amount of the welfare payments from the State by the amount that was passed as an increase under the Social Security Act.

Plainly and simply, this amendment would prohibit the States from making a corresponding reduction in the amount of welfare payments to the social security recipients as a result of the increases in the act.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LONG. Mr. President, when we raise social security benefits, we correspondingly reduce the need of individuals for welfare assistance. Down through the years, some of us—I have been one offering amendments from time to time—have offered amendments to require that the States not reduce welfare payments when social security payments are increased. One thing we do hope to achieve over a period of time is, by raising the minimum payments under social security and by increasing social security benefits, that gradually we will reduce the number of people drawing public assistance. Over a period of time we hope that the relatively small number of our aged who are now required to seek public assistance will be further reduced, because our social security program is intended ultimately to eliminate that need.

The committee bill we have here has more or less split the difference. The States would have some saving against their welfare budgets in the adult categories. But at the same time, they would be required to pass along, in terms of welfare benefits, the large portion of that which has been voted by the committee for social security increases. So if a person receives a social security increase, let us say, of $15 or $20, he would be able to keep most of it, although there may be some reduction in his welfare payments.

The Senator would try to see that there would be no reduction in the welfare payments. If we are going to do that, it would result in the situation that, by raising social security payments, we would never be taking people off the welfare rolls. They would just stay there receiving the same amount of welfare, no matter how much we raised social security payments.

In that regard, I think the amendment would create an even greater problem, because we would be committed in the future to the proposition that when we voted social security increases the welfare payments people were receiving would not be reduced.

To do so would mean that even if we would provide enough social security benefits so that recipients really did not

need welfare any further, we would still be paying it.

I think the Senator's amendment goes too far. The committee has gone about as far as it could towards achieving the objective the Senator has in mind and, therefore, I would hope that the amendment would not be agreed to.

However, I applaud the Senator for his interest in these people.

Mr. CANNON. Mr. President, I believe that the increases in social security benefits being proposed by the Senate are not intended to take people off welfare. They are intended to help get people in a position to maintain a standard of living that they cannot maintain today under the present social security benefits. It is indeed, unfortunate that many people on welfare are those who are drawing a minimum of the amount of social security benefits who, unfortunately, in the past, have received some small increases and, in turn, have had that taken away by the States.

In this case, here we are providing some increases to those people. I think that they are entitled to those increases, even though they may be entitled to a subsistence amount from the welfare system of the State, because of the inadequate amount they are now receiving to maintain a standard of living and that, therefore, these people should not be penalized simply because they are drawing welfare compared to other people who are drawing social security.

I hope that the Senate will support the amendment. I am prepared to vote.

The PRESIDING OFFICER (Mr. HARTKE). The question is on agreeing to the amendment of the Senator from Nevada.

The amendment was rejected.

AMENDMENT NO. 1129

Mr. CANNON. Mr. President, I call up my amendment No. 1129 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

CHANGE IN TAX ON NON-TURBINE-POWERED AIRCRAFT

SEC. 614. (a) Section 4491(a)(2) of the Internal Revenue Code of 1954 (relating to tax on use of civil aircraft) is amended by striking out clause (A) and inserting in lieu thereof "(A) in the case of an aircraft (other than a turbine-engine-powered aircraft), 2 cents a pound of each pound of the maximum certificated takeoff weight in excess of 2,500 pounds, or".

(b) The amendment made by subsection (a) shall take effect on July 1, 1971.

Mr. CANNON. Mr. President, earlier in the year, when Congress adopted a comprehensive Airport and Airways Act, there was a provision for the licensing of aircraft which provided that there would be a registration fee of $25 per aircraft, on general aviation type aircraft, on aircraft weighing 2,500 pounds or less, and on aircraft over and above that weight there would be a poundage fee applied of 2 cents per pound.

Congress passed the act, and in implementing the provisions of the act it developed that a person who had an aircraft, for example, that weighed 2,600 pounds, would pay the initial $25 registration fee and then would pay the poundage fee on the entire 2,600 pounds, not on the excess poundage over and above 2,500 pounds weight.

All this made a very inequitable situation to the many general aviation aircraft owners throughout the country who are, indeed, having a difficult time of it today, because of the increases that were added in the aviation fuel tax to pay for the airport and airways bill. So that we hit them with the added fuel tax on the one hand and the registration fee on the other. But, in addition, we doubled the application of the registration fee for those general aviation aircraft owners who had aircraft that weighed more than 2,500 pounds.

I submit that this is clearly an inequitable situation, that it was not the intent of Congress at the time—it was certainly not my intent at the time and I served on the committee that helped to draft the bill, and I served on the conference committee. It certainly was not my intention that these aircraft owners be taxed twice on the weight of their aircraft.

Therefore, the amendment I have proposed here would say that a man would pay a $25 registration fee on an aircraft weighing less than 2,500 pounds, and would pay the poundage on the aircraft weight only on the weight in excess of 2,500 pounds, and would not be paying twice on that weight from zero up to 2,500 pounds.

I hope that the Senate will help to correct this inequity.

Mr. RANDOLPH. Mr. President, will my colleague from Nevada yield?

Mr. CANNON. I yield.

Mr. RANDOLPH. The category of aircraft operations for which the able Senator speaks is, of course, general aviation. In these days general aviation is not an operation using the single-engined aircraft of 20 years ago. General aviation now includes many sophisticated twin-engine planes. These newer aircraft have brought increased safety and greater comfort for passengers who are flying. It is necessary, I believe, to promote and support air taxi services in the United States—services which connect with local carriers and trunk lines throughout the country. These operators, persons often with little financial strength, are giving real service to the mobility of the American people. They need the aid which is proposed in the amendment offered by the Senator from Nevada.

I remember very well working with him at the time we were active in the Federal airports and airways bill in reference to a better break for general aviation in the taxes he pays. If agreeable with him, I would like to ask that he include me as a cosponsor of his amendment.

Mr. CANNON. I am delighted to have the Senator's support as a cosponsor of my amendment.

Mr. LONG. Mr. President, would the Senator from Nevada yield?

Mr. CANNON. I yield.

Mr. LONG. We do not have any other revenue provisions on this bill that are not related to the problems of the aged or to medicare and I would, therefore, hope that the Senator might offer his amendment on some other revenue measure. For example, we have this excise tax bill which will have to be passed before we are through.

We have a number of other measures that have been brought to us in the last day or so. I have no strong objection to the Senator's amendment. However, I hope that he would not open the door to amendments that are completely nongermane to social security, public welfare, and retirement income, because to do that opens the door to Senators going to the desk and picking up bills that come over here by the dozens these days from the House. They ought to be at least considered and have the benefit of a committee recommendation.

I would hope that the Senator would be willing to offer the amendment on some other measure, such as the excise tax bill or some other bill that we will have an occasion to consider between now and the time we adjourn.

I am sure that the Senator knows the amendment is not germane to the bill. We managed, by a motion to recommit, to limit ourselves to the subject matter we are working on in the bill.

Mr. CANNON. Mr. President, if I withdraw the amendment and offer this to the excise tax bill, would I receive the support of the Senator from Louisiana?

Mr. LONG. Mr. President, I would cooperate with the Senator if he were to offer it to another bill so that we could then go with that to the House.

Mr. CANNON. Mr. President, based on that assurance, I propose to withdraw the amendment, because I for one do not want to see the social security bill get loaded down with a lot of nongermane items that might conceivably delay its passage. That is one of the reasons that I voted earlier to recommit the bill and have it reported back without some of the other provisions in it.

Mr. President, based on the statement of the Senator from Louisiana, I withdraw my amendment No. 1129, and I will offer it at the appropriate time.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment.

AMENDMENT NO. 1140

Mr. PELL. Mr. President, I call up amendment No. 1140.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PELL. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with.

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

The amendment reads as follows:

On page 123, after line 24, insert the following new section:

ELECTIVE COVERAGE FOR MINISTERS AS EMPLOYEES

SEC. 134. (a) Section 210 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(p)(1) Service performed in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under section 501(a) of such Code, by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry shall constitute employment under this section beginning with the first day of the calendar quarter in which coverage under section 3121(r)(3) of such Code becomes effective with respect to such service.

"(2) Service performed in the employ of an American employer as defined in subsection (e)(3), (4), (5), or (6), other than an employer specified in paragraph (1) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, shall constitute employment under this subsection for any calendar quarter in which an election under such section 3121(r)(2)(A) is effective for him.".

(b) Section 210(a)(8)(A) of such Act is amended by striking out "Service" and inserting in lieu thereof the following: "Except as provided in subsection (p), service".

(c) Section 211(c) of such Act is amended by inserting before the period at the end of the sentence following paragraph (6) thereof the following: "or, in the case of paragraph (4), unless the service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry constitutes employment under subsection (p) of section 210".

(d) Section 3121 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"(r) MINISTERS.—(1) Service performed in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) which is exempt from income tax under section 501(a), by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry shall constitute employment under this section if—

"(A) an exemption under section 1402(e) is not effective with respect to him;

"(B) he has elected to have such service covered as employment under this section; and

"(C) the organization has elected to have such service covered as employment under this section.

"(2)(A) Any minister who makes an election under paragraph (1) shall file a certificate of such election in such form and manner, and with such official as the Secretary or his delegate shall by regulations prescribe. Such certificate shall specify the date on which the minister wishes such election to become effective for him, but in no case shall such election become effective (i) prior to January 1, 1971, or the first day of the calendar quarter which begins no earlier than the first day of the sixth calendar month before the month in which such minister files such certificate, whichever is later, or (ii) after the first day of the quarter following the quarter in which such minister files such certificate

"(B) Any organization which makes an election under paragraph (1) shall file a certificate of such election and a waiver of exemption from taxes imposed by section 3111 in such form and manner, and with such official as the Secretary or his delegate shall by regulations prescribe. Such certificate shall specify the date on which the organization wishes such election to become effective for such organization, but in no case shall such election become effective (i) prior to January 1, 1971, or the first day of the calendar quarter which begins no earlier than the first day of the sixth calendar month before the month in which such organization files such certificate of such election, whichever is later or (ii) after the first day of the quarter following the quarter in which such organization files such certificate.

"(3) Coverage shall become effective with respect to service specified in paragraph (1) on the first day of the first quarter for which both an election by the minister is effective under paragraph (2)(A) and an election by the organization is effective under paragraph (2)(B). Such service shall constitute employment under this subsection beginning with the first day of the calendar quarter in which coverage is effective with respect to such service.

"(4) Any election under this subsection shall be irrevocable. An election made under this subsection by a minister shall apply with respect to any service performed by such minister in the exercise of his ministry in the employ of any organization which has made an election under this subsection or in the employ of any employer specified in paragraph (6); an election made under this subsection by an organization shall apply with respect to any such service performed in the employ of such organization by a minister who has made an election under this subsection.

"(5) An organization which has made an election under this subsection or an employer specified in paragraph (6) shall not, for purposes of sections 3102 and 3111, be considered to be the employer of any minister who has not made an election under this subsection.

"(6) Service performed in the employ of an American employer as defined in subsection (h)(2), (3), (4), or (5) by such a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry shall constitute employment under this subsection for any calendar quarter in which an election under paragraph (2)(A) is effective for him.".

(e) Section 3121(b)(8)(A) of such Code is amended by inserting before "service" the following: "except as provided in subsection (r),".

(f)(1) Section 1402(c) of such Code is amended by inserting before the period at the end of the sentence following paragraph (6) thereof the following: "or, in the case of paragraph (4), unless the service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry constitutes employment under such subsection (r) of section 3121".

(2) The last sentence of paragraph (1) of section 1402(e) is amended by inserting before the period at the end thereof the following: "or if he has made an election under section 3121(r)".

Mr. PELL. Mr. President, what this amendment does is to provide for clergymen the right either to be considered self-employed or to be considered as employed by a church or vestry in which case, they would be required to contribute a smaller amount than if they were self-employed, but that amount would be matched by the employer. This would mean that the clergymen would not be faced with the problem they are faced with today where they do not receive the same benefits at the end of their service as they would if they had been considered as normal employees.

The amendment is not mandatory in force, but is optional. I think that in general it justifies some support.

I am very conscious of the fact that the chairman has pointed out to me that this was not introduced in time to secure hearings. I would hope that if I do withdraw the amendment now that he would be kind enough to let me have a hearing at the first opportunity.

Mr. LONG. Mr. President, the problem of social security protection for clergymen has been very difficult to deal with because of the different problems facing different religious groups. We tried to work out the best compromise between the various religious groups we could in previous legislation. We thought that we had, to about the greatest extent practicable, resolved these conflicts and different points of view consistent with the actuarial problems presented by the administration. It would seem to me that it would be appropriate to raise this matter next year in connection with the social security bill that the House intends to send to us.

I hope that the Senator will raise the question at that time and that we could have hearings so that those who might oppose the amendment could be heard as well as those who favor it.

I do welcome the opportunity to look at the matter and see if we can work it out in a fashion that would be agreeable to all.

Mr. PELL. Mr. President, I thank the junior Senator from Louisiana.

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 1116

Mr. HARRIS. Mr. President, on behalf of myself and the distinguished Senator from West Virginia (Mr. RANDOLPH) I call up amendment No. 1116 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

WORKMEN'S COMPENSATION OFFSET FOR DISABILITY INSURANCE BENEFICIARIES

SEC. 134. (a) Section 224(a)(5) of the Social Security Act is amended by striking out "80 per centum of".

(b) The amendment made by subsection (a) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970.

Mr. HARRIS. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, would the Senator be willing to consider a time limitation on the amendment?

Mr. HARRIS. I would be willing to have a 10-minute limitation to the side.

Mr. RANDOLPH. I suggest 15 minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 25 minutes, with 15 minutes to the distinguished Senator from Oklahoma and 10 minutes to the distinguished Senator from Louisiana.

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

Mr. HARRIS. Mr. President, I yield 5 minutes to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 5 minutes.

COMBINED WORKMEN'S COMPENSATION AND SOCIAL SECURITY DISABILITY PAYMENTS MUST BE RAISED TO 100 PERCENT TO AVOID FAMILY HARDSHIPS

Mr. RANDOLPH. Mr. President, I cosponsor the amendment of the able Senator from Oklahoma (Mr. HARRIS).

Earlier this year I introduced legislation—S. 1781—to amend title II of the Social Security Act to eliminate completely the reduction of disability insurance benefits. Under present law, the "offset" reduction is required for an individual who qualifies for both workmen's compensation and social security benefits. The disabled worker and family breadwinner finds that the social security benefits payable to him and his family are reduced by the amount, if any, that the total monthly benefits payable under the two programs exceed 80 percent of his average current earnings before he was disabled. This provision has created injustice among those several thousand disabled workers who know that the social security insurance they have contributed to over the years has been cut, because of receipt of workmen's compensation benefits to which they are entitled. There are innumerable individual hardships created by this arbitrary law.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a memorandum which I was privileged to present to the chairman of the Senate Finance Committee and the members of that committee in connection with my prior legislative effort to amend title II of the Social Security Act.

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

MEMORANDUM

To: Members of the Senate Finance Committee.

From: Senator Randolph.

Subject: S. 1781, "a bill to amend title II of the Social Security Act to eliminate the reduction in disability insurance benefits which is presently required in the case of an individual receiving workmen's compensation benefits.

S. 1781 would amend Title II of the Social Security Act by repealing Section 224 which provides for reduction in disability insurance benefits in the case of an individual who is receiving workmen's compensation.

Under present law, when a disabled worker under age 62 qualifies for both workmen's compensation periodic payments and social security disability benefits, the social security benefits payable to him and his family are reduced. The reduction is calculated on the basis that total payments under the two systems cannot exceed 80 percent of his "average current earnings" before he became disabled.

The net result is that the combined benefits equaling 80 percent of a disabled worker's average earnings are usually less than 80 percent of his level of earnings achieved at the time of disablement (average about 72 percent) even though his normal expenses continue at the pre-disablement level in addition to expenses caused by his disability not covered by workmen's compensation. The unfairness of this provision is further compounded by its application only to those persons who become eligible for disability insurance benefits after December 31, 1969. It does not apply to those who were already receiving these benefits.

An example: Father of four, age 35, disabled on the job in 1967, received a lump sum compensation award of $8,700. He paid off debts, made down payment on small home. His claim for social security disability insurance benefits was denied, but two years later on appeal, denial was reversed by district court. His social security payments were drastically reduced because workmen's compensation was pro-rated over five-year period at $151.60 a month. Thus, the disabled father's earned social security payments were cut from $262.50 a month to $110.80 a month—even though he already had spent the workmen's compensation award for debts, house payment and living expenses over prior two years before court decision. As a result, the father who previously had earned $328 monthly average before disablement had to apply for public welfare.

Another example: An unskilled worker in the oil industry suffered a work-related accident in 1966. The worker (father of three minor children) was totally disabled and workmen's compensation pays him $35 a week. Over the years, his earnings had varied, but had reached a monthly average of $291 in 1965. After application of the offset provisions, his monthly social security benefits ($106) were totally withheld. His monthly income of $151.60 (from workmen's compensation) amounts to 52 percent of his monthly earnings during the year prior to his disabling injury.

Approximately 18,900 disabled worker beneficiaries (about 1 percent of the 1.4 million disabled workers on social security rolls) were affected by the reduction provision (Sec. 224) which was added to the Social Security Amendments of 1965. At that time, the Senate Committee on Finance report stated: "It is desirable as a matter of sound principle to prevent the payment of excessive combined benefits."

Although most persons generally would agree with that statement, its application to disabled persons and families creates severe hardship and burdens. There are many injustices and inequities in our system of laws. Very often legislative action favors certain classes of persons or areas. But it is my belief that full payment of combined benefits to the disabled workers and their families would not be challenged on this basis.

Particularly important justification for repealing Sec. 224 is the concept of the programs involved—workmen's compensation is private insurance, while social security is compulsory public insurance.

The Social Security Administration states that the total number of disabled beneficiaries (workers and dependents) whose benefits were withheld or reduced was about 61,100—out of a total of 2.5 million on the rolls. That is 2.5 percent of the total of social security beneficiaries. The higher proportion of disabled beneficiaries affected results from a requirement of the law that any necessary reduction be applied first to dependents' benefits.

S. 1781 would eliminate the economic inequities created by Sec. 224 by allowing full payment of combined benefits to a disabled worker and his family. If the change is enacted, 55,000 beneficiaries would have their social security benefits increased and 5,000 persons who presently receive no benefits would receive some benefits at once.

It is my genuine hope that S. 1781 will be included in the Social Security Act Amendments of 1970.

Mr. RANDOLPH. Mr. President, we have heard testimony in various committees—for example, the Subcommittee on Labor of the Committee on Labor and Public Welfare—that seldom do disabled workers receive the full benefit of compensation awards. In Charleston, W. Va., recently, the Subcommittee on Labor heard witnesses testify that, although compensation cases nominally do not require the services of an attorney, in actual practices those appealing such cases must share their compensation awards with lawyers.

Under the social security offset provision, a worker's average current earnings for the purpose of establishing benefits are computed on the basis of: First, the average monthly earnings used for computing his social security benefits, or second, his average monthly earnings in employment or self-employment covered by social security during the 5 consecutive years of highest covered earnings after 1950, computed without regard to the limitations which specify a maximum amount of earnings creditable and taxable under social security.

Mr. President, the objective of these provisions is to avoid the payment of combined amounts of social security benefits and workmen's compensation payments that would be excessive in comparison to the beneficiary's earnings before he became disabled.

I point out that the matter of a sum of money is not the total consideration here. The man who has an injured spine or the man who has twisted limbs for all intents and purposes is totally disabled. It should not be necessary for me to impress upon Senators the financial hardship to a worker and his family when the worker's combined social security disability benefits and workmen's compensation payments amount to less than he earned at the time he became disabled.

We must recognize, however, that workmen's compensation is not solely a replacement of lost earnings but is, in part, compensation for pain and loss of function for which the disabled worker might otherwise secure recompense through legal action against his employers. The present provisions are unduly restrictive and result in severe hardships for disabled workers and their families.

A worker's total disability will usually give rise to substantial expenses in addition to the family's continuing regular expenses, particularly in health care and medical expenses. Limiting the combined benefits that are payable to 80 percent of the average current earnings has in many instances caused a significant reduction in the family's living standard. The family's long-term commitments, such as mortgages and time purchases, cannot be reduced accordingly, and in some cases, long-time plans for college educations for children evaporate.

A worker's average current earnings are calculated for purposes of the existing provision on the basis of his earnings over a protracted period, rather than his earnings just before disablement. There are documented cases in which a worker received substantial increases in wages or earnings in the year prior to his disability, and accordingly increased his standard of living. Families often suffer a sharp drop in income upon disablement of the breadwinner which is significantly below 80 percent of the worker's latest earnings.

To correct these inequities, the House committee decided that the allowable

amount of combined workmen's compensation and social security disability benefits should be increased. The House amendment would raise the combined payments allowable to 100 percent of the worker's average current earnings.

This provision was deleted by the Senate Finance Committee in its consideration of the social security bill because, as I stated, members of the committee felt the combined benefits to which the disabled worker is justly entitled might be an excessive reward for his disablement, or might somehow discourage him from entering a rehabilitation program.

Mr. President, I believe there is no certain sum of money that can adequately compensate for a broken spine, twisted or missing limbs. I believe that no workingman who is a productive member of our society would trade places with his disabled brother who, along with his family, must face the future with something less than pride of achievement and promising outlook.

The human spirit, I submit, can be as sorely wounded as the human body.

I strongly support our amendment which would provide that, in a case in which workmen's compensation is payable, social security disability benefits will be reduced only by the amount by which the combined payments exceed 100 percent of the worker's average earnings before he became disabled. I remind Senators—and I emphasize this point—that such a formula will not necessarily bring a worker up to his level of earnings just prior to disability. I urge the Members of the Senate to join in assuring that disabled workers receive fair and equitable treatment under the laws governing disability payments.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, in this bill we have liberalized the definition of disability for welfare purposes to provide that the person is regarded as disabled if he is unable to work at gainful employment for 1 year because of illness or disability. In the years when we first started working on disability, I was one of those Senators seeking to provide assistance to disabled persons. I joined as a cosponsor in the amendment to insure people under social security for disability. But we have two kinds of situations that develop. We have situations where people are disabled for 1 year or a year and a half and after a while they overcome that disability and they are able to go to work, and we hope they do go to work.

If they are to receive as much money in social security plus workmen's compensation as they would receive if they went to work, where is the incentive to go to work? They would lose those benefits if they went back to work, so the incentive would be not to go to work.

The Senator pointed to a situation where the person is truly totally disabled. Let us assume the person had a back injury and is never able to work again. It can well be argued in that case we should let him have 100 percent of what he would make if he went to work. That would be a reasonable compromise between the Senate provision and the House provision because the House would do that which the Senator seeks and say the person can have 100 percent in social security and disability of what he earned prior to being disabled.

However, if the Senator's amendment prevails, we could have only the House position in conference, and even though a person would have a disability that lasted only a year or a year and a few months, the incentive would be not to go to work because that person would get as much money by not working as he would for working. In that case it would make good logic, as in the Senate provision, and as the committee sought to do, that he get only 80 percent as much in social security and disability insurance and in disability benefits under workmen's compensation as 80 percent of what his pay would be, hoping that the other 20-percent advantage would entice him to go to work.

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

Mr. LONG. I yield.

Mr. CURTIS. Will the distinguished chairman tell me what the tax consequences are of disability benefits and workmen's compensation?

Mr. LONG. It is tax exempt; so as a practical matter, this amendment would mean, when taxes are taken into consideration, the person who is disabled would actually be better off in terms of money if we take the 100 percent amendment because he would pay no taxes on his social security disability benefits while his earnings would be taxed if he went to work.

Mr. CURTIS. What would be the situation with reference to expenses of employment, the expenses of going to and from employment, lunch away from home, and that sort of thing? Those would be expenses that would fall on the individual who was employed, would they not?

Mr. LONG. Well, presumably, it costs him money to go to work. Those are expenses a man would incur going to work so that would come out of his wages. I had not made that argument, but if that were taken into consideration, he would be worse off if he goes back to work.

If one were to take taxes into consideration and expenses in going to work, a person would be better off to continue to draw social security benefits and workmen's compensation benefits than to go to work, so if there is to be any incentive to get him back to work, the Senate will have to do at least part of what the Committee on Finance did, in trying to place the emphasis on work, hoping the person would go to work and make more and improve his ability to do a better job rather than draw the social security and disability insurance, and decline to go to work.

Mr. HARRIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. HARRIS. Mr. President, I think the colloquy we just heard between the Senator from Nebraska and the Senator from Louisiana, with all due respect, does not take into account the real situation of the man who receives benefits because he is totally disabled and is receiving what he paid for. That is the insurance he paid for. This is not some welfare program we are giving him out of the goodness of our hearts. He paid for that and he is entitled to it.

Furthermore, it leaves out the consideration that a man who has been injured on the job and has been adjudicated to be entitled to workmen's compensation because of the fact he has been injured is not better off if he gets the same amount of money. That argument does not take into account that the man has been injured. He had pain and suffering in addition to the loss of his wages. Therefore, it is not correct to say just because he gets what is coming to him, and what he has paid for under the Social Security System, and just because he is receiving what he is entitled to under the law—workmen's compensation, not only for loss of wages but pain and suffering—that he should be held to 80 percent of what he made before. That does not make him whole. He is entitled to 100 percent and that is what the House said in their bill.

Mr. President, this amendment would restore the House-passed provision relating to the reduction of social security benefits when workmen's compensation is also payable.

Under present law, social security benefits are required to be reduced when workmen's compensation is also payable and when the combined payments exceed 80 percent of average current earnings before disablement.

The House amended this provision. The House bill called for a reduction in benefits by the amount by which the combined payments under both programs exceed 100 percent of average current earnings before disability.

This amendment applies to only about 60,000 persons and would cost only about $7 million annually.

I believe a strong case can be made to restore the House language.

A convincing argument for the House provision is made in the report of the Committee on Ways and Means, wherein it is stated:

> Workmen's compensation is not solely a replacement of lost earnings but is, in part, compensation for pain and loss of function for which the disabled worker might otherwise secure recompense through legal action against his employer. It should, therefore, not be necessary to limit a worker's combined social security disability benefits and workmen's compensation payments to less than he earned before becoming disabled . . . Limiting the combined benefits that are payable to 80 percent of average current earnings has in many instances caused a significant reduction in the family's standard of living in comparison with the level attained by the worker at the time of disablement.

The argument is sometimes made that raising the ceiling for combined workmen's compensation and social security disability benefits to 100 percent of the worker's average earnings—during the 5 years of highest earnings—may in some cases result in combined benefits that are larger than the worker's earnings before his disablement.

However, we know that as a rule a worker's wage increases year by year, and over a 5-year period the earnings at the end of the 5-year period are almost always higher than the average for the 5 years.

The argument is also made that since current earnings of a worker are taxable, and social security benefits and workmen's compensation benefits are not, that a 100-percent ceiling on combined benefits could exceed the worker's predisability take-home pay and thereby reduce the incentive of the worker to attempt to become rehabilitated for gainful employment.

There is no merit in this argument. Most of the workers affected by this amendment are workers in the lower income brackets and the taxes involved are relatively small. But, more importantly, a disabled worker's motivation for vocational rehabilitation is strong and would not be influenced by a small amount of additional money that might be received by a worker by reason of not having to pay taxes.

As a matter of basic fairness, a disabled worker should be entitled to 100 percent of average earnings before social security benefits to such worker also receiving workmen's compensation would be reduced.

I yield 1 minute to the Senator from West Virginia.

Mr. RANDOLPH. For the purpose of a question.

Mr. HARRIS. I yield.

Mr. RANDOLPH. It is correct that the worker has been injured and that is why he receives workmen's compensation. Is that correct?

Mr. HARRIS. The Senator is absolutely correct.

Mr. RANDOLPH. He was not on welfare. He was not a drag upon society. He was the breadwinner. He was the head of the family, and the injury which came to him in discharge of his honest labor brought to him a total disability which makes it impossible for him to return to his employment. Is that not correct?

Mr. HARRIS. That is absolutely correct.

Mr. RANDOLPH. Certainly in this amendment we are not seeking to bring an incentive to loaf. Rather, we are asking only equity for a worker who became disabled while engaged in gainful employment.

As some Senators have stated, the combined payments for a limited number of workers will exceed the amount of money such workers were earning at the time of disability. But in most situations this will not be true because of the average earnings formula.

Mr. HARRIS. The Senator is quite correct, and I say, in closing, I am very grateful that the distinguished Senator from West Virginia brought this matter so forcefully to the attention of the Senate Finance Committee. I am pleased to join with him now in bringing it to the attention of the Senate.

I urge the adoption of the amendment.

I am prepared to yield back my time.

Mr. LONG. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "yea."

Mr. GRIFFIN. I announce the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. SAXBE) and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from New York would vote "yea" and the Senator from South Dakota would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 46, nays 20, as follows:

[No. 451 Leg.]

YEAS—46

Allen	Holland	Pell
Baker	Hughes	Percy
Bayh	Jackson	Proxmire
Bible	Javits	Randolph
Boggs	Jordan, N.C.	Ribicoff
Brooke	Jordan, Idaho	Schweiker
Byrd, W. Va.	Kennedy	Scott
Cannon	Magnuson	Sparkman
Case	Mansfield	Spong
Cook	Mathias	Stevenson
Cooper	McGovern	Symington
Cranston	McIntyre	Talmadge
Ellender	Metcalf	Williams, N.J.
Ervin	Mondale	Yarborough
Harris	Moss	
Hartke	Nelson	

NAYS—20

Aiken	Griffin	Pearson
Allott	Gurney	Prouty
Bellmon	Hansen	Smith
Byrd, Va.	Hruska	Stennis
Curtis	Long	Thurmond
Dole	Miller	Williams, Del.
Fannin	Packwood	

NOT VOTING—34

Anderson	Goodell	Murphy
Bennett	Gore	Muskie
Burdick	Gravel	Pastore
Church	Hart	Russell
Cotton	Hatfield	Saxbe
Dodd	Hollings	Stevens
Dominick	Inouye	Tower
Eagleton	McCarthy	Tydings
Eastland	McClellan	Young, N. Dak.
Fong	McGee	Young, Ohio
Fulbright	Montoya	
Goldwater	Mundt	

So Mr. HARRIS' amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I think we should point out to the Senate just what has been done by this last rollcall vote. Congress has just made it possible for a man who is drawing social security and unemployment combined to equal 100 percent of what he would make if he were working full time, his total wages. That sounds nice; but the fact is that if he works his earnings are taxable, and the social security and the unemployment insurance are not taxable. The net effect of what we have just done here is that a man who does not work gets about 30 percent more than if he goes back on the payroll. So we would be paying him a 30-percent premium not to go back on the payroll.

Unfortunately, this is not in conference; this is now in both bills. I just cannot understand the Senate's taking this position.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment, the question is on the engrossment of the amendments and the third reading of the bill.

AMENDMENT NO. 1114

Mr. HARRIS. Mr. President, I call up my amendment No. 1114 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Strike out the table which appears on pages 7 and 8 of the bill, and insert in lieu thereof the following new table:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I (Primary insurance benefits under 1939 act, as modified)		II (Primary insurance amount under 1969 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
	$26.94	$90.60 or less	----------	$113	$100.00	$150.00
$26.95	27.46	91.90	$114	118	101.10	151.70
27.47	28.00	93.30	119	122	102.70	154.10
28.01	28.68	94.70	123	127	104.20	156.30
28.69	29.25	96.20	128	132	105.90	158.90
29.26	29.68	97.50	133	136	107.30	161.00
29.69	30.36	98.80	137	141	108.70	163.10
30.37	30.92	100.30	142	146	110.40	165.60
30.93	31.36	101.70	147	150	111.90	167.90
31.37	32.00	103.00	151	155	113.30	170.00
32.01	32.60	104.50	156	160	115.00	172.50
32.61	33.20	105.80	161	164	116.40	174.60
33.21	33.88	107.20	165	169	118.00	177.00
33.89	34.50	108.60	170	174	119.50	179.30
34.51	35.00	110.00	175	178	121.00	181.50
35.01	35.80	111.40	179	183	122.60	183.90
35.81	36.40	112.70	184	188	124.00	186.00
36.41	37.08	114.20	189	193	125.70	188.60
37.09	37.60	115.60	194	197	127.20	190.80
37.61	38.20	116.90	198	202	128.60	192.90
38.21	39.12	118.40	203	207	130.30	195.50
39.13	39.68	119.80	208	211	131.80	197.70
39.69	40.33	121.00	212	216	133.10	199.70
40.34	41.12	122.50	217	221	134.80	202.20
41.13	41.76	123.90	222	225	136.30	204.50
41.77	42.44	125.30	226	230	137.90	206.90
42.45	43.20	126.70	231	235	139.40	209.10
43.21	43.76	128.20	236	239	141.10	211.70
43.77	44.44	129.50	240	244	142.50	214.80
44.45	44.88	130.80	245	249	143.90	219.20
44.89	45.60	132.30	250	253	145.60	222.70
		133.70	254	258	147.10	227.10
		134.90	259	263	148.40	231.50
		136.40	264	267	150.10	235.00
		137.80	268	272	151.60	239.40
		139.20	273	277	153.20	243.80
		140.60	278	281	154.70	247.30
		142.00	282	286	156.20	251.70
		143.50	287	291	157.90	256.10
		144.70	292	295	159.20	259.60
		146.20	296	300	160.90	264.00
		147.60	301	305	162.40	268.40
		148.90	306	309	163.80	272.00
		150.40	310	314	165.50	276.40
		151.70	315	319	166.90	280.80
		153.00	320	323	168.30	284.30
		154.50	324	328	170.00	288.70
		155.90	329	333	171.50	293.20
		157.40	334	337	173.10	296.60
		158.60	338	342	174.50	301.00
		160.00	343	347	176.00	305.40
		161.50	348	351	177.70	308.90
		162.80	352	356	179.10	313.30
		164.30	357	361	180.80	317.70
		165.60	362	365	182.20	321.20
		166.90	366	370	183.60	325.60
		168.40	371	375	185.30	330.00
		169.80	376	379	186.80	333.60
		171.30	380	384	188.50	338.00
		172.50	385	389	189.80	342.40
		173.90	390	393	191.30	345.90
		175.40	394	398	193.00	350.30
		176.70	399	403	194.40	354.70
		178.20	404	407	196.10	358.20
		179.40	408	412	197.40	362.60
		180.70	413	417	198.80	367.00
		182.00	418	421	200.20	370.50
		183.40	422	426	201.80	374.90
		184.60	427	431	203.10	379.30
		185.90	432	436	204.50	383.70
		$187.30	$437	$440	$206.10	$385.50
		188.50	441	445	207.40	387.70
		189.80	446	450	208.80	389.90
		191.20	451	454	210.40	391.60
		192.40	455	459	211.70	393.80
		193.70	460	464	213.10	396.00
		195.00	465	468	214.50	397.80
		196.40	469	473	216.10	400.00
		197.60	474	478	217.40	402.20
		198.90	479	482	218.80	404.00
		200.30	483	487	220.40	406.20
		201.50	488	492	221.70	408.40
		202.80	493	496	223.10	410.10
		204.20	497	501	224.70	412.30
		205.40	502	506	226.00	414.50
		206.70	507	510	227.40	416.30
		208.00	511	515	228.80	418.50
		209.30	516	520	230.30	420.70
		210.60	521	524	231.70	422.40
		211.90	525	529	233.10	424.60
		213.30	530	534	234.70	426.80
		214.50	535	538	236.00	428.60
		215.80	539	513	237.40	430.80
		217.20	544	548	239.00	433.00
		218.40	549	553	240.30	435.20
		219.70	554	556	241.70	536.50
		220.80	557	560	242.90	438.30
		222.00	561	563	244.20	539.60
		223.10	564	567	245.50	441.40
		224.30	568	570	246.80	442.70
		225.40	571	574	248.00	444.40
		226.60	575	577	249.30	445.80
		227.70	578	581	250.50	447.50
		228.90	582	584	251.80	448.80
		230.00	585	588	253.00	450.60
		231.20	589	591	254.40	451.90
		232.30	592	595	255.60	453.70
		233.50	596	598	256.90	455.00
		234.60	599	602	258.10	456.80
		235.80	603	605	259.40	458.10
		236.90	606	609	260.60	459.80
		238.10	610	612	262.00	461.20
		239.20	613	616	263.20	462.90
		240.40	617	620	264.50	464.70
		241.50	621	623	265.70	466.00
		242.70	624	627	267.00	467.80
		243.80	628	630	268.20	469.40
		245.00	631	634	269.50	471.70
		246.10	635	637	270.80	473.90
		247.30	638	641	272.10	476.20
		248.40	642	644	273.30	478.30
		249.60	645	648	274.60	480.60
		250.70	649	650	275.80	482.70
			651	655	276.80	484.40
			656	660	277.80	486.20
			661	665	278.80	487.90
			666	670	279.80	489.70
			931	935	332.80	582.40
			936	940	333.80	584.20
			941	945	334.80	585.90
			946	950	335.80	587.70
			951	955	336.80	589.40
			956	960	337.80	591.20
			961	965	338.80	592.90
			966	970	339.80	594.70
			971	975	340.80	596.40
			976	980	341.80	598.20
			981	985	342.80	599.90
			986	990	343.80	601.70
			991	995	344.80	603.40
			996	1,000	345.80	605.20".

On page 72, line 24, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 73, line 19, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 74, line 6, strike out "$9,000" and insert in lieu thereof "$12,000".

One page 74, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 74, line 24, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 75, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 2, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 5, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 17, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 23, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 77, line 1, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 77, line 12, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 77, line 19, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 78, line 6, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 78, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 78, line 17, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 83, line 5, strike out "6.6" and insert in lieu thereof "6.15".

On page 83, line 23, strike out "4.4" and insert in lieu thereof "4.1".

On page 84, line 4, strike out "1984, and 1985," and insert in lieu thereof "and 1984,".

On page 84, line 7, strike out "1985" and insert in lieu thereof "1984".

On page 84, line 7, strike out "6.1" and insert in lieu thereof "S. 85".

On page 84, line 20, strike out "4.4" and insert in lieu thereof "4.1".

On page 84, line 25, strike out "1984, and 1985," and insert in lieu thereof "and 1984,".

One page 85, line 2, strike out "1985" and insert in lieu thereof "1984".

On page 85, line 2, strike out "6.1" and insert in lieu thereof "5.85".

On page 85, line 17, strike out "1973" and insert in lieu thereof "1972".

On page 85, line 18, strike out "0.8" and insert in lieu thereof "0.7".

On page 85, line 22, strike out "1972" and insert in lieu thereof "1971".

On page 85, line 23, strike out "0.9" and insert in lieu thereof "0.8".

On page 86, line 2, strike out "1.0" and insert in lieu thereof "0.9".

On page 86, line 5, strike out "1.1" and insert in lieu thereof "1.0".

On page 86, line 21, strike out "years 1971 and 1972" and insert in lieu thereof "year 1971".

On page 86, line 21, strike out "0.8" and insert in lieu thereof "0.7".

On page 86, line 23, strike out "1973" and insert in lieu thereof "1972, 1973,".

On page 86, line 23, strike out "0.9" and insert in lieu thereof "0.8".

On page 87, line 2, strike out "1.0" and insert in lieu thereof "0.9".

On page 87, line 4, strike out "1.1" and insert in lieu thereof "1.0".

On page 87, line 18, strike out "years 1971 and 1972" and insert in lieu thereof "year 1971".

On page 87, line 18, strike out "0.8" and insert in lieu thereof "0.7".

On page 87, line 20, strike out "1973" and insert in lieu thereof "1972, 1973".

On page 87, line 20, strike out "0.9" and insert in lieu thereof "0.8".

On page 87, line 23, strike out "1.0" and insert in lieu thereof "0.9".

On page 88, line 2, strike out "1.1" and insert in lieu thereof "1.0".

Mr. HARRIS. Mr. President, this amendment has to do with the financing of the——

Mr. MANSFIELD. Mr. President, will the Senator agree to a time limitation on this one?

Mr. HARRIS. Mr. President, may I say in response that as far as I am concerned, on this amendment, which has to do with the financing of social security benefits, which I shall offer, and then for myself and Senators JAVITS and MCGOVERN on my amendment No. 1172, which has to do with the elimination of the present law requiring maintenance of effort by a State in regard to medicaid, and then on two amendments which I shall offer together with the distinguished Senator from New York (Mr. JAVITS) on child care, I do not see how we could get to the two child care amendments tonight, that being a matter of such great importance that I do not see how now, at 15 minutes until 11, we could get into that, or that we could agree to a time limitation.

What I think would be a better procedure—and I would propose it to the majority leader—considering that we have moved along rather rapidly on what is a terribly complicated bill, and according to the last vote, I believe we are now down to about 66 Members of the Senate out of 100, if we might agree that these are the only four amendments remaining, we could perhaps agree to a time limitation on the first two and put all of them over until tomorrow, or, failing that, perhaps agree to a time limitation on the first two tonight, though it is awfully late, and then agree that the two amendments on child care which Senator JAVITS and I shall offer would be the only two remaining amendments before third reading and that they would come up tomorrow. But at this time we would not be in a position—and I think I speak for the distinguished Senator from New York as well as myself—to agree to a time limitation on those latter two.

I yield to the Senator from New York so that he may comment on this last point, Mr. President.

Mr. JAVITS. I think the Senate should be advised on this matter, so that it will not appear that the Senator from Oklahoma and I are failing to cooperate with the majority leader with respect to a limitation.

The fact is that here we are dealing with a new child care corporation with a $50 million initial capital and in the context of the following additional factors:

First, the corporation would be moving into a field in which we now spend somewhere around $500 million a year;

Second, we have just had the White House Conference on Children, with the objective of providing for the educational and other development of youth; and

Third, we have very comprehensive bills by a number of Senators on the entire matter of child care.

The question which faces us is, Will the establishment of the child care corporation preempt or conflict with these additional factors?

Nonetheless, I have agreed with Senator HARRIS that we will go through with it and do our utmost to inform the Senate, and let the Senate exercise its will. It will require a matter of a few hours, probably, in order to really begin to deal with the subject. I hope Senators will understand that with all the good will in the world, to expedite it every way in the world, we simply cannot deal so rapidly with a subject of that size.

Senators will remember that I raised this question when the motion to recommit was made. It is in the bill; the Senator from Louisiana felt strongly that he wanted it in the bill. That is all right, however, we also have some rights as to advise the Senate to what we who have been working on it for months think ought to be done about it.

Mr. MANSFIELD. Would the Senator suggest a time for the two amendments which he mentioned would be amenable to such a proposal?

Mr. HARRIS. As far as I am concerned, on the first two amendments which I have listed, I would be glad to agree to a 30-minute time limitation, 15 minutes to a side. But I would prefer—it seems to me that would not hold the Senate up unduly—that they be the first order of business tomorrow, rather than go on late tonight. As I have said, there are only 66 Senators here, and I think it would be better to start on this tomorrow. I would agree to a total of an hour on both amendments, equally divided. Then we could go to the child care amendments and perhaps agree tonight that they would be the last amendments tomorrow prior to third reading.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Would the Senator agree on a 30-minute limitation on the two amendments tonight? The Senator has mentioned the number 66 several times. The highest number of Senators we have had has been 69. So that indicates that the Senators are sticking around pretty closely.

I would suggest most respectfully to the Senator from Oklahoma that as long as we have gone this far, we ought to at least take up the next two amendments and then see whether we can come to an agreement on the other two for tomorrow, if not tonight.

Mr. HARRIS. Mr. President, I want to be as agreeable as possible, and I think I have been earlier today with respect to the other amendments that have been involved. Many amendments are not being offered by myself and others because of the press of time, although they are almost of equal importance to those which have been offered.

Perhaps we could make it part of one total agreement that we would finish up these two amendments tonight with 30 minutes each, the time to be equally divided—that is, a total of an hour tonight—and I would hope that we would not use all that time; then the only remaining amendments would be the two child care amendments, which could be taken up tomorrow prior to third reading. Perhaps we could make that one package and thereby shorten the work of the Senate.

Mr. MANSFIELD. Would the Senator agree—as I assume he will—that there be a 30-minute limitation, the time to be equally divided, under the usual procedure, for tonight, and that at the conclusion, with no time limitation interspersed on the two remaining amendments, the Senate go to third reading on the bills, and that at that time there be an hour on the bill itself?

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, let us understand this. I do not quite get it. Could we have the unanimous-consent request repeated?

The PRESIDING OFFICER. The understanding is that the unanimous-consent request is that on the two amendments tonight there be a half hour, equally divided between the proponents and the opponents; that two amendments would be offered tomorrow upon which no time limit would apply; and that there would be 1 hour after the third reading of the bill, a 1-hour limit on the debate, to be equally divided.

Mr. SCOTT. Mr. President, reserving the right to object, may I inquire why no time limit would apply?

Mr. MANSFIELD. The distinguished Senator from New York indicated that he would have a great deal of explaining

to do because it covers such a wide and extensive area.

Mr. SCOTT. Let us fix the time.

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

Mr. HARRIS. I yield.

Mr. HOLLAND. In the proposed unanimous-consent request, is there also wording limiting the remaining amendments to the four about which we are talking?

Mr. MANSFIELD. Yes, indeed.

Mr. HOLLAND. I did not hear that statement.

The PRESIDING OFFICER. The unanimous-consent request is that no further amendments would be in order other than the four amendments, two to be disposed of tonight, and two to be disposed of tomorrow.

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

Mr. MILLER. Mr. President, may I understand the Senator? I feel confident that I know what he is trying to do. Can we agree that the two amendments that we are talking about for tomorrow be the amendments relating to the child care provisions in the bill?

Mr. MANSFIELD. That is my understanding.

Mr. HARRIS. That is correct.

Mr. LONG. Further, can we agree that this does not bar technical amendments which must be offered on behalf of the committee?

Mr. MANSFIELD. That is perfectly acceptable.

The PRESIDING OFFICER. Technical amendments will be excluded.

Mr. MATHIAS. Mr. President, reserving the right to object, would the distinguished majority leader amend his unanimous consent request to include one amendment which has been printed, which I have offered?

Mr. MANSFIELD. Would the Senator agree to a time limitation?

Mr. MATHIAS. Yes.

Mr. MANSFIELD. How much?

Mr. MATHIAS. Half an hour.

Mr. MANSFIELD. And a half hour on the amendment to be offered by the distinguished Senator from Maryland (Mr. MATHIAS).

Mr. MATHIAS. This is the amendment which involves the State taxation of interstate commerce.

Mr. MANSFIELD. The time to be equally divided, under the usual procedure.

The PRESIDING OFFICER. The agreement would also include one amendment to be offered by the Senator from Maryland (Mr. MATHIAS), a time limitation of one-half hour, 15 minutes to each side.

Mr. HARRIS. Reserving the right to object, would that amendment come up tonight?

Mr. MANSFIELD. We hope so.

Mr. GRIFFIN. Mr. President, further reserving the right to object, can we have the two amendments on which there is no time allotted identified by number?

Mr. HARRIS. Not at the present time, but I can show them to the Senator. We are in the process of getting the exact language on one. Both relate to child care, and they will be offered jointly by the distinguished Senator from New York and myself. We can give the Senator a copy of it in just a moment.

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

The unanimous consent agreement later prepared in statement form reads as follows:

Ordered, That, effective on Tuesday, December 29, 1970, during the further consideration of H.R. 17550, an Act to amend the Social Security Act, etc., the only amendments, except technical amendments to be offered by the manager of the bill (Mr. Long), that will be in order will be two amendments relating to child-care to be offered jointly by the Senators from Oklahoma and New York (Mr. Harris and Mr. Javits). Third reading of the bill will immediately follow disposition of any technical amendments and the two child-care amendments.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to one hour, to be equally divided and controlled, respectively, by the majority and minority leaders, or their designees.

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HARTKE). The Senator will state it.

Mr. YARBOROUGH. If we take the two or three amendments tomorrow, whichever it is, with the time limitation for debate on the bill, at what hour would the final vote on the bill take place?

Mr. MANSFIELD. It is difficult to say, because we do not know how much time will be consumed on the two child care amendments.

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object—I did not understand the request of the Senator from Maryland. Is his amendment germane to the social security bill?

Mr. MATHIAS. The amendment is to add a new section dealing with limiting the State taxation of interstate commerce.

Mr. HOLLAND. Mr. President, I thought the Senate had committed itself to consideration only of social security matters.

The PRESIDING OFFICER. The time is now under control, under the unanimous-consent agreement.

Who yields time?

Mr. HARRIS. I yield myself 5 minutes.

Mr. President, the amendment which is presently before the Senate has to do with the financing of the social security benefits which, in effect, are now a part of the bill which will be adopted. Under the committee provision, the increased social security benefits—that is, primarily the increase of 10 percent in social security benefits and the $100 minimum and the other improved benefits in the bill—would be financed by raising the taxable wage base to $9,000 and then by making certain increases in the tax rate itself. The amendment I offer would raise the taxable wage base to $12,000 instead of the $9,000 which the committee recommends.

It would make certain adjustments in the tax rate over time, but it has this one other counter cyclical economic aspect: There is presently a tax rate increase written into the law, whether this bill is passed or not, which would go into effect on January 1, 1971, raising the tax rate by 0.4 percent. The amendment I offer would increase the taxable wage base to $12,000. It would put off for 1 year the 0.4 percent tax rate increase now in the law, and then it would make certain other adjustments in the tax rate over term.

Mr. President, I think it is important to do this for two very basic reasons. One, as I have indicated earlier, I am firmly convinced that the social security tax rate represents presently a regressive tax system. It is a flat rate. It is not graduated on the basis of income. Furthermore, it is limited in the total amount of salary upon which the tax is levied.

Under the Senate bill, that would be $9,000, and therefore the average lower and middle income wage earner is overburdened, and overtaxed, paying more than his fair share of social security taxes as, unfortunately, is also true under our present income tax system.

The wage base in 1951, as I said earlier today in connection with another amendment, was $3,600. From time to time, Congress has increased that wage base until its present level is $7,800. That $7,800, by and large, represents an adjustment for increases in wages and increases in the cost of living since the original wage base was set.

To raise the taxable wage base not only makes the social security tax system more progressive; that is, based more on the ability to pay, but also widens the coverage so that those who would receive benefits under the social security system would more nearly receive benefits on their retirement or disability which are in accordance with the wages they had received while earning wages.

Second, the amendment which I offer would have another important aspect and that is the economic effect of avoiding too immediate increase in the tax rate, deferring for 1 year the effective date of present law, raising tax rates by four-tenths of 1 percent.

Mr. President, this country is in a serious recession. There are millions of people who are needlessly out of work because of the mistaken and misguided fiscal and monetary policies which have consciously been made effective during this administration by its policies.

What we need to do now is to stimulate consumer demand and spur the economy of the country; otherwise, I sadly fear that unemployment which now stands at 5.8 percent is going to get worse, and we will continue with a needlessly slack economy, with jobless lines needlessly long. If on the 1st of January, at a time when we are in a recession, when the economy is down and unemployment is up, we put into effect an increase in the social security tax rate, taking out of the private economy additional millions of dollars, we will add to the recession and the slump in the economy.

What we should be doing is spurring consumer demand. What we will do, unless this amendment is enacted, will be to add to the recession and take more out of the consumers' hands and more money out of the private economy. What I propose to do is to make the social security tax system more progressive by

increasing the wage base taxable up to $12,000 rather than $9,000. I would postpone the four-tenths of 1 percent tax rate increase that would otherwise go into effect under present law except for this amendment and increase the tax rate over time after that. By this amendment, there would continue to be a cash surplus in the social security accounts. There would not be a deficit in any year. And over term, as the actuaries for social security have made clear, the fund would continue to be actuarially sound.

Mr. MILLER. Mr. President, will the Senator from Louisiana yield me 2 minutes?

Mr. LONG. I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. The argument advanced by the Senator from Oklahoma on his pending amendment is about the same as those advanced by him in connection with an earlier amendment, which was substantially defeated by the Senate. He keeps insisting that social security taxes are regressive.

As I said earlier, everyone knows that. It has always been that way. As long as we adhere to the concept of social insurance, it always will be that way.

Now, if the Senator from Oklahoma does not want to have regressive taxation, he does not want to have social insurance, he wants to have welfare.

We might as well throw out the whole social security tax system, legislate the benefits, and take it all out of the general fund of the Treasury; and we can make an argument for that, too.

As a matter of fact, the Senator from Iowa believes that, in connection with benefits relating to the $100 minimum, there will be hundreds of millions of dollars of unfunded liability connected with such a provision. Many of these people will receive $100 minimum even though they have only paid a fraction in taxes necessary to support that $100 minimum. So that if we do not take the money needed to pay for it out of the general fund of the Treasury, we will take it out of the hides of the workers and especially the ones I am concerned about, the lower paid workers trying to maintain their families and getting caught with social security taxes needed to underwrite this $100 minimum. That, to me, is not fair.

I think the way to handle this would be to take the money out of the general fund of the Treasury into which taxes are generally paid according to relative ability to pay.

If the Senator from Oklahoma wants to do that, I would join him in that; but that only. Because it relates to benefits that have not been funded by the social security taxes paid by the recipients. That is a unique aspect of social security which is not social insurance. It is welfare. But if we are going to adhere to the concept of social security as being social insurance, then I think we had better understand that we are going to have to pay taxes in proportion to the benefits each of us will be entitled to. This is a regressive approach, but it is the necessary approach if we are going to stick with the concept of social insurance.

People do not go out and buy insurance policies and pay different premiums according to their relative income. Relative income is beside the point. This is a regressive approach. But that is the way to pay for insurance. I think that we should be pretty chary about changing the concept of social insurance. And that is what we will be doing if the Senator from Oklahoma's amendment is adopted.

Mr. HANSEN. Mr. President, will the Senator from Louisiana yield me 2 minutes?

Mr. LONG. I yield 2 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I too rise to express my opposition to the amendment proposed by the Senator from Oklahoma.

The amendment would revise the financing of the committee bill by increasing the tax base—$7,800 under present law and $9,000 under the committee bill—to $12,000 a year and by revising the schedule of taxes.

Under the committee bill, employer and employee taxes are each scheduled to increase from 5.2 percent next year—this is also the rate under present law—to 5.5 percent in 1972 and rising in a number of steps until they reach 7.6 percent for 1986 and after.

Under this schedule, a person earning $9,000 or more will pay social security taxes of $495 in 1972 and $684 in 1986 and after.

Under amendment No. 1114, the tax rates under the committee bill would be reduced so that in 1972 the rate would be 5.2 percent and rising in a number of steps to 7.25 percent in 1985 and after.

Under this schedule, a person earning $12,000 or more will pay social security taxes of $624 in 1972 and $870 in 1986 and after.

The amendment fails to take into account the need to revise the proportion of social security taxes allocated to the disability insurance trust fund which arises when the tax base and schedule of tax rates is revised.

I would point out that the amendment was offered in the committee and was voted down. I think it is unfair to impose these rates on higher incomes and thus make this, as has been pointed out by the distinguished Senator from Iowa (Mr. MILLER), a welfare bill instead of a social security bill.

I hope that the Senate will reject the amendment.

Mr. HARRIS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 2 additional minutes.

Mr. HARRIS. Mr. President, I point out in closing that this amendment postpones for an additional year the increase in the tax rate from 4.8 to 5.2 percent which is otherwise scheduled to go into effect in January 1971, under present law. Instead of the increase in the wage base from $7,800 to $9,000, the amendment would increase the wage base to $12,000.

The amendment provides for actuarial soundness, with less of an increase in the tax rate over a period of years than recommended by the Senate committee.

The amendment is important because the committee bill and the House bill do not properly take into account the economic impact of the financing provisions in the proposals and do not take into account the presently regressive nature of the social security tax system.

Unless the rate increase is postponed, it will have a seriously dampening effect on consumer demand at a time when the economy is much too sluggish and unemployment too high. Stimulation of consumer demand through postponement of the presently scheduled tax rate increase and through increased benefits would not be inflationary in my view and in the view of eminent economists such as Arthur Okun, Chairman of the Economic Advisers, and others, by serving to cause expanded production volume, allowing some reduction in unit cost.

By increasing the wage base, rather than the tax rate, the social security tax system would be made more progressive.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. LONG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The yeas and nays were not ordered.

Mr. HARRIS. 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. LONG. 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. LONG. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), and the

Senator from Ohio (Mr. YOUNG) are necessarily absent.

On this vote, the Senator from Rhode Island (Mr. PASTORE) is paired with the Senator from North Carolina (Mr. ERVIN).

If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from North Carolina would vote "nay."

Mr. GRIFFIN. I announce the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from Utah (Mr. BENNETT), the Senator from Ohio (Mr. SAXBE), and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from South Dakota (Mr. MUNDT) would each vote "nay."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from New York would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 24, nays 40, as follows:

[No. 452 Leg.]

YEAS—24

Bayh	Jackson	Moss
Brooke	Javits	Pell
Byrd, W. Va.	Kennedy	Proxmire
Case	Magnuson	Randolph
Cranston	Mansfield	Ribicoff
Harris	McGovern	Stevenson
Hartke	Metcalf	Williams, N.J.
Hughes	Mondale	Yarborough

NAYS—40

Aiken	Fannin	Percy
Allen	Griffin	Prouty
Allott	Hansen	Schweiker
Baker	Holland	Scott
Bellmon	Hruska	Smith
Bible	Jordan, N.C.	Sparkman
Boggs	Jordan, Idaho	Spong
Byrd, Va.	Long	Stennis
Cannon	Mathias	Symington
Cook	McIntyre	Talmadge
Cooper	Miller	Thurmond
Curtis	Nelson	Williams, Del.
Dole	Packwood	
Ellender	Pearson	

NOT VOTING—36

Anderson	Goldwater	Montoya
Bennett	Goodell	Mundt
Burdick	Gore	Murphy
Church	Gravel	Muskie
Cotton	Gurney	Pastore
Dodd	Hart	Russell
Dominick	Hatfield	Saxbe
Eagleton	Hollings	Stevens
Eastland	Inouye	Tower
Ervin	McCarthy	Tydings
Fong	McClellan	Young, N. Dak.
Fulbright	McGee	Young, Ohio

So Mr. HARRIS' amendment No. 1114 was rejected.

The PRESIDING OFFICER. Under the unanimous-consent agreement the Senator from Maryland (Mr. MATHIAS) is recognized to call up his amendment.

Mr. MATHIAS. Mr. President, I call up my amendment No. 1112.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 540, after line 7, add the following:

"TITLE VII—TAXATION OF INTERSTATE COMMERCE

"SEC. 701. This title may be cited as the 'Interstate Taxation Act'.

"TABLE OF CONTENTS

"PART A. JURISDICTION TO TAX

"Sec. 702. Uniform jurisdictional standard.

"PART B. MAXIMUM PERCENTAGE OF INCOME OR CAPITAL ATTRIBUTABLE TO TAXING JURISDICTION

"Sec. 711. Optional two-factor formula.
"Sec. 712. Property factor.
"Sec. 713. Payroll factor.
"Sec. 714. Zero denominators.
"Sec. 715. Capital account taxes on domestic corporations.
"Sec. 716. Local taxes.

"PART C. SALES AND USE TAXES

"Sec. 721. Reduction of multiple taxation.
"Sec. 722. Exemption for household goods, including motor vehicles, in the case of persons who establish residence.
"Sec. 723. Treatment of freight charges with respect to interstate sales.
"Sec. 724. Liability of sellers on sales to business buyers.
"Sec. 725. Local sales taxes.

"PART D. EVALUATION OF STATE PROGRESS

"Sec. 731. Congressional committees.

"PART E. DEINITIONS AND MISCELLANEOUS PROVISIONS

"Subpart I. Definitions

"Sec. 741. Net income tax.
"Sec. 742. Capital stock tax; capital account tax.
"Sec. 743. Sales tax.
"Sec. 744. Use tax.
"Sec. 745. Gross receipts tax.
"Sec. 746. Excluded corporation.
"Sec. 747. Average annual income.
"Sec. 748. Sale; sales price.
"Sec. 749. Interstate sale.
"Sec. 750. Origin.
"Sec. 751. Destination.
"Sec. 752. Business location.
"Sec. 753. Location of property.
"Sec. 754. Location of employee.
"Sec. 755. Household deliveries.
"Sec. 756. State.
"Sec. 757. State law.
"Sec. 758. Taxable year.
"Sec. 759. Valuation date.
"Sec. 761. Permissible Franchise taxes.
"Sec. 762. Prohibition against geographical discrimination.
"Sec. 763. Applicability of Act.
"Sec. 764. Prohibition against out-of-State audit charges.
"Sec. 765. Liability with respect to unassessed taxes.
"Sec. 766. Effective dates.

"PART A—JURISDICTION TO TAX

"SEC. 702. UNIFORM JURISDICTIONAL STANDARD.

"No State or political subdivision thereof shall have power—

"(1) to impose a net income tax or capital stock tax on a corporation other than an excluded corporation unless the corporation has a business location in the State during the taxable year;

"(2) to require a person to collect a sales or use tax with respect to a sale of tangible personal property unless the person has a business location in the State or regularly makes household deliveries in the State; or

"(3) to impose a gross receipts tax with respect to a sale of tangible personal property unless the seller has a business location in the State.

A State or political subdivision shall have power to impose a corporate net income tax or capital stock tax, or a gross receipts tax with respect to a sale of tangible personal property, or to require seller collection of a sales or use tax with respect to a sale of tangible personal property, if it is not denied power to do so under the preceding sentence.

"PART B—MAXIMUM PERCENTAGE OF INCOME OR CAPITAL ATTRIBUTABLE TO TAXING JURISDICTION

"SEC. 711. OPTIONAL TWO-FACTOR FORMULA.

"A State or a political subdivision thereof may not impose on a corporation with a business location in more than one State, other than an excluded corporation or a corporation which has an average annual income in excess of $1,000,000, a net income tax (or capital stock tax) measured by an amount of net income (or capital) in excess of the amount determined by multiplying the corporation's base by an apportionment fraction which is the average of the corporation's property factor and the corporation's payroll factor for the State for the taxable year. For this purpose the base to which the apportionment fraction is applied shall be the corporation's entire taxable income as determined under State law for that taxable year (or its entire capital as determined under State law for the valuation date at or after the close of that taxable year).

"SEC. 712. PROPERTY FACTOR.

"(a) IN GENERAL.—A corporation's property factor for any State is a fraction, the numerator of which is the average value of the corporation's property located in that State and the denominator of which is the average value of all of the corporation's property located in any State.

"(b) PROPERTY INCLUDED.—The corporation's property factor shall include all the real and tangible personal property which is owned by or leased to the corporation during the taxable year, except—

"(1) property which has been permanently retired from use, and

"(2) tangible personal property rented out by the corporation to another person for a term of one year or more.

"(c) EXCLUSION OF PERSONALITY FROM DENOMINATOR.—The denominator of the corporation's property factor for all States and political subdivisions shall not include the value of any property located in a State in which the corporation has no business location.

"(d) STANDARDS FOR VALUING PROPERTY IN PROPERTY FACTORS.—

"(1) OWNED PROPERTY.—Property owned by the corporation shall be valued at its original cost.

"(2) LEASED PROPERTY.—Property leased to the corporation shall be valued at eight times the gross rents payable by the corporation during the taxable year without any deduction for amounts received by the corporation from subrentals.

"(e) AVERAGING OF PROPERTY VALUES.—The average value of the corporation's property shall be determined by averaging values at the beginning and ending of the taxable year; except that values shall be averaged on a semiannual, quarterly, or monthly basis if reasonably required to reflect properly the location of the corporation's property during the taxable year.

"SEC. 713. PAYROLL FACTOR.

"(a) IN GENERAL.—A corporation's payroll factor for any State is a fraction, the numerator of which is the amount of wages paid by the corporation to employees located in that State and the denominator of which is the total amount of wages paid by the corporation to all employees located in any State.

"(b) PAYROLL INCLUDED.—The corporation's payroll factor shall include all wages paid by the corporation during the taxable year to its employees, except that there shall be excluded from the factor any amount of wages paid to a retired employee.

"(c) EMPLOYEES NOT LOCATED IN ANY STATE.—If an employee is not located in any State, the wages paid to that employee shall not be included in either the numerator or the denominator of the corporation's payroll factor for any State or political subdivision.

"(d) DEFINITIONS OF WAGES.—The term 'wages' means wages as defined for purposes of Federal income tax withholding in section 3401(a) of the Internal Revenue Code of 1954, but without regard to paragraph (2) thereof.

"SEC. 714. ZERO DENOMINATORS.

"If the denominator of either the property factor or the payroll factor is zero, then the other factor shall be used as the apportionment fraction for each State and political subdivision. If the denominators of both the property factor and the payroll factor are zero, then the apportionment fraction for the State where the corporation has its business location shall be 100 percent.

"SEC. 715. CAPITAL ACCOUNT TAXES ON DOMESTIC CORPORATIONS.

"The State in which a corporation is incorporated may impose a capital account tax on that corporation without division of capital, notwithstanding the jurisdictional standard and limitation on attribution otherwise imposed by this title.

"SEC. 716. LOCAL TAXES.

"The maximum percentage of net income (or capital) of a corporation attributable to a political subdivision for tax purposes shall be determined under this part in the same manner as though the political subdivision were a State; except that the denominators of the corporation's property factor and payroll factor shall be the denominators applicable to all States and political subdivisions. For this purpose the numerators of the corporation's property factor and payroll factor shall be determined by treating every reference to location in a State, except the references in sections 712(c) and 713(c), as a reference to location in the political subdivision.

"PART C—SALES AND USE TAXES

"SEC. 721. REDUCTION OF MULTIPLE TAXATION.

"(a) LOCAL OF SALES.—A State or political subdivision thereof may impose a sales tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

"(1) in that State, or

"(2) in a State or political subdivision for which the tax is required to be collected.

"(b) IMPOSITION OF USE TAX.—A State or political subdivision thereof may not impose a use tax with respect to tangible personal property of a person without a business location in the State or an individual without a dwelling place in the State; but nothing in this subsection shall affect the power of a State or political subdivision to impose a use tax if the destination of the sale is in the State and the seller has a business location in the State or regularly makes household deliveries in the State.

"(c) CREDIT FOR PRIOR TAXES.—The amount of any use tax imposed with respect to tangible personal property shall be reduced by the amount of any sales or use tax previously paid by the taxpayer with respect to the property on account of liability to another State or political subdivision thereof.

"(d) REFUND.—A person who pays a use tax imposed with respect to tangible personal property shall be entitled to a refund from the State or political subdivision thereof imposing the tax, up to the amount of the tax so paid, for any sales or use tax subsequently paid to the seller with respect to the property on account of liability to another State or political subdivision thereof.

(e) MOTOR VEHICLES AND MOTOR FUELS.—

"(1) VEHICLES.—Nothing in subsection (a) or (b) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor vehicles that are registered in the State.

"(2) FUELS.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

"SEC. 722. EXEMPTION FOR HOUSEHOLD GOODS, INCLUDING MOTOR VEHICLES, IN THE CASE OF PERSONS WHO ESTABLISH RESIDENCE.

"No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, including motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired by that person thirty days or more before he establishes such residence.

"SEC. 723. TREATMENT OF FREIGHT CHARGES WITH RESPECT TO INTERSTATE SALES.

"Where the freight charges or other charges for transporting tangible personal property to the purchaser incidental to an interstate sale are not included in the price but are separately stated by the seller, no State or political subdivision may include such charges in the measure of a sales or use tax imposed with rsepect to the sale or use of the property.

"SEC. 724. LIABILITY OF SELLERS ON SALES TO BUSINESS BUYERS.

"No seller shall be liable for the collection or payment of a sales or use tax with respect to an interstate sale of tangible personal property if the purchaser of such property furnishes or has furnished to the seller—

"(1) a registration number or other form of identification indicating that the purchaser is registered with the jurisdiction imposing the tax to collect or pay a sales or use tax imposed by that jurisdiction, or

"(2) a certificate or other written form of evidence indicating the basis for exemption or the reason the seller is not required to pay or collect the tax.

"SEC. 725. LOCAL SALES TAXES.

"No seller shall be required by a State or political subdivision thereof to classify interstate sales for sales tax accounting purposes according to geographic areas of the State in any manner other than to account for interstate sales with destinations in political subdivisions in which the seller has a business location or regularly makes household deliveries. Where in all geographic areas of a State sales taxes are imposed at the same rate on the same transactions, are administered by the State, and are otherwise applied uniformly so that a seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales taxes whether imposed by the State or by political subdivisions shall be treated as State taxes for purposes of this title.

"PART D—EVALUATION OF STATE PROGRESS

"SEC. 731. CONGRESSIONAL COMMITTEES.

"The Committee on the Judiciary of the House of Representatives and the Committee on Finance of the United States Senate, acting separately or jointly, or both, or any duly authorized subcommittees thereof, shall for four years following the enactment of this title evaluate the progress which the several States and their political subdivisions are making in resolving the problems arising from State taxation of interstate commerce and if, after four years from the enactment of this title, the States and their political subdivisions have not made substantial progress in resolving any such problem, shall propose such measures as are determined to be in the national interest.

"PART E—DEFINITIONS AND MISCELLANEOUS PROVISIONS

'Subpart I—Definitions

"SEC. 741. NET INCOME TAX.

"A 'net income tax' is a tax which is imposed on or measured by net income, including any tax which is imposed on or measured by an amount arrived at by deducting from gross income expenses one or more forms of which are not specifically and directly related to particular transactions.

"SEC. 742. CAPITAL STOCK TAX; CAPITAL ACCOUNT TAX.

"(a) CAPITAL STOCK TAX.—A 'capital stock tax' is any tax measured in any way by the capital of a corporation considered in its entirety.

"(b) CAPITAL ACCOUNT TAX.—A 'capital account tax' is any capital stock tax measured by number of shares, par or nominal value of shares, paid-in capital, or the like, not including any tax the measure of which includes any element of earned surplus.

"SEC. 743. SALES TAX.

"A 'sales tax' is any tax imposed with respect to retail sales, and measured by the sales price of goods or services sold, which is required by State law to be stated separately from the sales price by the seller, or which is customarily stated separately from the sales price.

"SEC. 744. USE TAX.

"A 'use tax' is any nonrecurring tax, other than a sales tax, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership of that property or the leasing of that property from another, including any consumption, keeping, retention, or other use of tangible personal property.

"SEC. 745. GROSS RECEIPTS TAX.

"A 'gross receipts tax' is any tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax a net income tax.

"SEC. 746. EXCLUDED CORPORATION.

"(a) IN GENERAL.—An 'excluded corporation' is any corporation—

"(1) more than 50 percent of the ordinary gross income of which for the taxable year—

"(A) is derived from regularly carrying on any one or more of the following business activities:

"(i) the transportation for hire of property or passengers, including the rendering by the transporter of services incidental to such transportation;

"(ii) the furnishing of—

"(I) telephone service or public telegraph service, or

"(II) other communications service if the corporation is substantially engaged in furnishing a service described in subdivision (I);

"(iii) the sale of electrical energy, gas, or water;

"(iv) the issuing of insurance or annuity contracts or reinsurance; or

"(v) banking, the lending of money, or the extending of credit;

"(B) is received in the form of one or more of the following:

"(i) dividends;

"(ii) interest; or

"(iii) royalties from patents, copyrights, trademarks, or other intangible property and mineral, oil, or gas royalties (but not payments of the type described in section 543 (a) (5) (B) of the Internal Revenue Code of 1954); or

"(C) consists of ordinary gross income described in subparagraph (A) and other ordinary gross income described in subparagraph (B);

"(2) which is a 'personal holding company' as defined in section 542 of the Internal Revenue Code of 1954 or a 'foreign personal holding company' as defined in section 552 of such Code;

"(b) ORDINARY GROSS INCOME.—The term 'ordinary gross income' means gross income as determined for the taxable year under the applicable provisions of the Internal Revenue Code of 1954, except that there shall be excluded therefrom—

"(1) all gains and losses from the sale or other disposition of capital assets, and

"(2) all gains and losses from the sale or other disposition of property of a character described in section 1231(b) of the Internal Revenue Code of 1954 (determined without regard to holding period).

"SEC. 747. AVERAGE ANNUAL INCOME.

"(a) A corporation's 'average annual income' with respect to any taxable year (in this subsection referred to as the 'computation year') shall be determined as follows:

"(1) The period to be used in making the determination (in this subsection referred to as the 'averaging period') shall first be established. Such period shall consist of the 5 consecutive taxable years ending with the close of the computation year; except that if the corporation was not required to file a Federal income tax return for 5 consecutive taxable years ending with the close of the computation year, its averaging period shall consist of the 1 or more consecutive taxable years, ending with the close of that year, for which it was required to file such a return.

"(2)(A) The amount of the corporation's Federal taxable income for each of the taxable years in its averaging period shall then be determined. Such amount for any year shall be the corporation's taxable income for such year for purposes of the Internal Revenue Code of 1954 (determined without regard to any net operating loss carryback from a taxable year after the computation year), except as otherwise provided in subparagraphs (B) and (C).

"(B) If for any portion of its averaging period the corporation's income was included in a consolidated return filed under the Internal Revenue Code of 1954, the corporation's Federal taxable income for that portion of such period shall be considered to be the total consolidated Federal taxable income included in such return (and the corporation's Federal taxable income for any portions of its averaging period to which this subparagraph does not apply shall be determined under the other provisions of this paragraph as though the corporation had no income for any portion of such period to which this subparagraph applies).

"(C) If any taxable year in the corporation's averaging period is a period of less than 12 calendar months (and its taxable income for such year is not otherwise annualized for purposes of the Internal Revenue Code of 1954), the corporation's Federal taxable income for such taxable year shall be placed on an annual basis for purposes of this subsection by multiplying such income by 12 and dividing the result by the number of months in such year.

"(3) The amounts determined under paragraph (2) for the taxable years in the corporation's averaging period shall be added together, and the total shall be divided by the number of such years. The resulting sum is the corporation's average annual income with respect to the computation year, unless paragraph (4) applies.

"(4)(A) If the corporation is affiliated at any time during the computation year with one or more other corporations, its average annual income with respect to the computation year shall be the total of its own average annual income and the average annual income of each of the corporations with which it is so affiliated, as determined under paragraph (3) (with respect to such year) subject to subparagraph (B) of this paragraph.

"(B) If two or more of the corporations to which subparagraph (A) applies with respect to any computation year included their income in the same consolidated return filed under the Internal Revenue Code of 1954 for any portion of the applicable averaging period, the total consolidated Federal taxable income included in such return shall be deemed to be their aggregate Federal taxable income for that portion of such period for purposes of subparagraph (A), and paragraph (2)(B) shall be disregarded to the extent that its application would result in a larger aggregate Federal taxable income.

"(b) AFFILIATED CORPORATIONS.—For purposes of subsection (a), two or more corporations are 'affiliated' if they are members of the same group comprised of one or more corporate members connected through stock ownership with a common owner, which may be either corporate or noncorporate, in the following manner:

"(1) more than 50 percent of the voting stock of each member other than the common owner is owned directly by one or more of the other members; and

"(2) more than 50 percent of the voting stock of at least one of the members other than the common owner is owned directly by the common owner.

The fact that a corporation is an 'excluded corporation' shall not be taken into account in determining whether two or more other corporations are 'affiliated'.

"SEC. 748. SALE; SALES PRICE.

"The terms 'sale' and 'sales price' shall be deemed to include leases and rental payments under leases.

"SEC. 749. INTERSTATE SALE.

"An 'interstate sale' is a sale with either its origin or its destination in a State, but not both in the same State.

"SEC. 750. ORIGIN.

"The origin of a sale is—

"(1) in the State or political subdivision in which the seller owns or leases premises at which the property was last located prior to delivery or shipment of the property by the seller to the purchaser or to a designee of the purchaser, or

"(2) if the property was never located at premises owned or leased by the seller, in the State or political subdivision in which a business location of the seller is located and in or from which the sale was chiefly negotiated.

"SEC. 751. DESTINATION.

'The destination of a sale is in the State or political subdivision where the property is delivered or shipped to the purchaser, regardless of the f.o.b. point or other conditions of the sale.

"SEC. 752. BUSINESS LOCATION.

"(a) GENERAL RULE.—A person shall be considered to have a business location within a State only if that person—

"(1) owns or leases real property within the State,

"(2) has one or more employees located in the State, or

"(3) regularly maintains a stock of tangible personal property in the State for sale in the ordinary course of its business.

For the purpose of paragraph (3), property which is on consignment in the hands of a consignee, and which is offered for sale by the consignee on his own account, shall not be considered as stock maintained by the consignor; and property which is in the hands of a purchaser under a sale or return arrangement shall not be considered as stock maintained by the seller.

"(b) EXCEPTION.—If a corporation's only activities within a State consist of the maintenance of an office for gathering news the corporation shall not be considered to have a business location in that State for purposes of paragraph (1) of section 702, to own or lease real property within that State for purposes of section 712, or to have an employee located in the State for purposes of section 713.

"(c) BUSINESS LOCATION IN SPECIAL CASES.—If a person does not own or lease real property within any State or have an employee located in any State or regularly maintain a stock of tangible personal property in any State for sale in the ordinary course of its business (or in a case described in the last sentence of section 714), that person shall be considered to have a business location only—

"(1) in the State in which the principal place from which its trade or business is conducted is located, or

"(2) if the principal place from which its trade or business is conducted is not located in any State, in the State of its legal domicile.

"(d) COMBINATION OR CONSOLIDATION OF INCOME.—A State or political subdivision thereof may not require a corporation with a business location in the State to combine or consolidate its income for income tax purposes with any other corporation which does not have a business location within that State. However, if a corporation with a business location in the State has entered into any non-arm's-length transactions with a corporation which does not have a business location in that State, nothing in the preceding sentence shall prohibit the taxing State from requiring that adjustments be made with respect to such transactions so as clearly to reflect the income which would have been earned by the corporation with a business location in the taxing State had such transactions been conducted at arm's length.

"SEC. 753. LOCATION OF PROPERTY.

"(a) GENERAL RULE.—Except as otherwise provided in this section, property shall be considered to be located in a State if it is physically present in that State.

"(b) RENTED-OUT PERSONALITY.—Personal property which is rented out by a corporation to another person shall be considered to be located in a State if the last base of operations at or from which the property was delivered to a lessee is in that State. If there is no base of operations in any State at which the corporation regularly maintains property of the same general kind for rental purposes, such personal property shall not be considered to be located in any State.

"(c) MOVING PROPERTY WHICH IS NOT RENTED OUT.—Personal property which is not rented out and which is characteristically moving property, such as motor vehicles, rolling stock, aircraft, vessels, mobile equipment, and the like, shall be considered to be located in a State if—

"(1) the operation of the property is localized in that State, or

"(2) the operation of the property is not localized in any State but the principal base of operations from which the property is regularly sent out is in that State.

If the operation of the property is not localized in any State and there is no principal base of operations in any State from which the property is regularly sent out, the property shall not be considered to be located in any State.

"(d) MEANING OF TERMS.—

"(1) LOCALIZATION OF OPERATION.—The operation of property shall be considered to be localized in a State if during the taxable

year it is operated entirely within that State, or it is operated both within and without that State but the operation without the State is—

"(A) occasional, or

"(B) incidental to its use in the transportation of property or passengers from points within the State to other points within the State, or

"(C) incidental to its use in the production, construction, or maintenance of other property located within the State.

"(2) BASE OF OPERATIONS.—The term 'base of operations', with respect to a corporation's rented-out property or moving property which is not rented out, means the premises at which any such property is regularly maintained by the corporation when—

"(A) in the case of rented-out property, it is not in the possession of a lessee, or

"(B) in the case of moving property which is not rented out, it is not in operation, regardless of whether such premises are maintained by the corporation or by some other person; except that if the premises are maintained by an employee of the corporation primarily as a dwelling place they shall not be considered to constitute a base of operations.

"SEC. 754. LOCATION OF EMPLOYEE.

"(a) GENERAL RULE.—An employee shall be considered to be located in a State if—

"(1) the employee's service is localized in that State, or

"(2) the employee's service is not localized in any State but some of the service is performed in that State and the employee's base of operations is in that State.

"(b) LOCALIZATION OF EMPLOYEE'S SERVICE.—Service of any employee shall be considered to be localized in a State if—

"(1) the service is performed entirely within that State, or

"(2) the service is performed both within and without that State, but the service performed without the State is incidental to service performed within the State.

"(c) EMPLOYEE'S BASE OF OPERATIONS.—The term 'base of operations', with respect to an employee, means a single place of business with a permanent location which is maintained by the employer and from which the employees regularly commences his activities and to which he regularly returns in order to perform the functions necessary to the exercise of his trade or profession.

"(d) CONTINUATION OF MINIMUM JURISDICTIONAL STANDARD.—An employee shall not be considered to be located in a State if his only business activities within such State on behalf of his employer are either or both of the following:

"(1) The solicitation of orders, for sales of tangible personal property, which are sent outside the State for approval or rejection and (if approved) are filled by shipment or delivery from a point outside the State.

"(2) The solicitation of orders in the name of or for the benefit of a prospective customer of his employer, if orders by such customer to such employer to enable such customer to fill orders resulting from such solicitation are orders described in paragraph (1).

This subsection shall not apply with respect to business activities carried on by one or more employees within a State if the employer (without regard to those employees) has a business location in such State.

"(e) EMPLOYEES OF CONTRACTORS AND EXTRACTORS.—If the employer is engaged in the performance of a contract for the construction of improvements on or to real property in the State or of a contract for the extraction of natural resources located in the State, an employee whose services in the State are related primarily to the performance of the contract shall be presumed to be located in the State. This subsection shall not apply with respect to services performed in installing or repairing tangible property which is the subject of interstate sale by the employer, if such installing or repairing is incidental to the sale.

"(f) The term 'employee' has the same meaning as it has for purposes of Federal income tax withholding under chapter 24 of the Internal Revenue Code of 1954.

"SEC. 755. HOUSEHOLD DELIVERIES.

"A seller makes household deliveries in a State or political subdivision if he delivers goods, otherwise than by mail or by a common carrier, to the dwelling places of his purchasers located in that State or subdivision

"SEC. 756. STATE.

"The term 'State' means the several States of the United States and the District of Columbia.

"SEC. 757. STATE LAW.

"Reference in this title to 'State law', 'the laws of the State', and the like shall be deemed to include a State constitution, and to include the statutes and other legislative acts, judicial decisions, and administrative regulations and rulings of a State and of any political subdivision.

"SEC. 758. TAXABLE YEAR.

"A corporation's 'taxable year' is the calendar year, fiscal year, or other period upon the basis of which its taxable income is computed for purposes of the Federal income tax.

"SEC. 759. VALUATION DATE.

"The 'valuation date', with respect to a capital stock tax, is the date as of which capital is measured.

"Subpart II—Miscellaneous Provisions

"SEC. 761. PERMISSIBLE FRANCHISE TAXES.

"The fact that a tax to which this title applies is imposed by a State or political subdivision thereof in the form of a franchise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the State; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

"SEC. 762. PROHIBITION AGAINST GEOGRAPHICAL DISCRIMINATION.

"(a) IN GENERAL.—No provision of State law shall make any person liable for a greater amount of sales or use tax with respect to tangible personal property, or gross receipts tax with respect to tangible personal property, by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State (subject to section 763). For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer or of a person (including an agency of a State or local government) receiving payments from or making payments to the taxpayer.

"(b) COMPUTATION OF TAX LIABILITY UNDER DISCRIMINATORY LAWS.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would be provided under State law if the occurrence in question were within the taxing State.

"SEC. 763. APPLICABILITY OF ACT.

"Nothing in section 702 or in any other provision of this title shall be considered—

"(1) to repeal Public Law 86-272 with respect to any person;

"(2) to increase, decrease, or otherwise affect the power of any State or political subdivision to impose or assess a net income or capital stock tax with respect to an excluded corporation; or

"(3) to give any State or political subdivision the power to impose a gross receipts tax with respect to a sale of tangible personal property if the seller would not be subject to the imposition of such a gross receipts tax without regard to the provisions of this title.

"SEC. 764. PROHIBITION AGAINST OUT-OF-STATE AUDIT CHARGES.

"No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State an audit for a tax to which this title applies, including a net income or capital stock tax imposed on an excluded corporation.

"SEC. 765. LIABILITY WITH RESPECT TO UNASSESSED TAXES.

"(a) PERIODS ENDING PRIOR TO ENACTMENT DATE.—No State or political subdivision thereof shall have the power, after the date of the enactment of this title, to assess against any person for any period ending on or before such date in or for which that person became liable for the tax involved—

"(1) a corporate net income tax, capital stock tax (other than a capital account tax imposed on corporations incorporated in the State), or gross receipts tax with respect to tangible personal property, if during such period that person did not have a business location in the State; or

"(2) a sales or use tax with respect to tangible personal property, if during such period that person was not registered in the State for the purpose of collecting tax, had no business location in the State, and did not regularly make household deliveries in the State.

"(b) CERTAIN PRIOR ASSESSMENTS AND COLLECTIONS.—The provisions of subsection (a) shall not be construed—

"(1) to invalidate the collection of a tax prior to the time assessment became barred under subsection (a), or

"(2) to prohibit the collection of a tax at or after the time assessment became barred under subsection (a), if the tax was assessed prior to such time.

"SEC. 766. EFFECTIVE DATES.

"(a) CORPORATE NET INCOME TAXES AND CAPITAL STOCK TAXES.—Part B of this title, and the provisions of section 702 and this part (except section 765) insofar as they relate to corporate net income taxes or capital stock taxes, shall apply in the case of corporate net income taxes only with respect to taxable years ending after the date of the enactment of this title, and in the case of capital stock taxes only with respect to taxes for which the valuation date is later than the close of the first taxable year ending after the date of the enactment of this title. Any corporation shall be permitted to adjust its reporting period for net income tax purposes to the extent necessary to comply with this title, effective for the first taxable year to which part B applies.

"(b) OTHER PROVISIONS.—The remaining provisions of this title shall take effect on the date of the enactment of this Act."

On page 546, after the item relating to section 613, add the following:

"TITLE VII—TAXATION OF INTERSTATE COMMERCE

"Sec. 701. Short title.

"PART A. JURISDICTION TO TAX

"Sec. 702. Uniform jurisdictional standard.

"PART B. MAXIMUM PERCENTAGE OF INCOME OR CAPITAL ATTRIBUTABLE TO TAXING JURISDICTION

"Sec. 711. Optional two-factor formula.

"Sec. 712. Property factor.

"Sec. 713. Payroll factor.

"Sec. 714. Zero denominators.

"Sec. 715. Capital account taxes on domestic corporations.

"Sec. 716. Local taxes.

"PART C. SALES AND USE TAXES

"Sec. 721. Reduction of multiple taxation.
"Sec. 722. Exemption for household goods, including motor vehicles, in the case of persons who establish residence.
"Sec. 723. Treatment of freight charges with respect to interstate sales.
"Sec. 724. Liability of sellers on sales to business buyers.
"Sec. 725. Local sales taxes.

"PART D. EVALUATION OF STATE PROGRESS

"Sec. 731. Congressional committees.

"PART E. DEFINITIONS AND MISCELLANEOUS PROVISIONS

"Subpart I. Definitions

"Sec. 741. Net income tax.
"Sec. 742. Capital stock tax; capital account tax.
"Sec. 743. Sales tax.
"Sec. 744. Use tax.
"Sec. 745. Gross receipts tax.
"Sec. 746. Excluded corporation.
"Sec. 747. Average annual income.
"Sec. 748. Sale; sales price.
"Sec. 749. Interstate sale.
"Sec. 750. Origin.
"Sec. 751. Destination.
"Sec. 752. Business location.
"Sec. 753. Location of property.
"Sec. 754. Location of employee.
"Sec. 755. Household deliveries.
"Sec. 756. State.
"Sec. 757. State law.
"Sec. 758. Taxable year.
"Sec. 759. Valuation date.

"Subpart II. Miscellaneous Provisions

"SEC 761. Permissible franchise taxes.
"SEC 762. Prohibition against geographical discrimination.
"SEC. 763. Applicability of Act.
"SEC. 764. Prohibition against out-of-State audit charges.
"SEC. 765. Liability with respect to unassessed taxes.
"SEC. 766. Effective dates."

Mr. MATHIAS. Mr. President, this amendment proposes an additional section to the bill to relieve the duplication in taxation of interstate commerce by States and subdivisions of States. This is a bill which had its origin in a select committee, a joint committee, which originally was established by the very distinguished late Senator from Virginia, the father of the present Senator from Virginia.

This is a measure for which American business has been crying for many years. It is a bill which has been carefully winnowed out by the special committee. It is a bill which has been passed overwhelmingly in the other body and a bill that I think demands the early attention of the Senate.

I discussed this matter earlier in the evening with the distinguished chairman of the committee and he has expressed to me his feeling on whether or not we should go forward tonight. He has expressed the sense that it is an inappropriate addition to the bill, and, in view of the pressures of the Committee on Finance this year, the committee has not been able to move on it.

I wonder if the distinguished chairman could give us some assurance of how the committee might act in this matter in the new year.

Mr. LONG. Mr. President, I regret very much that the committee has not been able to conduct hearings on this measure which the Senator is proposing. It had been my intention that we would hold hearings on it. Unfortunately, the drive for tax reform last year required us to amend virtually every section of the Internal Revenue Code, of which the Senate is well aware because of the great amount of time that was consumed in the Senate.

This year the consideration of the welfare and social security measures was such that it occupied so many hours we could not find the time to conduct hearings on this subject. It is my hope we will be able to schedule hearings on this matter. I am positive we can do it next year and that we will be able to see what the record develops.

I know the business people of the country generally favor the Senator's amendment. I am sure the Senator is aware of the fact that the States oppose it. Some take the view that they object to the limitation of the taxing powers of States, and some say it denies them revenue they sorely need.

However, I see no reason why we should not be able to hold hearings on this matter next year, come to a conclusion, and recommend legislation one way or the other.

Unfortunately, with as many contending views as there are, this is not something that could be agreed to easily and I believe it is a matter with respect to which we should permit the opponents to have their say before we vote on it.

Therefore, I hope a vote will not be insisted upon at this time, with the understanding that we will seek to accord the subject consideration next year.

Mr. MATHIAS. I appreciate the distinguished chairman's assurance that we can look forward to some progress in this area in the new Congress. There is hardly a business which does business beyond the jurisdiction in which it is physically located which does not have some kind of harassment from taxing authorities, which does not have assessments filed away that are time bombs, that can explode at any time. That makes it an extremely difficult business climate in which to operate. But, on the chairman's assurance——

Mr. CASE. Mr. President, before the Senator makes his request, I want to join him in expressing my interest in the serious consideration of this matter. Beyond the question of the revenue loss is the question of what the Senator has referred to as harassment and unnecessary annoyance and trouble. I think business is entitled to the serious consideration of such problems. I join with the Senator in gratification that the chairman of the committee has given assurance that this matter will be fully considered.

Mr. MATHIAS. I thank the Senator.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENTS NO. 1172

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read the amendments, as follows:

On page 181, strike lines 1 through 5.
On page 301, strike lines 10 and 11.

Mr. HARRIS. Mr. President, this is the last amendment for the night, as I understand it. I yield myself 5 minutes.

I refer Senators to the separate views which I filed with committee report on this bill. Under present law States are required to maintain their present financial efforts in support of medicaid and are required to build toward comprehensive medicaid programs by 1977.

The State of Missouri asked the Senate Finance Committee to pass legislation giving it a special one-time exemption from the maintenance of effort requirement under medicaid. The committee granted that special request, and my amendment would not have anything to do with that special request of the State of Missouri for the one-time provision exempting Missouri from the maintenance of effort requirement; that special provision would still remain in the bill.

But the Senate Finance Committee went far beyond the special request of the State of Missouri and simply repealed the maintenance of effort provision altogether.

The committee recommended repeal of the entire section 1902(d) of the present law, under which States are required to maintain their financial efforts under medicaid. The House of Representatives had previously stricken section 1903(e), which requires States to enact comprehensive medicaid programs by 1977.

The recommended repeal of these two provisions will become law unless the amendment which I have now offered is adopted. That would be most unfortunate. The poor people who are covered by medicaid are entitled to better medical attention and care—not less.

What we would do, unless the amendment is adopted, is to say to the States, "You do not have to build up a better and more comprehensive medicaid program by 1977, as the present law requires; you do not even have to maintain your present efforts, as the present law requires. Those requirements are stricken from the law."

What we ought to be doing here is providing better medical attention for poor people, not less. We ought not to be reducing the requirements.

If we do that, it seems to me there will be less demand for a comprehensive national health insurance program, which we should have, and for a massive increase in funds for health personnel and facilities which is desperately needed. We are going to allow health care, which is provided for in the law and is already inadequate to deteriorate further.

It just seems a shame that a matter as serious as this should come up at 11:30 at night, with not the amount of time that ought to be provided for its consideration. This is a backward step so far as health care is concerned, and I hope the Senate will not agree to it.

Mr. LONG. Mr. President, I yield myself 5 minutes.

The Senate Committee on Finance considered this measure before, in 1969, and we recommended that something be done about the fantastic increase and enormous waste in the medicaid program. This was a program which was

originally estimated to cost about $230 million more than existing expenditure levels when put into effect. It is costing about 10 times that much. Some of us have been complaining that, in the first years of experience under medicare, it cost twice as much as estimated. This one is costing 10 times as much. Why is it costing so much?

We in Louisiana had the most liberal, free medical program in the United States prior to medicare. With that program we provided for all who needed medical care. On the most liberal basis, we provided medical aid to those who needed it.

Then the Federal Government provided 70 percent of the matching funds, so the Federal Government would put up $7 out of every $10, meaning that we would be required to provide 200 percent of the needs in Louisiana. The Governor of Louisiana pleaded to be permitted to save money under the program, because he was being required to provide far more medical care than anybody could justify. He wanted to do that to save the State some money. Every time the State would save $1, the Federal Government would save $3. He could not do it, because it would be against the law to save 5 cents under the program.

I helped write the law, and I apologize for it. Listen to what it says:

> Section 1903(e) of the Medicaid statute requires that each State make "a satisfactory showing that it is making efforts in the direction of broadening the scope of the care and services made available under the plan and in the direction of liberalizing the eligibility requirements for medical assistance."

What does that mean? Even if a State meets all the medical requirements of all the poor people of that State, it is still required to go upward and onward, broader and greater, just up and out, just keep moving to make it bigger and more expensive, and it cannot save anything.

So here comes the Senator from Missouri (Mr. EAGLETON), former Lieutenant Governor of his State, to plead for Missouri, which, together with other economies, was trying to get cutbacks to save the State from fiscal disaster. He said "Will you please let us make reductions in this program to meet a very desperate situation in the fiscal affairs of the State of Missouri?" The State passed a constitutional amendment to try to raise taxes to pay for this program, but the people voted it down.

So at the same time the State is saving money, it will save money for the Federal Government. Here is California with the same problem. Texas has a parallel problem. There are problems to a lesser degree in other States.

Does it make sense to say that we have all the wisdom here in Washington? If the States are doing as much as they can and in so doing the program costs 10 times what it was estimated to cost, and they would like to make some reductions, should not the Governors be able to do so, since they have to account to their people? Should not the State Representatives, who have to run even oftener than U.S. Senators, be able to fix the requirements for the services? There are six basic services involved—in-patient hospital services, out-patient hospital services, other laboratory and X-ray services, skilled home nursing services and others, also visits whether secured in office or hospital and home health visits.

So they have to furnish all those basic services. If they do make a saving, they have to account to their people.

Mr. HARRIS. Mr. President, if the Senator will yield, the State does not have to provide any particular level, but just some.

Mr. LONG. I agree. Admittedly, it would be conceivable that a State could drastically reduce what it is doing to provide medical care for its aged or poor people in that State. Admittedly, that could happen.

The committee proceeded on the assumption that the State should have some power to make a mistake toward economy rather than the other way.

What is the alternative offered by the Senator from Oklahoma? Ever upward and outward. Ever onward. Ever more expensive, even though there is being spent 10 times what it was estimated to cost and in some respects it is virtually impossible for the States to meet their budgetary requirements.

Why should not a State be permitted to have some discretion about this matter? Why not let the States use a little of their discretion, and see if they can find where some money could be saved? Mr. President, I do not know of any reason for a requirement that they should be required to spend ever more, ever upward, for ever broader services. The House of Representatives has tried to provide some relief in this area. The Senate has tried to provide some relief. It seems to me that at least at some point, we ought to respect the States and those who represent the people there, and let them be accountable to their people.

One more minute.

Mr. President, I was the original sponsor of these maintenance-of-effort proposals. I used to sponsor those proposals at times when I was personally offering amendments to try to get Grandpa $5 or $10 extra in his welfare check, and some Governor or some legislature would not pass it through, or would delay it a year or so, and cut it in half, and then say, "Look what we did for you." I wanted to see if, by increasing it, maybe the people would get a little extra in their checks.

But at some point, we ought to let the States have some responsibility in this area. Mr. President, in this medicare and medicaid program, we have worked mightily, and so has the House of Representatives, to try to reduce waste and eliminate a lot of extravagant expenses and costs. But I know of no way in which economy could be more effectively achieved than to stop implementing a law requiring States to continue to broaden their programs and continue to spend more money, even though they, in their best judgments, are spending all they think they ought to spend on this.

Mr. HARRIS. Mr. President, I yield myself 2 minutes.

Mr. President, this is no way to legislate. The President of the United States has stated that he will recommend to Congress next year some kind of health insurance program. I support another. All Senators are aware of the tremendous cost of the medicaid program and the welfare programs that States have to bear. It is much more than they ought to bear. That is precisely what the Senate will go into next year, when we bring up the President's welfare reform bill and related amendments.

All Senators are aware of the alarmingly increasing costs of medical care. That is precisely what we will go into next year, Mr. President, in considering the President's proposals on national health insurance, and other health insurance proposals which are pending before the Senate.

But this is no way to legislate. We are taking care, in this bill, of the special case of Missouri, on a one-time basis. That is the only State that came before us and made a special presentation for relief. I do not think we have handled that exactly right, but it is in the bill, and I do not now quarrel with it, and would not try to take it out or amend it out now. But, Mr. President, next year we can take up these other things.

The Senator's position and the committee position does nothing at all about rising costs.

I yield myself 1 additional minute.

It does nothing at all about the shortage of medical personnel, which is one reason why costs have gone up. It does nothing about trying to hold down unnecessary costs. It simply says to the States, "You can reduce care, reduce expenditures, do anything you please."

Mr. President, it is aimed only toward reducing costs, and it leaves out the real solutions to these problems. It leaves out the real health needs of the poor people of this country, the old people and other welfare recipients in this country. It does nothing at all except back away from the problem. It just says, "Do anything you please to reduce costs, and that will be all right with us."

I yield myself 1 additional minute.

I say that is not the way to legislate. Let us adopt this amendment, strike this provision of the bill that no one is pushing us for, and all these matters will be before us later. I plead with Senators not to take this backward step to reduce the quality of medical care, which is already insufficient, at this late date in this session of Congress.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. I yield the Senator from Delaware 2 minutes.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Oklahoma points out that all Senators are concerned about the rising costs of medicaid.

I say to Senators that if you are concerned and want to do anything about rising medicaid costs, you had better reject the amendment offered by the Senator from Oklahoma, because if his amendment carries, there will be no reduction whatsoever in the medicaid program for this year, next year, or thereafter.

Under the law, we would then be in a position where whatever a State was

spending last year would be a plateau. That would be the spending floor, and all they could do would be increase expenditures each year thereafter.

The committee went into this matter in detail and held hearings for several months before this bill even came over from the House. We have done a lot of work on the rising cost of the medicaid program. But with the adoption of the amendment of the Senator from Oklahoma, there would be no reduction whatsoever in these costs. The only chance that we can achieve a reduction is by maintaining the committee position. As the Senator from Louisiana points out, the medicaid program is costing now about 10 tmes what we were told it would cost. Let us either vote for economy or else stop talking about our concern.

Mr. HARRIS. Mr. President, I yield myself 1 additional minute.

Mr. President, we would not have any cost at all under medicaid if we just did away with it altogether. What the committee position asks us to do is something like that. It says, "Do away with part of it until the States reduce what they spend, and that will cut down the costs."

Mr. President, that does not get at the rising costs of medicaid. It does not get at the need for better and increased care for old people and other covered by medicaid. All it does is back away from the problem, saying it is costing too much, rather than doing something about such problems as the need for additional medical personnel and the shortage of medical facilities in the country now. It merely provides that we will say to the States, "Reduce, if you want to, what you spend for medicaid, and that will reduce the cost."

I say that is not the way to go about the matter now, when all these matters will be before us again this very next month.

Mr. LONG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Louisiana has 7 minutes.

Mr. LONG. I yield myself 3 minutes.

Mr. President, the Senator from Oklahoma has completely incorrectly stated what the amendment would do. He says this amendment tells the States they must cut. It does not tell them anything of the sort.

Mr. HARRIS. If the Senator will yield, I do not believe I said that. I said that is the way it is suggested to reduce expenditures, by the States reducing what they are doing.

Mr. LONG. I understood the Senator to say that this amendment tells the States they ought to cut their programs. It does not say any such thing as that.

Mr. HARRIS. Well, I do not believe I said that.

The PRESIDING OFFICER. The Senate will be in order.

Mr. LONG. What the amendment does, Mr. President, is to permit the States to either spend more or spend less. The way the law reads now, the State has only one choice—to spend more, more, more. Even a State like Louisiana, in which the Federal Government puts up 70 cents every time Louisiana puts up 30 cents, may be required to provide somewhere between 250 percent and 300 percent of the medical needs of people who are regarded as being indigent. You still have to broaden more. Where are you going to broaden to? Just tax your imagination.

That is the way existing law reads. How that got in there I cannot imagine, because I was manager of that bill. That was the language that came to us in the House bill. I do not think the House Ways and Means Committee could have been quite that foolish; that provision had to be drafted by the Department and sent up here.

It says no matter how much you are doing, that is not enough, next year you have to spend more and next year you have to spend still more, and that no matter how broad your program is, next year it must be broader, ad infinitum.

So then they start saying, "Why does not somebody save some money on the program?"

The answer to that is easy: We have made it against the law. So Louisiana could still spend another $3 million, and the Federal Government would have to match that with $7 million more. That is still permissible; and if any State wants to spend more, they will get at least 50 percent matching funds.

But if a State decides, "If we do that, we are already spending more than we ought to spend for this purpose; we ought to be able to make some savings on the program," that is, against present law.

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

Mr. LONG. I yield to the Senator from Georgia.

Mr. TALMADGE. Does the Senator feel that the Senate has greater knowledge and wisdom concerning the needs of the States than the combined wisdom of the 50 State legislative bodies and the 50 Governors of those States?

Mr. LONG. I do not think so, and I would challenge anyone to go out and tell his State legislature that—and we are often called upon to address our legislatures—that we have all knowledge here, and that no matter how desperate they might be, they just do not have enough legislative wisdom to match the legislative wisdom of this body.

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

Mr. LONG. I yield myself 1 additional minute.

Mr. TALMADGE. Does the Senator feel that this Senate should put the combined legislatures of 50 States and 50 Governors in a straitjacket as to how they shall levy and spend their tax money?

Mr. LONG. I do not think we should.

Mr. President, there may be Senators here—I am sure some of the former Governors—who know more about the problems in the States and the relative demands upon the State budgets than do the Governors and the legislatures of their States. But having done this kind of thing to the point of being ridiculous and having a program that exceeds estimates by 10 to 1, one would think that in some area a State would be permitted to have some discretion, and I hope that would be true in this instance. This is not the first time the committee felt something should be done about this matter. We tried to do something about it last year, and we did, but we did not go far enough. We ought to at least give the States this small amount of discretion.

Mr. HARRIS. Mr. President, how much time do I have remaining

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. HARRIS. I yield myself 1 minute.

Mr. President, there are very obvious ways by which we can and should relieve the States of their increasing and difficult burdens with regard to welfare and medicaid. Some, including the President of the United States, have said we should do it through revenue sharing. Some, including the President of the United States, have said that we should do it through welfare reform which takes part of the welfare burden off the States. I agree with that principle. There are ways we can can do something about the health costs. Some, including the President of the United States, have said we ought to have some kind of national health insurance program. I agree with that, but I do not think his plan goes far enough.

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

Mr. HARRIS. I yield myself 1 additional minute.

All these things are going to be before the Senate Finance Committee, and the Senate will have before it such matters as increasing medical personnel and getting at other shortages which have helped to make costs of medical care skyrocket.

The question before us is, will we, in those ways, in a reasonable manner, deliberately go about trying to solve these problems, or will we simply say, "Reduce the cost of medicaid by permitting the reduction in medical services for those who need it most"? That is the question.

SEVERAL SENATORS: Vote! Vote!

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. LONG. I yield back the remainder of my time.

Mr. HARRIS. I yield back the remainder of my time.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma. On this questions the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Min-

nesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), the Senator from Mississippi (Mr. Eastland), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Rhode Islands (Mr. Pastore), the Senator from Georgia (Mr. Russell), the Senator from Mississippi (Mr. Stennis), the Senator from Maryland (Mr. Tydings), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. Ervin), and the Senator from Rhode Island (Mr. Pastore) would each vote "nay."

Mr. GRIFFIN. I announce the Senator from New Hampshire (Mr. Cotton), the Senator from Hawaii (Mr. Fong), the Senator from New York (Mr. Goodell), the Senator from Florida (Mr. Gurney), the Senator from Oregon (Mr. Hatfield), the Senator from California (Mr. Murphy), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Arizona (Mr. Goldwater) is absent on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield), the Senator from South Dakota (Mr. Mundt), and the Senator from Texas (Mr. Tower) would each vote "nay."

The Senator from Utah (Mr. Bennett), the Senator from Ohio (Mr. Saxbe), and the Senator from North Dakota (Mr. Young) are detained on official business.

The result was announced—yeas 18, nays 44, as follows:

[No. 453 Leg.]

YEAS—18

Bayh	Hughes	Mondale
Brooke	Jackson	Moss
Case	Javits	Ribicoff
Cranston	Kennedy	Schweiker
Harris	Mathias	Scott
Hartke	McGovern	Williams, N.J.

NAYS—44

Aiken	Fannin	Pearson
Allen	Griffin	Pell
Allott	Hansen	Percy
Baker	Holland	Prouty
Bellmon	Hruska	Proxmire
Bible	Jordan, N.C.	Randolph
Boggs	Jordan, Idaho	Smith
Byrd, Va.	Long	Sparkman
Byrd, W. Va.	Magnuson	Spong
Cannon	Mansfield	Stevenson
Cook	McIntyre	Symington
Cooper	Metcalf	Talmadge
Curtis	Miller	Thurmond
Dole	Nelson	Williams, Del.
Ellender	Packwood	

NOT VOTING—38

Anderson	Goodell	Murphy
Bennett	Gore	Muskie
Burdick	Gravel	Pastore
Church	Gurney	Russell
Cotton	Hart	Saxbe
Dodd	Hatfield	Stennis
Dominick	Hollings	Stevens
Eagleton	Inouye	Tower
Eastland	McCarthy	Tydings
Ervin	McClellan	Yarborough
Fong	McGee	Young, N. Dak.
Fulbright	Montoya	Young, Ohio
Goldwater	Mundt	

So Mr. Harris' amendment was rejected.

AMENDMENT NO. 1181

Mr. PROUTY (for himself and Mr. Saxbe) proposed an amendment to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which was ordered to be printed.

A MAN FOR OUR TIME

Mr. BYRD of West Virginia. Mr. President, the great English statesman Edmund Burke stated succinctly the duty of the legislator:

> Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving, you if he sacrifices it to your opinion.

The same estimate was recently drawn regarding the responsibility of a U.S. Senator, and it was expressed by a Senator who, in the judgment of many of his peers, may be destined to leave an indelible mark upon our Nation's history. The Senator of whom I speak is Harold Hughes.

Senator Hughes, according to an interesting Washington Post story on Sunday, December 20, 1970, does not see himself as "a mirror or reflecting pool for what people think in my State or country. It is my job to inform, to help change opinions when they need changing, to reflect on what is right and do something about it."

The statement epitomizes the man, as others see him in his daily work as a Senator. He is an informed Senator and a thinker; he is persuasive and highly articulate; he speaks and stands for what he thinks is right, and he does not stop there—he does something about it. In short, his is a most refreshing and inspiring presence—not only in the Senate, in spite of his juniority from the standpoint of length of service, but also on the national political scene.

In my 24 years of public service, very few men in politics have so impressed me with their ability, their honesty, their sincerity, their utter frankness and openness as has this man.

The Post article, written by Myra MacPherson, caught this same sure glimpse of character and expressed it well. There are many other fascinating things about the man and his life—his humble origin; his foibles and his struggle to overcome them; his midwestern simplicity; his contempt of the "Ivy League syndrome;" his love for hunting; his affection for his family; his desire for a quiet, private life; his steady faith in God and his impassioned humanitarianism. All of these qualities and attributes depict a man of earthiness—and potential greatness.

Mr. President, it has been said that character is that which draws a man to God and which draws other men to him. I would add that character is that quality which, perhaps, more than any other, is most to be desired—and admired—in a leader, whether he be a general or politician. It is not something which may be acquired or bought. It comes from within, and it is either there or it is not. And in either case, one's friends and daily associates will know.

Those of us who serve here know that Senator Hughes is a man of individual honor and personal character and of absolute independence—the kind of Senator about whom Webster wrote, "who knows no master and acknowledges no dictator."

He is a remarkable man and his is a remarkable story of struggle and accomplishment. It is a story, many of the best chapters of which I predict remain to be written.

I ask unanimous consent to insert the Post article "The Rise and Rise of Harold Hughes"—in the Record.

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

THE RISE AND RISE OF HAROLD HUGHES

(By Myra MacPherson)

When the talk gets around to Harold Hughes as a presidential candidate, two points come up.

The first is, what can you do about a man who is often confused, as one farmer said, "with that feller who has all that money and runs Las Vegas?" Hughes says, "Even my best friends sometimes call me 'Howard.'"

The second is, what about an ex-drunk running the United States? Hughes, himself, in that blunt, honest fashion of his, doesn't even bother with the "ex." Although he hasn't had as much as a shot glass of liquor in 16 years, Hughes, who will be 49 in February, says, "I am an alcoholic."

The present tense is pure Alcoholics Anonymous. An ardent AA member, Hughes feels alcoholism is a disease related to a chemical imbalance, not a moral problem. Therefore, no one "reforms," they "recover"—and only by never touching alcohol again. Hughes lives each day with the knowledge that one drink might do him in.

Hughes feels being a recovered alcoholic "shouldn't have any effect on someone's presidential ambitions." The fact that someone had the strength to stop "could be considered an asset," he says. "In a critical situation, it would be a much safer country with a president who doesn't ever take a drink than someone who even occasionally drinks."

What is there about this one-time drunk, college dropout and former truck driver who became a governor and then a senator that makes people talk of the presidency?

Hughes' devotees feel he is a man "larger than life"—someone who can bind up the wounds in a divided country, speak to and for the dispossessed, a man who can preach peace to the hard hats and the Bible to the kids—and get away with it.

He has much of the evangelical fervor of the reformer and says, with ease, such admittedly corny things as "politics is my ministry."

Sophisticates call Hughes, a Methodist lay preacher, "the liberal Democrats' answer to Billy Graham." To that, Hughes replies, "I'm used to being called corny. But I'm not going to hesitate to speak of God as I believe in Him."

There are other skeptics who feel Hughes possesses one of the worst attributes a politician could have—sincerity. Impassioned sincerity at that. He is obsessed with helping "mankind."

But many others feel such qualities as dedication, sincerity and humanitarianism are needed in today's troubled society and

that Hughes could play the lightning rod role.

Eli Segal, a 27-year-old Eastern lawyer who chose to work for Hughes over another presidential hopeful, George McGovern, said, "I remember Hughes speaking in 1969 to the New Democratic Coalition—a slick, bright, committed group. McGovern and Ted Kennedy spoke also, but Hughes was the only one to get a standing ovation. He spoke of 'love' and 'God' and 'healing up the wounds.' "

In a speech this fall, he faced an opposite group—and brought tears to the eyes of a tough labor audience when he spoke of a "longing in men's hearts to love each other."

None of this is an act. Those who know him well say that what saves him from being merely a preacher is that underneath the religiousness is a tough, shrewd, realistic politician.

His style, of course, is aided by his looks. Hughes is massive, virile, handsome, 6 feet 3, 230 pounds.

His deep brown eyes stare through you. His voice is deep, resonant. He's not a man Vice President Agnew would ever call an "effete, intellectual snob."

The word "charisma," on the shelf since the days of Robert and John Kennedy, is being dusted off again for Hughes. Women move in to touch him after speeches. He is no backslapper, and a man of almost no small talk. One observer said, "When he walks into a room, he doesn't make you feel comfortable—like 'here's a pal'—he makes you feel there is a very special presence in that room."

Hughes has been called a man of balanced contradictions. "He's a man of God, but boy, does he have a sewer mouth," said a man who's worked with him.

For all his massive maleness, there is none of the he-man bravado. He is unabashedly sensitive, uses "gentle" as an accolade for men he likes. Although he is obsessed with the idea of helping "humanity," he can be distant in personal relationships and a very private man.

"He's a hard man to get to know, to get close to," said a friend who has known him for years.

And yet, this same man said, "I know instinctively that if I had any problems, he'd be the first person to go to."

Hughes is complex, moody, quick tempered, stubborn, dead honest, bright.

A dove on the war, Hughes nominated Eugene McCarthy in the 1968 Democratic Convention, and became a fierce advocate of party reform long before it was fashionable.

Yet he attends Senate prayer breakfasts with the senators from the Southern Bible Belt, generally regarded as "the Neanderthals" by those who embrace New Politics. Hughes says of his prayer meeting colleagues, "It's not my role to judge men. There's too much bitterness already. I don't have to hate a man to differ with him."

Hughes' deep-lined face does not move easily into smiles. He has been criticized for not "knowing how to laugh and relax" although close friends say he's more relaxed with intimates. He is not known as a wit but his comments sometimes have a dry, caustic touch.

The other day, commenting on the controversial appointment of conservative Democrat John Connally as Secretary of the Treasury, Hughes said drily, "That will serve to unite the liberal forces in both parties more than anything else the President has done."

Probably more than anyone on the Hill, Hughes is a man who reduces issues to human terms.

Last summer during a subcommittee conference on a manpower bill, several senators were discussing a project that would involve spending federal money to employ the unemployed. Some of the senators raised the question of whether this might not be construed as "make work" in the old WPA image. Hughes got up and gave an impassioned speech. A senator's aide who was present said "Hughes said something like this—'Supposing there is a 45-year-old laborer who has no work and the only job he could get is public employment? What if it is raking leaves or digging holes? That's useful, conservationist work.' "

The aide said, "Such expression of compassion is rare in a committee hearing. It's damn refreshing to find a man who doesn't think of everything in terms of political compromise."

Early in the first of Hughes' three terms as governor, in 1963, Hughes astounded President John F. Kennedy with a long distance phone call. Hughes had never met Kennedy but he was calling to try to get Kennedy to pardon a man scheduled to be executed for a brutal kidnap-murder. Kennedy told Hughes he had already reviewed the case and turned it down.

Kennedy later questioned a friend of Hughes about the governor. Where was his political sensitivity, sense of orderly process, decorum, understanding of the President's problems, Kennedy wondered. But Hughes thought of none of these things; he had reacted to a personal appeal from a lawyer to save a man's life. Hughes spent a lot of time in prisons talking to inmates. He pushed for penal reform and succeeded in getting capital punishment abolished in Iowa. Hughes goes to great lengths to help alcoholics—and that goes from other senators to skid-row bums. Recently, Hughes was giving a speech in New York and got a call from a friend about a man in Harlem who was in serious drinking trouble.

After the speech, Hughes extracted himself from the gathering, sought the stranger out in Harlem and sat up with him through the night.

Hughes' wife, Eva, whom he married when they were teen-agers in Ida Grove, Iowa, says Hughes has trouble forgetting the one time he didn't answer such a call when he was governor.

"Harold had had a rough week and was tired. A man called two weeks before Christmas and said he'd lost his job. Harold talked a little rough to the man, said 'It's late, I'll talk to you Monday.' The man committed suicide two hours after he hung up the phone."

The Hugheses live a quiet, private life and do almost no entertaining in their McLean, Va. home and none of a political nature. Their close friends are, like them, transplanted Iowans.

The "bull in a china shop" cliche fits the image of Hughes at a Georgetown party. He is contemptuous of the Ivy League syndrome. "The idea that all the brains are located at Harvard is ridiculous. I'm tired of people saying 'Where is Iowa?' " He admires what he calls a basic Midwestern simplicity. "They're willing to reach for the stars but their feet are planted firmly in the soil."

Eva Hughes is a dark-haired, pretty, warm woman who seems to have conquered bouts of shyness she had as a governor's wife. The other day she bustled around the house, wrapping Christmas presents, among them photo albums. They contained pictures taken over the year of herself, Hughes and the only one of there daughters unmarried. Phyllis, who just graduated from high school last year. Also prominent in the picture was their Irish setter, Mike, who is so fiercely loyal to Mrs. Hughes that when the senator kisses his wife goodbye he has to put the dog on the sun deck for fear the dog will attack. "He seems to just go after men," Mrs. Hughes said.

The home was furnished when the Hugheses moved in at the start of his term in 1969. "We had little of our own, moving from the governor's mansion," Mrs. Hughes said. It is now personalized chiefly by their books, and family pictures. Reading is their number-one hobby—both lean toward philosophy, religion, mysticism and metaphysics. Asked if he believed in ESP and psychic powers, the senator said "sure do." Mrs. Hughes catalogs books by subject and authors—and some other books spill over in piles on the floor.

In one group was Walt Whitman's "Leaves of Grass," a book on Ghandi, one on Irish setters and the "Poisons in Your Food."

Phyllis, an artist, is a vegetarian and objects to her father's number one hobby, hunting. Hughes himself can tell sorrowfully the story of a friend who shipped her pet dogs across country by jet, and found them dead on arrival. He is also an advocate of gun control; and yet he heatedly defends the hunter.

"I fail to understand people who will bite into a rare and dripping steak but criticize the hunter." The conscientious hunter, who bags only the limit, helps control the animal population, Hughes feels.

Mrs. Hughes says she and her husband "come to the parting of ways" over television. She watches news and some sports programs; he watches late movies—"especially if it's a good Western, like 'High Noon.' " Their musical tastes lean toward hymns and she says, "I'm a Les Elgart fan."

A man of humble beginnings, Hughes grew to like the appurtenances of the governorship—a Lincoln Continental, a private plane. He is no gourmet but a meat and potatoes man, constantly uses a sauna in the home. He is fond of gold jewelry; and wears a wide gold wedding band, another jeweled ring, cuff links. A chain smoker, he lights his constant cigarette with a gold cigarette lighter.

Mrs. Hughes says her husband's quick temper is his one fault, but adds, "His judgment and first impressions are fantastic. He's a rather psychic person." As for running the house, she said, "Oh, he barks orders, but I don't always jump."

She speaks quietly of the days when he was drinking. There were emotional trials, but, she says, "Unlike the wives of most alcoholics, I didn't have any really rough periods. We never went without food, he was always able to work."

"In those days we lived on a day-to-day basis." She said she never considered breaking up the family, " I suppose if the children had been grown I might have thought of it."

From the time he was 16 until he was 32, drinking was the most important thing in his life, Hughes has said. He recalls his first drink was in high school, "some bathtub juice called Cream of Kentucky."

Hughes was a prairie boy in the Depression days. "Until I was 13, I never lived in a house with water or electricity." His father had been a farmer and a florist. Hughes became a star athlete. He also played the tuba. He became known as "Pack," short for "pachyderm." He moved into the University of Iowa on a football scholarship, quit school when he was 19 to get married.

During college, then after—during World War II—he became what he calls a periodic drunk. War was a real agony to him; as the largest man in his infantry squad he carried the Browning Automatic Rifle. He saw heavy combat, and many friends killed. He remembers once in Sicily yelling to his ammo carrier to get down when the Germans came through. "They cut him right in two as he rose up beside me."

After the war, he once told a friend, I seemed to feel that if I wanted to drink myself to death, I'd earned the right to do it." He recalled another veteran who drank and was laughed at by the people of Ida Grove. "I figured if he wanted to get drunk and lie down in the streets, those people ought to get a pillow and some blankets and cover him up."

Another personal tragedy was the death of his older brother, Jesse, who was killed in an automobile accident.

Hughes was a drifting truck driver when he started to do something about his problem. He thought AA was "for bums," slipped on and off the wagon for a time, then when he was 32 he went to AA and stopped.

His move into politics came when he saw what he felt were injustices in the state against small trucking firms he was representing at the time. Someone challenged him to run for the commerce commission. He did in 1958 and won. From there he moved steadily into politics, winning the governorship in 1962, then going on for an unprecedented two more terms.

A friend said, "He has a quick, incisive mind and his capacity to learn is enormous. I've heard him listen to college professors where one might suppose he'd be over his head, and then sum up everything getting right to the heart of the matter."

He doesn't see himself as "a mirror or reflecting pool for what people think in my state or country. It is my job to inform, to help change opinions when they need changing, to reflect on what is right and do something about it." Iowans seem to like that. One said, "You don't always agree with him but we like the way Hughes gets up and says what he damn well thinks."

In addition to his strong stand against the war and for party reform, Hughes has been known chiefly as a senator who battles for alcohol and drug-abuse legislation. He considers alcohol a far more serious problem than other drugs, says he would not advocate legalizing marijuana until more is known of it. "Why legalize something that could be a plague, just as alcohol is."

Asked if he felt he was grounded enough in foreign affairs to be a President, Hughes said, "Who is ever grounded in foreign policy? Who is qualified to be a President, other than a past-President?" He said gruffly that he felt President Nixon should be more grounded in domestic issues. "The neglect in this country is going to be our destruction far faster than external threats."

As for the presidency, Hughes said he is undecided. There are those "urging and exhorting, pushing, sometimes shouting. I'm not trying to stop it; a lot of what I do will depend on if there is enough activity to encourage me to make the try.

"Neither Eva nor I has ever liked the public adulation, the rudeness, the lack of privacy and so forth of public office, but we have a love of people and want to do what we can to help."

The preacher in him comes out as Hughes said that, at the moment, "I will not let the glamor of the stars so attract me as to drive me off my course. If the time comes for me, it comes—and there'll be no other way."

A friend said, "Hughes is a fine, fine man—honest and open about everything but his own ambition. I often wonder if he knows himself what he wants."

Another friend said, "Even if he had the normal ambitions of a politician, he wouldn't admit it to himself. The only way he can sustain himself is to feel he is fulfilling a mission."

WASHED UP AT 40?

Mr. WILLIAMS of New Jersey. Mr. President, from January 1969 to November 1970 the unemployment rate has jumped sharply from 3.4 to 5.8 percent, adding nearly 2.2 million to the jobless rolls.

This now represents the highest rate in nearly 7½ years.

All Americans have been affected in one way or another by the economic slowdown, whether it is in the form of steadily mounting unemployment, mass layoffs, shorter workweeks, smaller paychecks, unchecked inflation, or just plain slow business.

American workers have awaited patiently for an upturn in the employment picture this past year. But despite optimistic prophesies by administration spokesmen, millions of Americans still expect continued hard times for themselves, their families and their friends.

All age groups have been hard pressed by widespread joblessness. But older workers and their families have been especially hard hit.

Today more than 1 million persons 45 and older have lost their jobs, approximately a 71-percent increase in less than 2 years.

Many are discovering that they have lost more than their jobs. Thousands have also lost their pension coverage, although they have attempted to provide a little "nest egg" for retirement.

AGE DISCRIMINATION IN EMPLOYMENT ACT

To make matters worse, age discrimination in employment still exists—even though a law was passed 3 years ago to prohibit such practices.

As chairman of the Senate Committee on Aging and a sponsor of the age discrimination law, I can well appreciate the need for adequate funding to carry out the intent of Congress.

Enforcement of the act is the responsibility of the Wage and Hour and Public Contracts Divisions in the Department of Labor. But these units also implement the Fair Labor Standards Act, the Walsh-Healey Public Contracts Act, the Davis-Bacon Act, and several other related statutes.

At the Committee on Aging's hearings last December on the "Employment Aspects of the Economics of Aging," we were told that these divisions employ slightly fewer than 1,000 investigators in the field. But less than 10 percent of their time is devoted to age discrimination activities.

A prompt increase in staff is urgently needed now to enforce the age discrimination law more adequately.

A step forward was made in the Labor-HEW appropriations bill, H.R. 18515, which provided an additional $50,000 for enforcement of that law.

A recent article in Machine Design also documents in compelling language the need for more stringent enforcement of the act. Mr. President, I commend this article to my colleagues and ask unanimous consent that it be printed in the RECORD following the conclusion of my remarks.

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

(See exhibit 1.)

VETO OF MANPOWER BILL

Mr. WILLIAMS of New Jersey. However, employment opportunities for older workers cannot be increased solely by measures eliminating discrimination.

Today many middle-aged and older persons are also without jobs because they lack training to move into gainful employment; they are seeking the work of a bygone era; or they live in areas where there are no jobs.

In recognition of this crucial need, House and Senate conferees adopted my middle-aged and older workers employment amendment to the Employment and Training Act, S. 3867.

This measure would have authorized a midcareer development service program in the Department of Labor to provide training, counseling, and special supportive services directed at the unique and growing problems of persons 45 and older.

Yet, despite the grim unemployment situation and the need for far-reaching action, the employment and manpower bill was vetoed.

In his veto message, the President raised strong objections to the public service features in the conference bill. But, leading experts have estimated that there are more than 5 million badly needed jobs in public services.

In addition, the President was critical of the increase in the number of categorical programs, although these disadvantaged groups have been grossly underrepresented in our manpower programs. In his veto message, he said:

> These narrow categorical programs would continue to hamstring the efforts of communities to adjust to change in their local needs. In dealing with manpower problems, the Federal Government should help, but it should not always prescribe.

But without specific statutory authorization, the employment outlook for persons 45 and older would be bleak. One reason for this belief is that the United States now lacks a clearcut, effective policy for maximum utilization of persons regarded as older workers.

Once unemployed, they run the greatest risk of being without jobs for long periods of time. They now comprise about 43 percent of the very long-term unemployed—27 weeks or longer. Yet, they represent less than 10 percent of all enrollees under present manpower programs.

Much can be gained through a national effort to raise our productive capacity and to provide new employment opportunities—as well as related manpower services—for middle-aged and older workers.

For these reasons, I also wish to express my strong opposition again to the ill-advised veto of the Employment and Manpower Act, S. 3867.

EXHIBIT 1

WASHED UP AT 40?

(By Francis J. Lavoie)

Richard C., erstwhile senior design engineer, is worried. Two months ago, he lost his $16,000-a-year job with a major aerospace company. Now, at age 50, he is beginning to wonder if he'll find another job.

Mr. C. is a member of the over-40 group of engineers whose services suddenly don't seem to be much in demand. To compound the problem, Mr. C. is in an unaccustomed position. Because this has never happened to him before, he doesn't really know how to go about looking for a job. He's ashamed, and unsure of himself. He feels useless.

Mr. C.'s case isn't unique. Despite the fact that age discrimination in employment practices is illegal, evidence is mounting that engineers are the victims of a pernicious kind of age bias that threatens to reduce their careers to about the same length as a baseball player's.

DISCRIMINATION: REAL OR IMAGINED?

For the record, employers stoutly maintain that age is not a factor in their employment practices. Skill is what counts, they say.

Engineers see it differently, and they have considerable evidence to back them up. A report published in 1966, and summarizing the experiences of some 1,200 aerospace engineers laid off during the slow 1963–1965 period, is revealing. According to the report (put together by Dr. R. J. Loomba of San Jose State College) age was the only significant difference between working and laid-off engineers. According to Dr. Loomba, the same pattern holds true today as when he made his original study.

The Loomba report also painted a bleak picture for re-employment. Length of unemployment was directly related to age, concludes the report. For example, 56% of those 56 or older were unemployed for 18 weeks or longer. Only 26% of those under 35 remained unemployed as long. A recent survey by the Engineers Joint Council's Engineering Manpower Commission comes to the same conclusion. Older engineers, like older employees in general, will have greater than usual trouble in finding new work, because industry clearly is putting its hiring emphasis on new graduates.

Another recent survey bears out these grim statistics. The survey, conducted in November 1969, among engineers laid off from four West Coast aerospace companies, indicated that 50% of those laid off were over 40. Of the remainder, 30% were over 30. A number of similar studies have been undertaken in various parts of the country in the last few years. Invariably, they indicate that the older engineers do have more trouble finding a job, especially during slack times.

Aside from these reports, which consider primarily the aerospace industry, little documentation exists to prove age bias on the part of companies. Still, circumstantial evidence indicates at least a de facto discrimination. A recent survey conducted by Deutsch, Shea, & Evans Inc., a New York agency specializing in manpower advertising, indicates most companies currently advertising for engineering help want people with no more than five years' experience, and willing to work for salaries ranging up to $14,000 per year. The survey considers only the help-wanted advertising placed in newspapers and magazines, and might be claimed to be unrepresentative of a company's actual hiring practices. But it nonetheless underscores the emphasis most companies are placing on youth.

Although declining to be quoted, several personnel managers contacted recently admitted candidly that at present the over-40 engineer "probably does" have more trouble getting a job than the younger man. But they ascribe these added difficulties to factors other than age—obsolescense, temporarily unmarketable specialties, and high salary demands. The term most often heard by older engineers is "overqualified." Many of the "overqualified," however, feel that this is simply a fancy word for "too old."

Employment agencies too are not eager to go on record as stating that age discrimination exists. But spokesmen for several representative agencies agree privately that bias exists, especially where there is a surplus of available talent.

But the clinching evidence comes from discussions with over-40 engineers who've already been through the mill. Over and over again, the comments indicate that being 40 and an aerospace alumnus are severe hurdles to overcome. "Aerospace can't use us, and non-aerospace doesn't want us," says one engineer. "They tell us we're too expensive, too specialized, too used to the glamor of aerospace. They're afraid we'll go back to it as soon as things pick up again."

Another laid-off engineer—50 years old—claims that his company told him his job was being liquidated. Yet he says that within a few weeks a younger man was doing exactly the same work.

A check of representative companies indicates that seniority is seldom used as the basis for terminating engineers. In most cases, the employer simply decides whom he can do without, and lets him go.

Many companies do have machinery set up to protect the engineers against arbitrary termination. One typical giant aerospace manufacturer, for example, uses a series of reviews to determine who will finally be terminated. The first-level supervisor decides whom he can do without; a list of those chosen passes through several management levels and is checked against overall company needs before the final list is determined.

Yet the fact remains: the engineer is not protected by seniority against job termination. Nor, according to knowledgeable observers, is he ever likely to be. The nature of his work is such that chances are he won't have the necessary skills to take over another project which in many cases is itself highly specialized.

THE ACCENT ON YOUTH

The "youth movement" evident in the hiring policies of many companies is causing increasing bitterness among older engineers. A recent informal MD survey confirmed the fact that most large companies are actively recruiting new graduates, while many of them are at the same time terminating established engineers.

This trend has been evident for some time. A survey by the EJC indicates that only 3% of the nation's 1970 engineering college graduates had received no offers at graduation time. According to college placement directors, the choice wasn't as good as it once was, but there still were enough jobs to go around. Only marginal students were having trouble finding work. And, says the EJC, the future graduate need have no fear that his services won't be in demand when he graduates.

Companies defend this practice by pointing out that they must build for the future, no matter how grim the present may be.

IS OBSOLESCENCE THE REAL CULPRIT?

The most common reason given by companies for laying off older engineers is that these engineers are often highly specialized individuals whose specialties are no longer needed. Many of these engineers haven't kept pace with changing technologies, and are not economically retrainable, say the companies.

Engineers counter with the accusation that this is just a convenient excuse for getting rid of senior men in favor of younger engineers who will work for less.

The truth seems to lie on both sides. Older engineers have indeed become victims of overspecialization. And many of them are doing little to broaden their talents. But a surprising number are devoting considerable time to keeping up. In a recent MACHINE DESIGN survey, 60% of respondents claimed to have set aside two to five hours per week for study, while 33% said they spent over five hours per week. The same study indicated that only 5% of respondents had enrolled in degree programs, with 25% saying they planned to.

Does such study help? Not when the job market is tight, as it is now in the aerospace industry. In most cases, the man with the specific skills needed by the company is kept on. According to the Loomba study, such continuing education had no noticeable effect on who was or wasn't laid off.

But even when obsolescence isn't the problem, the engineer often seems to do all the wrong things, say the experts. His job-hunting activities are often limited to scanning the want ads. When he does apply for job, his resume is unprofessional and unimpressive. In many cases, he refuses to relocate.

ARE OLDER ENGINEERS MORE EXPENSIVE?

There are a number of reasons why companies have strong incentives to avoid the older engineer—and most of them are money-related. Probably the factor most often mentioned by outside observers is the pension. One knowledgeable observer recently stated that engineers close to achieving a vested interest in company pension plans seem to be laid off at a rate out of all proportion to their number.

Why should companies with pension plans be so interested in reducing the number of employees over 40? For a 30-year-old worker, the company's contribution to his pension is generally put, actuarily, at about twice that of the worker himself. But for a man over 50, the ratio changes to about 8:1. Such considerations can have a serious negative effect on an older engineer's chances of being hired.

Another factor works to the engineer's disadvantage at layoff time. When a man is terminated, the money already paid into his pension fund doesn't revert back to the company. But it can be used to reduce future payments, assuming, of course, that the worker doesn't have vested rights.

The cost of other benefits, such as health care, often rises significantly if a company hires older workers. For a company employing thousands of workers, a one-year rise in the average employee age can mean a substantial rate increase.

Companies themselves don't deny that the older engineer is often a liability. But, they point out, it isn't the companies' fault. A highly specialized, high-priced engineer isn't worth much to a company which has no need for his specialty. It isn't that the older man can't do the job; it's simply that he's too expensive.

But for all the talk about high-priced older engineers, salary surveys consistently indicate that the average engineer, enjoying a median income, can expect his salary curve to start flattening noticeably at about age 45. He'll fare somewhat better if he's among the top half in salary level. Below the median, the curve tops out at about age 45, then begins a slow downtrend.

The trick is to become a supervisor. Engineering supervisors in the top half of the salary range for industry can expect their income to climb steadily, albeit less quickly as they age, until they are well along toward retirement age.

But salary statistics don't really tell the whole story. Many a laid-off engineer—whether manager or not—has been forced to take a substantial cut in pay to get another job. This is most likely to happen to aerospace engineers transferring to a non-aerospace job.

IS ANYTHING BEING DONE?

Federal legislation against age bias in employment practices has helped. But most of the real progress has been achieved by the efforts of the over-40 engineers themselves and by the much-maligned companies who are generally felt to be responsible for the whole mess in the first place.

The most publicized organization devoted exclusively in helping older workers is Forty Plus, with offices in major cities. Forty Plus is a nonprofit association of executive, technical, and professional men, all of whom share one thing in common: they are looking for a job.

Not unaware of the growing problems of the older engineer, companies themselves are setting up special services to place their superfluous employees. If no position can be found in the company, it tries to place the

employee with another company, either directly or by helping him prepare resumes and deciding where to apply.

Some professional societies have set up employment services for their members. The American Institute of Aeronautics and Astronautics, for example, has sponsored job-hunting workshops in cities with high engineering unemployment. There is no charge, and the AIAA reportedly has just received a grant from the Department of Labor.

The Federal Government, finally reacting to demands that something be done about the growing unemployment problem in engineering, has established a nationwide jobs registry. According to Secretary of Labor James D. Hodgson, the new service, which became effective November 1, is similar to services currently available to unemployed philosophers, economists, librarians, and statisticians. A central office in Sacramento, California, will maintain a file of engineers and their qualifications and will match applicants with potential job openings across the country.

Unions are doing what they can to help, although no special consideration is given to age. The Seattle Professional Engineering Employees Association has for some time been running an employment bureau for laid-off members. Job openings are posted, and resumes are filed for use by prospective employers. SPEEA also runs advertisements announcing the availability—current or impending—of its members. The organization claims to have found jobs for some 2,000 engineers laid off in the last couple of years.

Individual over-40 job-seekers have come up with ingenious approaches to stand out in the crowd of applicants flooding the market. One man reportedly mails his job applications with the latest commemorative stamps; he has heard that some stamp-collector executives have all such mail routed directly to them. Another job-seeker periodically resubmits his resume to companies that have rejected him; he feels that most resumes not of immediate interest go into the wastebasket. Many applicants simply don't give any information that might reveal their age until they have to; they feel this gives them more time to sell themselves. Still others try to bypass the personnel department entirely, feeling that they will stand a much better chance with a higher placed executive.

Some engineers aren't waiting for the job market to open up. Some months ago, a group of engineers, laid off from McDonnell Douglas in Long Beach, Calif., decided to go into business for themselves, offering job-shop engineering services. Custom Engineering Services Corp. of America now numbers nearly 100 engineers in its talent pool. Most of them are in their 40s. Although CESCA isn't a full-time job yet for most of its staffers, it's helping to keep the wolf from the door, say spokesmen.

Of course, not everyone prefers the younger engineer. Many companies, for example, prefer experienced advanced-degree holders to recent graduate-school alumni. They feel that an experienced Ph.D., for example, becomes productive more quickly. This is especially true in research projects with specific objectives.

In the non-aerospace field, a number of employment agencies report that the market for experienced engineers is excellent. As a matter of fact they say that this market is much stronger than is the "volume" market—the $10,000–$12,000 group.

Are private employment agencies painting an over-optimistic picture? To some extent, it would seem so. According to a recent survey, the demand for engineering executives is down by 38%.

The seeming discrepancy can be accounted for by several factors. Most important, of course, is which sector—aerospace or civilian—one talks about. There is certainly a glut of middle-management engineers in the aerospace industry, just as there is a surplus of highly specialized "working" engineers. In the civilian sector, the situation is somewhat different. The help-wanted section of any large newspaper bears out conversations with employment-agency personnel: jobs are available for chief engineers, for example, with experience in special areas. So the anomalous situation exists, with specialization being the bane of the aerospace engineer and the salvation of the non-aerospace engineer.

The eventual salvation of the older engineer can come, say the experts, only when another shortage develops. This isn't to say that the aerospace industry must come back. In fact, many knowledgeable observers feel that it won't—that other technologies must take up the slack. Add to this the fact that our colleges are graduating fewer and fewer engineers—one reason being that prospective engineering students don't want to risk being in the same boat as today's older engineers—and it becomes obvious that things must eventually improve.

When can we look for some improvement? Not for a couple of years, say those willing to hazard a guess—nothing will be likely to break during 1971.

Many feel that unions offer the only long-term answer. And indeed the trend to unionism is becoming more pronounced. The argument that unionism and professionalism are mutually exclusive has been weakened by harsh economic reality. So far, most union activity has been in the aerospace sector. If things continue to deteriorate, observers feel that the non-aerospace sector could find unionism increasingly attractive.

FIFTEEN AGED HELP BEAUTIFY COUNTY

Mr. WILLIAMS of New Jersey. Mr. President, a news article in the November 28 Atlantic City Press entitled "Fifteen Aged Helped Beautify County" has reminded me once again of the fine service performed by elderly Green Thumb workers throughout the Nation—and perhaps more important, the benefits of the program to those older persons participating.

The Green Thumb program, sponsored by the National Farmers Union under a grant by the U.S. Department of Labor, employs older people, primarily in rural areas. The average age is 69, but the oldest Green Thumber is 93. Thus, the $1,500 a year they may earn from Green Thumb projects can make the world of difference in the well-being of these older Americans. Physicians have reported that the health of the older workers improves after working for Green Thumb, and the workers themselves have reported that they feel better, needed, and worthwhile once again.

Green Thumb projects are not make-work jobs, but useful and necessary: beautifying parks, constructing trails, clearing roadsides for safety and beauty, and other jobs too numerous to mention.

The Green Thumbers referred to in the news article have been beautifying parks and other areas around public buildings in Atlantic County, N.J. They have been pruning trees, planting shrubbery, painting picnic tables, and repairing fireplaces. In the words of one elderly gentleman, who was the first to sign up with the program when it started 3 years ago, "We are jacks-of-all-trades." He is 83 years old and he made that remark with obvious pride. These men put something special into their work because many believed life to be over before joining Green Thumb.

This is important work, worthy of our close attention—and these are important people. Therefore, I ask unanimous consent that the article entitled "Fifteen Aged Help Beautify County," by Florence Bradley, be printed in the RECORD.

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

FIFTEEN AGED HELP BEAUTIFY COUNTY

(By Florence Bradley)

People have been noticing that places like Birch Grove Park and other areas around public buildings throughout the county have taken on a newer look.

"Many of them don't realize it, but it's the work of 15 elderly but energetic men who are responsible. They belong to the Green Thumb project in Atlantic County," said Lorenzo Luccinardi of the Shade Tree Commission.

The men, mostly retired farmers and all on Social Security, supplement their income and improve their environment at the same time through this federally funded program, Luccinardi explained.

"I used to be a farmer and I still like working outdoors," 83-year-old Otto Geyer of Dorothy said. He was the first man to sign up when the project started about three years ago.

"We work about four days a week, planting trees and shrubs, and cleaning up an area," Geyer said.

It gives them something to do with their time. All active men, they're anxious to help out and to feel needed.

Crew foreman Joseph Szigethy of Dorothy said the men had recently finished fixing the fireplaces at Weymouth Park and were currently completing a project at Birch Grove Park in Northfield.

"By the time we're done, new shrubbery will be planted, the picnic tables repaired and repainted, the grounds cleaned up and everything ready for next season's group of campers," Szigethy said.

BUSY PRUNING

The men work all year except from December to March, and in June and July. Jerry Barner of Egg Habor City, who was busy pruning a tree while Szigethy talked, is 84 and the oldest worker in the Green Thumb Project.

The men go about their chores quietly, intent on their work and not speaking to each other very much, perhaps because some of them are hard of hearing.

"I like doing any kind of light work, especially if it's outside," said Angelo Nicolosi of Estelle Manor, who didn't stop painting his picnic table while he talked.

This is his third year with the Green Thumb Project and Nicolosi said he knows how to do just about everything. As Geyer put it with a grin, "We're jacks-of-all-trades."

Public buildings anywhere in the county are eligible to be worked on by this young-at-heart group of men.

More information can be gotten by contacting the Shade Tree Commission, Luccinardi said.

Watching the men having their pictures taken as they worked, he added, "They do a darned good job. It's good to see them getting some publicity for a change. They're usually just in the background while everyone else gets the credit."

SOVIET ANTI-SEMITISM: CULTURAL GENOCIDE

Mr. MATHIAS. Mr. President, if America is to keep its promise to posterity it cannot ignore the cause of liberty wherever it is challenged. To raise a high standard for all the world is to impose a special discipline upon ourselves. That we sometimes have to admit failure in reaching our own goals is no reason to lower that standard.

The fact that applying such a standard is sometimes uncomfortable is no excuse for not seeing the world as it is. The probability, that deserting that standard will be dangerous, is confirmed by the experience of the decade of the 1930's.

And so we must look at the plight of Soviet Jewry today.

The phenomenon of anti-Semitism in Russia is, of course, not new. Unhappily, it is deeply woven into the fabric of Russian history going back centuries and continuing to this day. This fact is generally known. What may not be so well known, however, is the long history of American intercession on behalf of victimized Jews in Russia. In 1881, Secretary of State Frelinghuysen directed a strong protest to the czarist court regarding pogroms inflicted on Jews in Warsaw. Again in 1903 President Theodore Roosevelt forwarded to the czar a petition signed by thousands of American citizens of all religions protesting the Kishinev massacre. In 1906, the Senate and House of Representatives passed a joint resolution condemning the continued mistreatment of Jews in Russia. As this proved unavailing, the House of Representatives in December 1911, voted to terminate the treaty of 1832, which had governed trade and commerce with czarist Russia for almost a century

My view of anti-Semitism in the U.S.S.R. has just been made all the more graphic by the report of George Moore, a member of my staff, who has just returned from the Soviet Union where he had sought to observe the trial of 40 Soviet Jews and other Russians accused of conspiracy to flee by plane to Finland, and thence to Israel.

At the last moment the trial was postponed to December 15 and has now resulted in the death penalty for two of the defendants. Despite the postponement, George Moore's visit did induce significant conclusions. In short, it appears that Soviet policy is bent on a kind of religious and cultural genocide—annihilation of Judaism as a faith and the Jewish people as an ethnic entity within the borders of the Soviet Union.

In contrast to the peaceful celebration of Hanukkah, now being observed in much of the civilized world, for example, the Soviet authorities appear to have started systematically disrupting special religious services for the Jewish youth. Several weeks ago, I understand, police burst into the Leningrad synagogue during the traditional Simchas Torah, the final day of the Succos celebration, grinding cameras and shouting into megaphones, "It's all over. Go home."

Even in Russia this raises a serious question as to the credibility of article 124 of the Soviet Constitution which purports to guarantee "freedom of religious worship."

Reports that anti-Israeli propaganda is reverberating not only against Russian Zionists, but increasingly against every Jew in the Soviet Union are a sombre note at the year's end. For, inevitably, when the Soviet press says "Zionist," most Russians read "Jew." When the newspapers attacked Western demonstrations in support of Soviet Jews, George Moore witnessed antiSemitic abuse, directed at random against unsuspecting Jews in the streets of Moscow.

At the same time, in one important sense, the Soviet repression has backfired. I am encouraged to hear that Soviet Jewry appears to be undergoing a resurgence of spirit, particularly among the youth. The unprecedented barrage of propaganda following the 6-day war has produced an unexpected result—that of arousing, often intensely, many a dormant Jewish consciousness.

Young Jews have recently taken to celebrating Jewish holidays publicly, in front of the few remaining synagogues—despite the ominous clicking of KGB cameras. Jewish students say they are loath to change their names. Young half-Jews speak militantly of changing from "Russian" to "Jewish" the nationality their parents had registered for their passports. In a popular Leningrad restaurant my aide observed a large group of young Jews vigorously and repeatedly—he says defiantly—singing "Hava Nagila" and other Israeli songs.

Israel seems to have provided a great stimulus, with its image of the wiry Israeli soldier standing up and fighting it out in the Middle East. For the first time in decades, it seems the resolve of Soviet Jews is waxing, and not waning. This increase in Jewish identity, this revival of Jewish consciousness is encouraging and gives hope that the long drive to eliminate Jewishness in the Soviet Union may at last encounter significant resistance.

Recently, I was moved, as I think were many Americans, to see photographs of Chancellor Willy Brandt of West Germany, kneeling at the monument to the Polish Jews who perished at Nazi hands in the Warsaw ghetto. At the same time I was stirred by this reminder that the Polish Government, which has given support to anti-Semitism, has itself memorialized these tragic victims by erecting an imposing monument.

What makes these remembrances all the more poignant, though, and why I mention them now, is the striking contrast afforded by the Soviet Union. At Babi Yar, near Kiev in the Ukraine, some 35,000 to 100,000 Jews were brutally massacred in 2 days by the Nazis. And yet there, at that unfortunate site, there stands no monument, there stands no memorial—only emptiness and desolation.

This is not for lack of Jewish interest. Nor is it because the Soviets are averse to commemorating the war dead. Kiev itself, Moscow, Leningrad—indeed all Soviet cities—abound with war memorials. Even outside the U.S.S.R., most notably in Berlin and Vienna, the Russians have left imposing monuments to those of their number who encountered the Nazi menace.

Yet Babi Yar stands barren—by Soviet Government dictate. Not only is that a tragedy to every Jew, it is an affront to all humanity. Unfortunately, it is characteristic of the Soviet treatment of Jews.

Joel Cang, an American writer, has posed a telling question: If the Jewish murdered are obscured, how do the living fare?

History may have its cycles, affording people breathers, but for the Russian Jew there has been scant respite. Czarist Russia oppressed these people, but Jewish life survived. During three centuries of Romanov rule, two sets of antisemitic laws were issued, containing over 500 restrictions.

Earlier, during the 16th century, Ivan the Terrible ordered the drowning of many Jews who refused to renounce their faith. Even the pogroms, evidence suggests, were instigated by the czarist rulers.

But, despite this, Jewish organizations and newspapers were commonplace. Up to 1914, in fact, one-fourth of all the books published in Hebrew had been published in Russia.

By sharp contrast, however, what Russian Jewry managed to preserve under the czars has been persistently eroded under communism. Stalin, we know, pushed anti-Semitism to new heights. With one hand purging all his real and suspected enemies, many of them Jews, Stalin with the other snuffed out Jewish cultural institutions—newspapers, theaters, colleges. Between 1934 and 1939, he closed 750 schools teaching in Yiddish, attended at one time by over half the Jewish children in the Soviet Union.

Within several years after the establishment of Israel, the campaign against Soviet Jewry intensified. Each day new attacks unfolded in the press. As never before, the Jew was singled out and stigmatized as an alien, a stranger with no attachment to his native land. Culminating this treacherous drive was the arrest, in 1948, of leading Jewish personalities—artists, musicians, government and party officials, and over 200 writers and poets. Almost all perished in concentration camps. Among those executed were 26 of the most prominent writers, who have been described as "the cream of secular Yiddish culture."

Soon thereafter, in 1953, Stalin unveiled the "Doctors' Plot" which set off a program of mass deportation to Siberia of Soviet Jews.

Yet Stalin's demise did not herald an end to Soviet anti-Semitism. It merely transformed its character. The Russian Jew remains the object of measures aimed at his debasement, his humiliation, his banishment—what Sartre, in his "Portrait of the Anti-Semite," describes as "symbolic murder." More subtly, but no less effectively, all that is Jewish is still being driven to extinction. Cultural genocide of Soviet Jewry continues unabated.

The attack on Jewish religious life has been particularly severe. At the time of Stalin's death there were still 500 syna-

gogues in the U.S.S.R. Under Khrushchev the number was slashed to less that 100. Now they number barely 60. And this is with a Jewish population of some 3 million. It is in contrast, for example, with the nation's 540,000 Baptists with their 5,500 churches. In Moscow there is only one synagogue and two prayer rooms for 400,000 Jews.

For over 5 years the Soviet Union has been without any yeshiva for the training of rabbis. One was opened in Moscow in 1957, but the youngest student at any time was 40, and at no point were there more than 13 students. In 1962, it was reduced to four students and subsequently closed. With Soviet rabbis averaging 70 years of age, the implications should be clear.

Publication of religious material is severely restricted. The few Jewish prayer books allegedly printed a few years ago apparently were shipped abroad as "proof" that Jewish prayer books are indeed published in the Soviet Union. Whereas other faiths have had Bibles printed, the Jews have had none.

The baking of matzoh, the unleavened bread used in the observance of Passover, has been forbidden. Restrictions have even been imposed on Jewish burial traditions.

Anti-Semitic propaganda consistently portrays religious Jews, rabbis, and lay leaders as money worshippers. Judaism is constantly denigrated, its rites mocked, its essential tenets ridiculed. Allegations of drunkenness in the synagogue is a favorite theme, and fighting is said to occur frequently, usually over the illicit profits from black market and religious "speculations."

Each of the remaining synagogues in the Soviet Union stands alone. While other faiths have a central organization and interchange among their congregations, the Jews are permitted none.

Secularly, Soviet Jews are further isolated by very limited means of communication. Compared with the 80 Jewish newspapers and periodicals published during the first decade after the revolution, the only present outlets are a monthly published in Moscow and a two-page Yiddish paper issued in Birobidzhan, the so-called Jewish Autonomous Region. But, even in Birobidzhan, the schools do not teach Yiddish. Nor do the Jews have other cultural facilities, such as schools, libraries, and social organizations. Reporting on his journey there in 1959, Max Frankel of the New York Times referred to the "shack that serves as a synagogue" where Sabbath services were conducted without a rabbi. Birobidzhan is but a Soviet fiction, a faded showcase of the 1920's.

Soviet Jews are treated on a level with the smallest ethnic groups which until the revolution were still leading a nomadic life and had no alphabet. Among the other groups with only one newspaper or journal in their native language are the Nenets with a population of 25,000, and the Chuckchi with a population of 12,000.

As compared with the 3 million Jews, the 50,000 Kurds have three newspapers, the 100,000 Tuvinians 10, and the 200,000 Kara-Kalpakinas 12—all in their native language.

With books on recent Jewish history nonexistent in the Soviet Union, there has sprung up an "underground" press which translates, types, and distributes the works of current Israeli writers as well as early Russian Zionists.

On another cultural front, Yiddish theater has dissolved in over 40 Soviet cities and is now reduced to infrequent troupe appearances which concentrate most, it is said, on ridiculing the Jewish religion and its customs.

Clearly, then, the object of Soviet policy is, as Moshe Decter says:

> To intimidate and atomize Soviet Jewry, to isolate it both from its past and from its brethren . . ., to destroy its Jewish spirit.

The Soviet Union demands that every Jew become an alien to his heritage, that he "assimilate." He must disappear into the scene.

But even here there are enormous contradictions. Soviet Jews have virtually disappeared from high positions of political importance—in the party, in the government, in the military. Since Khrushchev the Higher Party School has been closed to Jews. No longer are they admitted into the Russian diplomatic service.

It is getting much tougher for a Jew to get a job, to hold onto it, to advance in it. Since the 1960's, Jewish numbers at the universities have become restricted, often rigidly so, especially at Moscow and Leningrad.

Thus, while Soviet Jews are resisting their total assimilation, so, too, is the Soviet Government. The official push and pull moves on to exact its toll: Neither Jew nor Russian, but second-class citizen, 3 million of them.

The long tradition of American sympathy for the plight of Russian Jews, extending over a century of Russian-American relations, now demands new proof of our commitment to this aspect of the fight for human dignity and individual liberty.

DELMARVA POULTRY

Mr. MATHIAS. Mr. President, the production of broiler chickens on the Delmarva Peninsula, which includes the Eastern Shore of Maryland, as well as parts of Delaware and Virginia, accounted for one-tenth of the Nation's output in 1970.

The industry on the peninsula began in 1923 and, as it has grown in production, so have associated activities relating to the raising and feeding of the chickens. With the aid of scientists and technicians, the time it takes to ready the birds for commercial use has been cut in half.

This year, this business, like so many others, has been affected by the slump in the economy. It is a source of concern to Marylanders and all Americans alike that the year has been an unsteady one for these producers, for this industry is truly a major part of our Nation's agriculture. We can all be assured, however, that the contributions toward efficiency and the production achievements made by those on the Delmarva Peninsula will help to bring this necessary operation through the difficulty it now is suffering.

I am pleased to ask unanimous consent to have printed in the RECORD the article from the Evening Star of Sunday, December 20, 1970, elaborating on the fine work done by this industry.

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

CHICKENS A BIG BUT TROUBLED DELMARVA BUSINESS

(By Woody West)

EASTON, MD.—The production of broiler chickens on the Delmarva Peninsula is an industry regulated by scientists, technicians and computers. But, despite all the impersonal modern trappings, it is suffering from an old scourge, an economic slump.

The industry constitutes over 25 percent of total farm sales in Maryland and nearly 60 percent in neighboring Delaware. The Delmarva chicken payroll is over $66 million a year.

Last year some 32 million broiler chickens—the bird that supplies both the housewife and Col. Whatshisname—went to market from the Delmarva Peninsula, accounting for about one tenth of the nation's production.

For the broiler industry, like other segments of the economy, 1970 has been a rough year so far.

PROFITS HAVE VANISHED

"There's no profit in it right now and hasn't been for some time," says Frank Gordy, executive director of the industry association.

"We used to think that chickens, being such a good buy, would actually benefit from a depressed market. But it hasn't been so this year."

High production of pork in recent months has been one reason for the lag in broiler prices, according to industry officials.

"We've been through this before and survived and we'll survive again," Gordy says. "It's a sound industry and it's going to continue to be a major phase of our nation's agriculture."

It all started in 1923 in Sussex County, Del. According to the Delmarva Poultry Industry, Inc. Mrs. Wilmer Steele of Ocean View, Del., was the pioneer with her first 50-bird flock.

Commercial broiler-fryers before that were raised as part of the traditional diversified farming operation. Usually young roosters were removed from laying flocks and sent on to market.

The association points out that per capita consumption of broiler chickens has increased from 2 pounds in 1940 to more than 30 pounds now. Early commercial flocks took 16 weeks to grow to a marketable 2¼ pounds; today it takes only 9 weeks to raise a 4-pound bird.

As commercial growing spread on the peninsula, related activities grew up—hatcheries to supply baby chicks; feed mills to supply the grain; increasing acreage put into corn and soybeans to supply the mills; processing plants to kill and dress the birds for market.

The basic structure of the Delmarva broiler industry today is that of an integrated operation, with a company controlling all phases of production, processing, marketing; owning or controlling its own hatchery, feed mills, grain storage, breeders, broiler and processing plants.

CHICKS FARMED-OUT

After the chicks are hatched under stringently regulated conditions, they are put out on contract to growers, frequently a husband-wife team raising a flock of up to 25,000 birds at a time.

The grower supplies the brood house, equipment, and labor. The "integrator" provides the chicks, feed, fuel, medication, and supervision.

Bayshore Foods in Easton is typical.

The firm places 600,000 chicks a week with growers, says Bob Blades, a 38-year-old vice president.

The chicken cycle begins with the eggs, obviously. Only about 25 percent of the hatcheries' requirements, however, are produced on the Eastern Shore.

The eggs are sorted, graded, and slid into the setters. For 18 days, the oblong trays of eggs remain in the mechanical mother, with temperature and humidity constantly monitored.

Once an hour for 18 days, each egg is automatically turned to prevent the developing embryo from adhering to the shell's membrane.

After the 19-day incubation, the trays of eggs are transferred to the hatchers. These machines, like the setters, are monitored 24 hours a day and protected by an auxiliary power system.

Three days later, nature intrudes into the mechanically controlled process and the small blips of yellow fuzz chip their way out of the eggs and into a starkly predestined existence.

Within a matter of hours, the chicks have been graded and are on their way to the contract growers.

The chicks, during their 9 weeks with the grower, are checked weekly by Bayshore supervisors. Bayshore, like most integrators, has its own pathologist and also maintains an experimental chicken house.

Soon enough, it is time for market. The chickens—a hybrid breed almost all white and developed over the years—are "live hauled" to the processing plant.

Bayshore has its own plant in Delaware. The Esskay Plant at Cordova near Easton, however, is also fairly typical of this end of the operation.

At a rate of 200,000 to 250,000 a week, the birds are processed at the Cordova plant. In an average time of one hour, a feathered flurry at the unloading dock is transformed by mechanical pluckers, hot and cold baths, singeing, and eviscerating operations, into a dressed whole chicken, or parts and is on its way to market.

STEWARDSHIP REPORT OF SENATOR BYRD OF WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, from time to time during the 18 years I have served in the two Houses of Congress, I have reported to my constituents in West Virginia my voting position on the principal and more meaningful issues, together with my rollcall attendance record. I, therefore, take this opportunity to place into the CONGRESSIONAL RECORD some of the more important votes to date which I have cast during the first and second sessions of the 91st Congress. Before doing so, however, I shall state my rollcall attendance record covering the 24 consecutive years I have served in public office. During my 6 years in the West Virginia House and Senate, and my 6 years in the U.S. House of Representatives, I attended 2,425 out of 2,563 roll and quorum calls, an attendance record of 94.6 percent. My attendance record during my 12 years in the U.S. Senate, up to October 2, 1970, is as follows:

Year	Number of rollcalls	Rollcalls missed	Percentage of attendance
1959	216	5	97.6
1960	207	16	92.3
1961	206	3	98.5
1962	227	7	96.9
1963	229	20	92.0
1964	312	27	91.3
1965	259	20	92.3
1966	238	18	92.4
1967	315	2	99.4
1968	280	10	96.4
1969	245	7	97.2
1970 (to Oct. 2)	322	6	98.1

Now, with respect to positions on the issues, there appears to be an unfortunate tendency on the part of special interest groups to attempt to categorize or label Members of the Senate or the House as either liberals or conservatives, on the basis of one's votes on a pure selective issue of special interest to the particular group. The longer I serve in the Congress, the more I object to these superficial terms and the frequently distorted images which they project.

The great English statesman Edmund Burke was, as he said, "a conservative to preserve all that is good in our Constitution and a radical to remove all that is bad." Burke's statement pretty well reflects my own viewpoint regarding the responsibility of an elected representative of the people. As a Senator, I believe that my stand upon the issues should not be based upon mere political partisanship or a mutually exclusive conservative or liberal philosophy. It should be based, instead, upon what I believe to be in the best interests of the people of West Virginia and the country as a whole.

Generally speaking, in my 24 years of service in the two houses of the West Virginia Legislature and both Houses of the Congress, I have supported certain measures and legislative actions which have been considered conservative, and I have supported other measures and actions which have been considered liberal. The poet said that "beauty is in the eye of the beholder." Whether one is a liberal or a conservative oftentimes lies in the "eye of the beholder." For example, some people have judged me to be a conservative while others have judged me to be a liberal—and, undoubtedly, both of these diversive viewpoints can be substantiated in the "eye of the beholder" by a look at the record. Inasmuch as I have had to live with my legislative record, I view it however, as largely a middle of the road philosophy, veering toward the conservative on some issues and toward the liberal on other issues. For instance, my voting record will show that I have followed the so-called liberal position on legislation dealing with social security programs, urban renewal, consumer protections, public housing, aid to education, minimum wage, unemployment compensation, veterans, mass transportation, air and water pollution, highways, public works, food stamp programs, health and safety, medicare, hospital construction, and so on. On the conservative side, I have voted against foreign aid in recent years, I have supported the ABM, I have been a strong exponent of law and order, I have spoken out against violence on the campuses and in the streets of America, and I have opposed a change in Senate rule XXII to permit the invoking of cloture with less than a two-thirds vote of those Senators present, although in recent days I have concluded that a limited modification of the rule may be justified, as I shall discuss at another time.

Also on the conservative side of the ledger, I have supported the nominations of Messrs. Burger, Haynsworth, Carswell, and Blackmun to the Supreme Court of the United States. The record must also show, however, that I supported the nominations of Abe Fortas and Arthur Goldberg to the position of Associate Justice of the United States. I opposed the proposed elevation of Mr. Fortas to the office of Chief Justice of the United States.

Rightly or wrongly—and I think wrongly—the conservative label is most usually applied in the context of the race issue. For example, if one votes against civil rights legislation, this fact alone automatically dooms the individual to eternal punishment in the "conservative" salt mine in the minds of a lot of people and in the eyes of much of the liberal press—regardless of how consistently one may have voted in support of other so-called liberal legislative measures. During the 18 years I have served in the Congress—6 years in the House of Representatives and 12 years in the Senate—six sweeping civil rights acts have been placed on the Federal statute books. I voted for four of these—the 1957, the 1960, the 1962, and the 1968 Civil Rights Acts—but this fact is overlooked by those who remember only that I voted against the 1964 and 1965 so-called Civil Rights Acts. We all know, too, that amendments, bearing a civil rights label, are offered from time to time for partisan political reasons, to appropriation bills and other bills, and I have noted that even those Senators universally recognized as liberals often find themselves opposed to such amendments because they are purely political in nature and not considered to be appropriate and justifiable at the time.

So a Senator's whole record should be taken into consideration before any attempt is made to label him as belonging exclusively to any particular group, or as espousing any particular philosophy.

My point here is that it is all too easy to distort the record by omission of certain items, inclusion of others, and by under- or over-emphasis.

In the following summation of significant and meaningful rollcall votes taken during the 91st Congress, I have endeavored to present a carefully documented statement which, together with the foregoing, will, I believe, give a balanced picture and provide the basis upon which an objective evaluation of my record in the Senate can be made.

I would interject only this final observation for emphasis: Obviously, the following do not constitute all of the rollcalls, but they do represent those which are more easily understood and which are, as I say, more meaningful to the average citizen. For the most part, they are the issues which have been

brought to the attention of the reading public by press and television.

My votes are as follows:

YEAR 1969 VOTES

Rollcall No. 16, for treaty on nonproliferation of nuclear weapons, March 13, 1969.

Rollcall No. 17, for bill to increase public debt.

Rollcall No. 27, for nomination of Warren E. Burger to be Chief Justice.

Rollcall No. 36, for increasing funds for Neighborhood Youth Corps program.

Rollcall No. 42, for national commitments resolution.

Rollcall No. 52, against surtax extension.

Rollcall No. 66, for Emergency Insured Student Loan Act of 1969.

Rollcall No. 67, for Fulbright amendment to reduce authorization for research by $45 million and prohibiting funds for any research project not having a direct military function.

Rollcall No. 69, for Proxmire amendment to cut $533 million from procurement of C–5A aircraft.

Rollcall No. 74, for McGovern amendment to cut $80 million from Air Force research and to limit to $20 million funds for AMSA—advanced manned strategic aircraft.

Rollcall No. 76, for Cooper amendment to limit support to Laos and Thailand to the providing of supplies, et cetera, except where protection of U.S. personnel is directly concerned.

Rollcall No. 77, from Proxmire amendment authorizing Comptroller General to conduct a study and review of profits made by defense contractors on negotiated contracts.

Rollcall No. 78, for Cook amendment to set troop level of Armed Forces at 3,461,000 and to reduce that level by same number of troops withdrawn from Vietnam on or after July 1, 1969.

Rollcall No. 84, for McGovern amendment to expand food stamp program.

Rollcall No. 86, for food stamp program revision and expansion.

Rollcall No. 87, for resolution expressing sense of the Senate that U.S. recognition of a foreign government does not of itself imply that United States approves of the form, ideology, or policy of that foreign government.

Rollcall No. 91, for Federal Coal Mine Health and Safety Act.

Rollcall No. 96, for Muskie amendment to establish in the Executive Office of the President an Office of Environmental Quality.

Rollcall No. 98, for bill to establish an Office of Environmental Quality.

Rollcall No. 102, for Murphy amendment to provide State Governors with line-item veto over projects in OEO legal services plans.

Rollcall No. 106, for bill authorizing funds for programs under Economic Opportunity Act and establishing two new programs "Alcoholic Counseling and Recovery" and "Drug Rehabilitation."

Rollcall No. 115, for Veterans Education and Training Assistant Amendments Act of 1969.

Rollcall No. 125, for Proxmire amendment to reduce appropriations for NASA by $100 million.

Rollcall No. 126, for Hart amendment to increase appropriations for HUD urban renewal programs by $587.5 million, from $250 million to $837.5 million. $650 million for regular urban renewal programs and $187.5 million for model cities urban renewal programs.

Rollcall No. 138, for Allen amendment to raise personal income tax exemption from $600 to $1,700.

Rollcall No. 139, paired for Hartke amendment to strike provision extending surtax at 5 percent rate from Jan. 1 to June 30, 1970.

Rollcall No. 142, for Williams of Delaware amendment to reduce depletion allowance for oil and gas wells to 20 percent.

Rollcall No. 146, for Gore amendment to increase personal income tax exemption of $600 to $800 in 1971 and provide a $1,000 low-income allowance after 1972.

Rollcall No. 147, for Hartke amendment to exempt investments of up to $20,000 per year from committee bill's investment tax credit repeal provisions.

Rollcall No. 156, for Byrd of West Virginia-Mansfield amendment to provide for a social security minimum payment of $100.

Rollcall No. 157, for Harris amendment to liberalize welfare benefits paid by States to aged, blind, or disabled.

Rollcall No. 158, for Long amendment to increase social security benefits by 15 percent.

Rollcall No. 159, for Ribicoff amendment to allow a tax credit of $325 per student for expenses of higher education.

Rollcall No. 174, for Byrd of West Virginia amendment to lower social security age from 62 to 60—for individuals who voluntarily retire.

Rollcall No. 178, for Cotton amendment to authorize President to impose restrictions on imports when injury is caused to U.S. industries, firms, or workers.

1970 VOTES

Rollcall No. 28, for Cranston amendment to raise from $3.1 billion to $10 billion the amount authorized to be available for urban mass transportation through 1975.

Rollcall No. 31, for Urban Mass Transportation Assistance Act of 1969.

Rollcall No. 36, for resolution to extend the Senate Select Committee on Nutrition and Human Needs through January 31, 1971.

Rollcall 42, for resolution to create a Select Committee on Equal Educational Opportunity.

Rollcall 53, for school lunch and child nutrition amendments to improve and strengthen food service programs provided for children.

Rollcall No. 62, for Airport and Airways Development Act.

Rollcall No. 82, for conference report on Cigarette Smoking Act prohibiting all broadcast advertising of cigarettes after January 1, 1971, and so forth.

Rollcall No. 91, for Mansfield amendment to reduce voting age to 18.

Rollcall No. 97, against Voting Rights Act Amendments 1970.

Rollcall No. 106, for hospital and medical facilities construction and modernization amendments.

Rollcall No. 111, for employment security amendments of 1970 extending coverage of unemployment compensation program, establishing a permanent program of extended benefits for people who exhaust their regular State benefits during periods of high unemployment, and making other changes to strengthen the unemployment compensation system.

Rollcall No. 112, for Carswell nomination.

Rollcall No. 117, for Federal Employees Salary Act of 1970.

Rollcall No. 122, for Political Broadcasting bill to limit charges for use of broadcasting by candidates for public office and fixing prescribed amounts which candidates for Federal elective office may spend for radio or TV broadcasting in a general election.

Rollcall No. 126, for bill authorizing appropriation of $17.5 million for operations of the Arms Control and Disarmament Agency during fiscal years 1971 and 1972.

Rollcall No. 127 for Emergency Home Finance Act of 1970 to increase availability of mortgage credit for financing of urgently needed housing.

Rollcall No. 129 for Rail Passenger Service Act of 1970 providing financial assistance for modernization of railroad passenger equipment and establishing a national rail passenger system.

Rollcall No. 132 for Nomination of Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States.

Rollcall No. 147, for Byrd-Griffin-Spong amendment to Cooper-Church amendment re limitations on U.S. involvement in Cambodia.

Rollcall No. 149, for Pastore amendment adding $587.5 million for urban renewal programs.

Rollcall No. 152, for Javits amendment adding $50 million for summer youth programs.

Rollcall No. 162, for Nelson amendment to add $10 million for the Teacher Corps.

Rollcall No. 172, for Goldwater-Fannin amendment to eliminate mailing of unsolicited and sexually-oriented advertisements.

Rollcall No. 183, for overriding Presidential veto of Medical Facilities Construction and Modernization Amendments of 1970.

Rollcall No. 184, for Cook amendment to grant to Postal Service employees equal employment opportunities provided by title VII of the Civil Rights Act of 1964.

Rollcall No. 192, for Javits amendment to provide that the 8-percent pay increase for postal employees be made retroactive to the first pay period beginning on or after April 16, 1970, rather than take effect on the date of enactment of the postal reorganization legislation.

Rollcall No. 193, for passage of Postal Reorganization Act establishing a U.S.

Postal Service under the direction of a 15-member Board of Governors and vesting ratemaking and mail classification authority in a Postal Rate Commission.

Rollcall No. 201, for Goodell amendment to add $300 million for grants for water and sewer facilities in metropolitan areas.

Rollcall No. 202, for Hart amendment to add $987.5 million for urban renewal programs.

Rollcall No. 205, for Fulbright amendment to cut NASA appropriation by $300 million—or approximately 10 percent.

Rollcall No. 207, for Smith of Illinois-Williams of Delaware amendment to limit to $20,000 per producer per year payments under farm price support program.

Rollcall No. 210, for Goodell amendment to add $40 million for Farmers Home Administration direct real estate loans for rural water and sewage facilities.

Rollcall No. 211, for McGovern amendment to increase funds for food stamp program by $500 million.

Rollcall No. 213, for Holland amendment to add $3 million for salaries and expenses of the Farmers Home Administration.

Rollcall No. 223, for resolution terminating Gulf of Tonkin resolution, effective upon approval of both Houses of Congress.

Rollcall No. 224, against resolution authorizing $20 million appropriation for expansion of U.N. Headquarters in New York City.

Rollcall No. 232, for conference report on District of Columbia Court Reform and Criminal Procedure Act of 1970.

Rollcall No. 239, against Cooper-Hart amendment to strike $322 million for proposed deployment of additional Safeguard ABM sites.

Rollcall No. 244, against McCarthy-Young of Ohio amendment providing that no live ammunition may be used by State National Guard against civilian population of any State.

Rollcall No. 248, against Proxmire amendment to strike appropriation for Subversive Activities Control Board.

Rollcall No. 253, against Nelson-Goodell amendment to prohibit the expenditure of funds for military application of antiplant chemicals in Vietnam.

Rollcall No. 255, for Nelson-Goodell amendment to prohibit military use of antiplant chemical weapons for purpose of crop destruction in Vietnam.

Rollcall No. 256, for Percy amendment prohibiting disposition of any chemical or biological warfare agent within or outside the United States unless such agent has been detoxified or made harmless to man and his environment.

Rollcall No. 257, for Proxmire amendment to place ceiling of $66 billion on fiscal year 1971 spending for military functions.

Rollcall No. 267, for Disaster Assistance Act of 1970.

Rollcall No. 268, for Full Opportunity and National Goals and Priorities Act establishing full social opportunity as a national goal.

Rollcall No. 271, for Family Practice Medicine Act of 1970.

Rollcall No. 273, for Smith of Illinois amendment to limit to $20,000 crop subsidy payments which may be made to any one producer under the 1971–73 wheat, feed grain, and cotton programs.

Rollcall No. 287, for Employment and Training Opportunities Act of 1970.

Rollcall No. 291, for Small Business Amendments Act of 1970.

Rollcall No. 293, for Library Services and Construction Amendments of 1970.

Rollcall No. 294, for Environmental Quality Education Act.

Rollcall No. 295, for Health Service Corps.

Rollcall No. 299, for air quality standards.

Rollcall No. 300, for bill to protect privacy of the home from unsolicited pornography delivered through mails.

Rollcall No. 301, for conference report on political broadcasting.

Rollcall No. 308, for Housing and Urban Development Act of 1970.

Rollcall No. 309, for second motion under Senate rule XXII to invoke cloture on electoral reform amendment.

Rollcall No. 320, for Equal Employment Opportunities Enforcement Act.

Rollcall No. 321, for conference report on Communicable Disease Control Amendments of 1970.

Rollcall No. 324, for Federal-Aid Highway Act of 1970.

Rollcall No. 334, for proposed Legislative Reorganization Act of 1970.

Rollcall No. 336, for Hughes amendment dealing with the prevention, treatment, and rehabilitation aspects of the drug problem.

Rollcall No. 339, for Eagleton amendment to tighten controls on the drugs commonly known as "pep pills" and "speed."

Rollcall No. 340, for Comprehensive Drug Abuse Prevention and Control Act of 1970.

Rollcall No. 341, against Hart amendment to eliminate the death penalty for persons found guilty of a crime involving explosives which results in a fatality.

Rollcall No. 342, for bill to strengthen the laws concerning illegal use, transportation, or possession of explosives.

Rollcall No. 344, for Hart amendment increasing funds for law enforcement assistance in each of the fiscal years 1971, 1972, and 1973.

Rollcall No. 346, for proposed amendments to the Omnibus Crime Control and Safe Streets Act.

Rollcall No. 350, for Baker amendment to provide for the right of persons lawfully assembled in any public building to participate in nondenominational prayer.

Rollcall No. 355, for bill to establish comprehensive safety and health standards for the American worker.

Rollcall No. 360, for Cranston amendment to increase funds for Project Headstart by $59 million.

Rollcall No. 361 for Javits amendment to increase funds for manpower training by $41.9 million.

Rollcall No. 364, for override of Presidential veto of political broadcasting bill.

Rollcall No. 365, for S. 3562, to provide comprehensive Federal program for prevention and treatment of drug abuse and drug dependence.

Rollcall No. 370, against foreign aid appropriation bill, 1971.

Rollcall No. 375, for Consumer Protection Organization Act.

Rollcall No. 376, For—paired—committee amendment to Taos Indian Land Act. The amendment provided that 48,000 acres of federally owned land within the Carson National Forest would continue to be national forest land but would be administered by Secretary of Agriculture for exclusive use and benefit of the Pueblo de Taos Indians.

Rollcall No. 378, for bill prohibiting supersonic flights of civil aircraft over land of the United States and providing that SST contracts will not be completed until contractors demonstrate that all production models of the prototype SST can comply with FAA regulations restricting noise created by new subsonic aircraft.

Rollcall No. 379 against amendment to strike from transportation appropriation bill the moneys appropriated for civil supersonic aircraft—SST—development.

Rollcall No. 384, for Fulbright amendment to provide that no more than $20 million of the funds appropriated in Defense Department appropriation bill may be expended for public relations activities, public affairs, and so forth.

Rollcall No. 401, for motion to invoke cloture on transportation appropriations conference report.

Rollcall No. 403, for override of Presidential veto of Employment and Manpower Act.

Rollcall No. 404, for motion to invoke cloture on transportation appropriations conference report.

Rollcall No. 405, against foreign assistance supplemental appropriations conference report.

GULF ISLANDS NATIONAL SEASHORE

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1523, H.R. 10874.

The PRESIDING OFFICER (Mr. SYMINGTON). The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 10874) to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort

Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 4, after the word "numbered", strike out "NS GI 7100II, and dated July 1970:" and insert "NS-GI-7100J, and dated December 1970:".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1514), explaining the purposes of the measure.

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

PURPOSE

The purpose of H.R. 10874 is to establish a new national seashore on the Gulf of Mexico to be known as the Gulf Islands National Seashore.

DESCRIPTION OF THE AREAS INVOLVED

The Gulf Islands National Seashore, as proposed in H.R. 10874, represents an outstanding blend of recreational, historical, and natural values of national significance. Within its proposed boundaries are located some of the world's finest white sand beaches which offer some splendid recreational opportunities associated with the sea, the sand, and the surf. The area is also rich in history. Here the influence of many of the colonial powers merged and the struggles of the Nation can be told by the military installations which still exist. In addition, the broad expanse of land and water involved in the proposals contains significant natural and scenic fish and wildlife values.

A. The Mississippi section of the seashore

The combination of recreational, natural, and scenic values in the Mississippi section of the seashore makes it exceptionally suitable for inclusion in the national park system. As recommended by the committee, this portion of the seashore will contain approximately 7,737 acres of land. Most of the land area is comprised of the gulf coast islands known as Petit Bois (1,684 acres), Horn (4,539 acres), and Ship (1,382 acres), but some 130 acres will be located on the mainland. Of the lands involved, over half are presently in public ownership and, of these, approximately 3,980 are already federally owned.

1. Ship Island.—Of all the islands in the Mississippi end of the seashore, Ship Island is the most significant historically. The French first fortified the island around 1700 to protect the flow of commerce into its Louisiana Colony. Eventually, Great Britain gained control of the island, only to have it captured by the Spanish in 1779. It was not until 1810 that the United States asserted claim to it on the grounds that it was part of the Louisiana Purchase.

Around 1860, the United States began the construction of what was one of the very last stone and brick forts to be built in the country. Not long after construction started, it was seized by an armed group and controlled by Confederate forces from about January 1861, until it was retaken on September 20 of that year by the naval forces of the steamer *Massachusetts*.

The old stone and brick fort, referred to in military records simply as "The Fort on Ship Island," but commonly known as Fort Massachusetts—probably named after the steamer *Massachusetts*—still stands in remarkably good condition. It, along with practically all of the privately owned land on Ship Island, is presently owned by the Joe Graham Post 119 of the American Legion and will be made available for the seashore at a nominal cost.

Development of the historical values of the island, plus utilization of its 7.6 miles of shoreline should make Ship Island a highly attractive recreation spot. Already, with the modest facilities available, the rate of visitation on the island numbers roughly 60,000 per year.

2. Horn and Petit Bois Islands.—The portions of Horn and Petit Bois Islands presently in Federal ownership are currently administered as a part of the National Wildlife Refuge System. Located, as they are, at the bottom of the famed Mississippi flyway, the brackish inlands ponds, lagoons, and marshes constitute a rich habitat for various species of migratory waterfowl including scalp and redhead ducks. On Horn Island, the committee was told, 178 species of birds and 204 species of plants have been recorded and it is said to support the largest nesting population of ospreys on the gulf coast. In addition, it provides a home for a considerable alligator population.

Petit Bois is equally attractive as a wildlife sanctuary. If H.R. 10874 is enacted, it is expected that neither of these islands will be highly developed; however, boat docks and primitive beach and camping facilities are anticipated on Horn Island where greater visitor use is expected. Development of these areas, for the most part, will be limited to facilities necessary for the safety and comfort of the visitors and, at the same time, to facilities which will create a minimum disturbance of the wildlife values.

3. *The mainland site.*—Access to the islands will be by water; therefore, H.R. 10874, as recommended, provides for the acquisition of a suitable mainland site for a vistor orientation center, marina, and related public use facilities. It is anticipated that these administrative facilities will be located on not more than 135 acres on Davis Bayou in a portion of Magnolia State Park. These lands, together with other State-owned lands located within the seashore boundaries, are to be acquired by donation.

B. The Florida section of the seashore

1. Santa Rosa Island.—Santa Rosa Island, which is a rather narrow finger of snow white sand stretching nearly 50 miles in front of the Florida Panhandle, offers an outstanding opportunity for intensive recreation development. At the present time, a large portion of the land to be used for the seashore is already in public ownership. Public officials have already indicated that the State-owned land in the Fort Pickens State Park, as well as undeveloped lands held by Escambia County, will be donated to the Federal Government for the seashore. Eglin Air Force Base also occupies a substantial portion of the island. While the military use of these lands is presently required, they remain virtually free of adverse development and they are included in the boundaries of the seashore so that they can can be wholly or partially transferred to the Department of the Interior when they become excess to the needs of the Air Force.

Recreation use of Santa Rosa Island is expected to be heavy. Not only does it offer fine sand beaches suitable for swimming, sunbathing, beachcombing, and fishing, but it is easily accessible from the mainland. Added to these active outdoor opportunities, part of the island contains some very interesting remnants of our military history which should be fully explored for potential development and interpretation for the edification of the public. Here, in what is presently known as Fort Pickens State Park, is an opportunity to display and interpret practically every phase of development of American coastal fortifications. Not only is much of the original Fort Pickens, construction of which was begun in 1828, still intact and available for interpretive purposes, but coastal defense structures of subsequent periods are also located nearby. At this location, with proper study, the National Park Service could display the changes from the period of the very early British fort on the island (known as Fort St. Rose) through the development of the modern harbor defense sites of World War II.

2. Perdido Key.—Because of the intensive development of the western portion of Perdido Key in Alabama and Florida, the Department recommended its deletion from the seashore boundaries, but about 6½ miles of the eastern portion were retained because, like Santa Rosa Island, it offers a picturesque setting with significant recreation potential. Most of the lands involved are federally owned, and the acquisition of only 525 acres of private land will be required.

3. The Naval Live Oaks Reservation.—In 1828, President John Quincy Adams set aside the lands presently known as the Naval Live Oaks Reservation. His action—generally considered to be the first Federal venture in conservation—hinged on the need of the Navy for a timber supply for the construction of sailing vessels. With the passage of time, the need disappeared and Federal use of the reservation ceased, but title to the land did not change until the 1930's or 1940's when the property was conveyed to the State of Florida, with the stipulation that it was to be used for public park purposes or revert to the United States. Since the lands have not been used as required, the Federal Government has initiated proceedings to activate the reverted and it is contemplated that most of these lands will be administered as a part of the seashore when the issue is resolved. These lands are strategically located on the peninsula between Pensacola Bay and Santa Rosa Sound and will be exceptionally valuable as the site for the visitor center, boat docking, and other public use facilities for the Florida end of the seashore.

4. The forts and lighthouse located on the Pensacola Naval Air Station.—Adding to the historic fortifications available on Santa Rosa Island are three other fortifications located within the Pensacola Naval Air Station. Of these, the oldest is Fort San Carlos de Barrancas (known as Fort San Carlos) which was established (perhaps as early as the late 17th century) by the Spanish—long before any other presently existing fortification in the vicinity. Later, the Spanish modified its fortification and subsequently American additions were made. First, in 1838 or 1839, the four-sided, wedge-shaped fort (known now as Fort Barrancas) was begun immediately behind the old semicircular Spanish fort. Then, probably in the 1850's construction of the redoubt commenced. This structure, now commonly called Fort Redoubt was built to defend the coastal installation from infantry attacks from the rear. Taken altogether, the Pensacola forts and the Santa Rosa forts offer a truly outstanding opportunity to display a historic panorama of coastal defenses from colonial times through World War II.

Because of the picturesque qualities of, and the general public interest in, light-

houses the recommended seashore complex will also include the existing Coast Guard lighthouse and station, which is no longer in active use.

NEED

The proposed Gulf Islands National Seashore will be a prime recreational resource for a seven-State region (Mississippi, Florida, Louisiana, Alabama, Georgia, Arkansas, and Tennessee) where some 23 million people live. Ten million of these people live within 250 miles of the opportunties which it will offer and many others, interested in various aspects of the outdoor program, are expected to come from other regions of the country. Within 5 years after establishment, it is anticipated that the rate of visitation will exceed 3½ million and, in the future, visits at the seashore may reach as many as 10 million annually.

The Congress has been very attentive to the national need for increased recreation opportunities. Whereas only one national seashore—Cape Hatteras—existed a decade ago, today there are seven (Cape Cod National Seashore, Mass.; Fire Island National Seashore, N.Y.; Assateague Island National Seashore, Md. and Va.; Cape Lookout National Seashore, N.C.; Cape Hatteras National Seashore, N.C.; Padre Island National Seashore, Tex.; and Point Reyes National Seashore, Calif.). Each of these units represents a significant contribution to the Nation's inventory of outdoor recreation resources, but none standing alone, can fully satisfy the national need.

COMMITTEE AMENDMENT

The Senate committee concurs in the amendments to H.R. 10874, which were adopted by the House of Representatives. The Senate committee has made a further amendment to clarify the boundaries of the proposed national seashore.

COST

H.R. 10874 authorizes the appropriation of $3,120,000 for the acquisition of lands and interests in lands and $14,799,000 for the development of the seashore.

LT. COL. ROBERT L. POEHLEIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1123, H.R. 13810.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 13810, for the relief of Lt. Col. Robert L. Poehlein.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment on page 2, after line 23, insert a new section, as follows:

SEC. 3. That section 371(b) of title 28, United States Code, is amended by inserting immediately before the period at the end of the first sentence the following: ", or after attaining the age of sixty years and after serving at least twenty years continuously or otherwise."

(b) The first paragraph of section 373 of title 28, United States Code, is amended by inserting immediately after the last comma therein the following: "or after attaining the age of sixty years and after serving at least twenty years continuously or otherwise,".

Mr. ALLEN. Mr. President, reserving the right to object on the consideration of the bill, as I understand it, the majority leader is going to ask that the committee amendment be rejected.

Mr. MANSFIELD. Yes.

Mr. ALLEN. Leaving only the relief bill of some $4,000.

Mr. MANSFIELD. Mr. President, I move that the Senate disagree to the committee amendment.

The committee amendment was rejected.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1116), explaining the purposes of the measure.

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

PURPOSE OF AMENDMENT

The purpose of the amendment is to provide retirement benefits to Federal judges and justices after attaining the age of 60 years and after serving at least 20 years.

PURPOSE OF THE BILL AS AMENDED

The purpose of the proposed legislation, as amended, is to relieve Lt. Col. Robert L. Poehlein, U.S. Air Force, of liability to the United States in the amount of $4,852.70 based upon per diem payments made in October and November of 1962 as the accounting and finance officer of Ellsworth Air Force Base, S. Dak.; and to provide retirement benefits to Federal justices and judges after attaining the age of 60 years and after serving at least 20 years.

STATEMENT

The Committee on the Judiciary of the House of Representatives in its favorable report set forth the facts of the case as follows:

"The Department of the Air Force in its report to the committee on the bill stated the indebtedness resulted from payments to Air Force members in accordance with Air Force policy, subsequently questioned by the Comptroller General, and recommended favorable consideration of the bill with the amendment added by the committee.

"Lieutenant Colonel Poehlein served as the accounting and finance officer at the base from March 1960 to February 1963. A change of the joint travel regulations in 1962 provided that per diem allowance would not be payable for duty performed by a member of the unit when the unit was ordered to a temporary duty station where Government quarters and messing facilities were available. The Strategic Air Command informed its units that 'movement of units during runway repairs' would not be considered group travel movement and in most instances the members would be entitled to per diem allowances. Subsequently, runway repairs at Ellsworth Air Force Base required that crews be ordered on temporary duty status to Fairchild Air Force Base, Wash.

"Lieutenant Colonel Poehlein requested clarification of the August message as to whether these personnel would be entitled to per diem allowances. Headquarters 15th Air Force advised that they would be entitled to per diem allowances 'while on alert duty in a reflex alert facility.' The orders were amended to delete the reference to 'group travel movement' and 'unit movement.' Subsequently, the General Accounting Office questioned the per diem allowances finding that the original orders governed the intent and purpose, and issued 517 exceptions against the disbursing officer's account for a total of $30,761.50. The $4,843.70 represents payments to 93 individuals which has not been collected. The officer was denied relief since he had relied on the advice of his superiors instead of submitting the claims of payment of the per diem based on the amended orders through channels to the General Accounting Office for approval prior to payment. The Comptroller General held that this was the proper procedure under applicable Air Force regulations and that in his view the officer had not exercised 'due care.'

"The Air Force recommended to the Comptroller General that Lieutenant Colonel Poehlein be relieved of liability and accountability for the uncollected payments which are the subject of this bill. The Comptroller General found no indication of a lack of good faith on the part of Lieutenant Colonel Poehlein. However, as has been noted, relief was denied by the Comptroller General because of his determination that, notwithstanding approval by the superior Air Force authorities, the officer should have submitted the claims to the General Accounting Office for payment. The Air Force specifically recognized the fact that it is questionable whether an officer in Lieutenant Colonel Poehlein's capacity would have acted otherwise when he had been assured by knowledgeable and responsible Air Force officers that the payments were proper. The committee agrees that this officer exercised a sufficient degree of care to justify relief when it is considered that he followed the advice of his Air Force superiors in making the payments here concerned. The committee further agrees that it is proper for the Air Force to continue its procedures for collection of the amounts which created the deficiency in Lieutenant Colonel Poehlein's disbursing account. It has therefore approved the amendment recommended by the Air Force providing authority for continued collection efforts. Accordingly, it is recommended that the bill with that amendment be favorably considered."

SUPPLEMENTAL APPROPRIATION BILL, 1971—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CRANSTON). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 22, 1970, p. 43382, CONGRESSIONAL RECORD.)

Mr. BYRD of West Virginia. Mr. President, in the interest of saving the time of the Senate, I ask unanimous consent to have printed in the RECORD a tabulation which gives the full details on the conference report.

There being no objection, the tabulation was ordered to be printed in the RECORD.

SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 19928)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	CHAPTER I				
	DEPARTMENT OF AGRICULTURE				
	Agricultural Stabilization and Conservation Service				
	Indemnity payments to dairy farmers		$300,000	$300,000	$300,000
	Total, chapter I, new budget (obligational) authority		300,000	300,000	300,000
	CHAPTER II				
	DEPARTMENT OF DEFENSE				
91-241	Research, development, test, and evaluation, Navy	($10,000,000)		10,000,000	3,000,000
	Total, chapter II, new budget (obligational) authority	(10,000,000)		10,000,000	3,000,000
	CHAPTER III				
	DISTRICT OF COLUMBIA				
	Federal Funds				
91-406	Federal payment to the District of Columbia	17,571,000	11,794,000	11,794,000	11,794,000
91-406	Loans to the District of Columbia for capital outlay	34,178,000		34,178,000	
	Total, Federal funds	51,749,000	11,794,000	45,972,000	11,794,000
	District of Columbia Funds				
91-406	General operating expenses	(895,000)	(776,000)	(776,000)	(776,000)
91-406	Public safety:				
	1971	(12,938,000)	(12,902,000)	(12,902,000)	(12,902,000)
	1970	(9,861,000)	(9,861,000)	(9,861,000)	(9,861,000)
91-406	Education:				
	1971	(15,370,000)	(10,425,000)	(10,425,000)	(10,425,000)
	1970	(9,772,000)	(9,772,000)	(9,772,000)	(9,772,000)
91-406	Highways and traffic	(89,000)	(56,000)	(56,000)	(56,000)
91-406	Sanitary engineering	(540,000)	(503,000)	(503,000)	(503,000)
91-406	Settlement of claims and suits	(7,225)	(7,225)	(7,225)	(7,225)
91-406	Capital outlay	(46,655,000)	(10,612,000)	(44,790,000)	(10,612,000)
	Total, District of Columbia funds	(96,127,225)	(54,914,225)	(89,092,225)	(54,914,225)
	RELATED AGENCY				
	Commission on the Organization of the Government of the District of Columbia				
91-404	Salaries and expenses	325,000	325,000	325,000	325,000
	Total, chapter III, new budget (obligational) authority (Federal funds)	52,074,000	12,119,000	46,297,000	12,119,000
	CHAPTER IV				
	FOREIGN OPERATIONS				
	Funds Appropriated to the President				
	Foreign Assistance				
91-418	Military credit sales to Israel	500,000,000	500,000,000	500,000,000	500,000,000
91-418	Military assistance	340,000,000	340,000,000	340,000,000	340,000,000
	Economic Assistance				
91-418	Supporting assistance	195,000,000	150,000,000	195,000,000	155,000,000
	Contingency fund			15,000,000	7,500,000
	Total, foreign assistance	1,035,000,000	990,000,000	1,050,000,000	1,002,500,000
	Export-Import Bank of the United States				
S. Doc. 91-114	Limitation on administrative expenses	(8,000)		(8,000)	(8,000)
	Total, chapter IV:				
	New budget (obligational) authority	1,035,000,000	990,000,000	1,050,000,000	1,002,500,000
	Limitation	(8,000)		(8,000)	(8,000)
	CHAPTER V				
	INDEPENDENT OFFICES				
	Civil Service Commission				
91-404	Salaries and expenses	Language	Language	Language	Language
91-382	(By transfer)	(685,000)	(485,000)	(485,000)	(485,000)
91-382	Payment to civil service retirement and disability fund	157,816,600	157,816,600	157,816,600	157,816,600
	Federal Trade Commission				
91-382	Salaries and expenses	500,000	250,000	500,000	250,000
	General Services Administration				
S. Doc. 91-114	Operating expenses, Public Buildings service	11,350,000		11,350,000	8,000,000
91-382	Automatic data processing fund	20,000,000	20,000,000	20,000,000	20,000,000
91-382	Additional court facilities	34,150,000	14,150,000	34,150,000	19,150,000
91-382	Sites and expenses, public buildings projects	2,452,000		2,452,000	2,452,000
	Salaries and expenses, Office of Administrator	205,000		205,000	
S. Doc. 91-114	Total, General Services Administration	68,157,000	34,150,000	68,157,000	49,602,000
	Total, Independent Offices:				
	New budget (obligational) authority	226,473,600	192,216,600	226,473,600	207,668,600
	By transfer	(685,000)	(485,000)	(485,000)	(485,000)

SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 19928)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	CHAPTER V—Continued				
	EXECUTIVE OFFICE OF THE PRESIDENT				
	Council on Environmental Quality and Office of Environmental Quality				
S. Doc. 91-114	Salaries and expenses	$500,000		$500,000	$500,000
	Funds Appropriated to the President				
	Appalachian regional development program			8,500,000	8,500,000
	DEPARTMENT OF DEFENSE				
	Office of Civil Defense				
91-404	Construction of facilities, civil defense	496,000	$496,000	496,000	496,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
	Urban research and technology		5,000,000	25,000,000	15,000,000
	Total, chapter V:				
	New budget (obligational) authority	227,469,600	197,712,600	260,969,600	232,164,600
	By transfer	(685,000)	(485,000)	(485,000)	(485,000)
	CHAPTER VI				
	DEPARTMENT OF THE INTERIOR				
	Bureau of Land Management				
91-382	Management of lands and resources	1,050,000	500,000	1,050,000	500,000
	Bureau of Indian Affairs				
91-404	Education and welfare services	17,000,000	16,925,000	16,925,000	16,925,000
	Resources management			50,000	50,000
S. Doc. 91-114	Payment to the Ute Tribe of the Uintah and Ouray Reservation	3,561,700		3,561,700	3,561,700
	Total, Bureau of Indian Affairs	20,561,700	16,925,000	20,536,700	20,536,700
	Bureau of Mines				
91-382	Health and safety	1,400,000	1,400,000	1,400,000	1,400,000
91-382	Helium fund (borrowing authority)	56,100,000	50,000,000	56,100,000	50,000,000
	Total, Bureau of Mines	57,500,000	51,400,000	57,500,000	51,400,000
	Bureau of Sport Fisheries and Wildlife				
91-382	Construction	161,000	161,000	161,000	161,000
	National Park Service				
91-382	Management and protection	2,585,000	2,125,000	1,855,000	2,155,000
91-382	Construction	2,420,000	2,420,000	2,420,000	2,420,000
	Total, National Park Service	5,005,000	4,545,000	4,275,000	4,575,000
	Total, Department of the Interior	84,277,700	73,531,000	83,522,700	77,172,700
	RELATED AGENCIES				
	DEPARTMENT OF AGRICULTURE				
	Forest Service				
	Forest protection and utilization:				
	Forest land management			300,000	150,000
	Research			108,000	108,000
	Construction			198,000	198,000
	Total, Forest Service			606,000	456,000
	Smithsonian Institution				
S. Doc. 91-114	Restoration and renovation of buildings	775,000		775,000	775,000
	EXECUTIVE OFFICE OF THE PRESIDENT				
	National Council on Marine Resources and Engineering Development				
91-382	Salaries and expenses	600,000	250,000	600,000	400,000
	Youth Conservation Corps				
	Salaries and expenses			2,500,000	2,500,000
	Total, related agencies	1,375,000	250,000	4,481,000	4,131,000
	Total, chapter VI, new budget (obligational) authority	85,652,700	73,781,000	88,003,700	81,303,700
	CHAPTER VII				
	DEPARTMENT OF LABOR				
	Manpower Administration				
91-404	Manpower development and training activities	5,000,000	5,000,000	49,230,000	17,500,000
91-404	Unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities	67,050,000	66,650,000	66,650,000	66,650,000
91-404	Limitation on grants to States for unemployment compensation and employment service administration (trust fund)	(25,500,000)	(25,500,000)	(25,500,000)	(25,500,000)
91-404	Limitation on unemployment insurance service, salaries and expenses (trust fund)	(1,100,000)	(1,000,000)	(1,000,000)	(1,000,000)
	Wage and Labor Standards Administration				
91-404	Wage and labor standards, salaries and expenses	250,000	250,000	250,000	250,000

SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 19928)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	CHAPTER VII—Continued				
	DEPARTMENT OF LABOR—Continued				
	Bureau of Labor Statistics				
91-404	Salaries and expenses	$500,000	$500,000	$500,000	$500,000
	Total, Department of Labor	72,800,000	72,400,000	116,630,000	84,900,000
	Limitations (trust fund)	(26,600,000)	(26,500,000)	(26,500,000)	(26,500,000)
	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
	Health Services and Mental Health Administration				
	Mental health			43,000,000	6,500,000
	Maternal and child health			12,000,000	
	Total. Health Services and Mental Health Administration			55,000,000	6,500,000
	National Institutes of Health				
	National Institute of Child Health and Human Development			5,000,000	
	Office of Education				
	Research and training			8,000,000	8,000,000
	Departmental Management				
S. Doc.	Office of Child Development	1,900,000		1,900,000	1,900,000
91-114	Total, Department of Health, Education and Welfare	1,900,000		69,900,000	16,400,000
	RELATED AGENCIES				
91-382	Cabinet Committee on Opportunities for Spanish-Speaking People: Salaries and expenses	50,000	50,000	50,000	50,000
91-404	Commission on Railroad Retirement: Salaries and expenses	300,000	300,000	300,000	300,000
91-404	Railroad Retirement Board: Limitation on salaries and expenses (trust fund)	(1,200,000)	(1,200,000)	(2,000,000)	(1,200,000)
	Total, related agencies	350,000	350,000	350,000	350,000
	Limitation (trust fund)	(1,200,000)	(1,200,000)	(1,200,000)	(1,200,000)
	Total, chapter VII:				
	New budget (obligational) authority	[1] 75,050,000	72,750,000	186,880,000	101,650,000
	Limitations (trust fund)	(27,800,000)	(27,700,000)	(27,700,000)	(27,700,000)
	CHAPTER VIII				
	LEGISLATIVE BRANCH				
	Salaries, Officers and Employees				
S. Doc. 91-114	Salaries, officers and employees	871,624		878,352	878,352
	Contingent Expenses of the Senate				
S. Doc. 91-114	Senate Policy Committees	5,000		5,000	5,000
S. Doc. 91-114	Inquiries and investigations	2,185,020		2,185,020	2,185,020
S. Doc. 91-114	Miscellaneous items	27,510		27,510	27,510
S. Doc. 91-114	Stationery (revolving fund)	150		150	150
	Total, Senate	3,089,304		3,096,032	3,096,032
	House of Representatives				
	Gratuities to widows of deceased Members		85,000	85,000	85,000
	Salaries, Officers and Employees				
91-420	Committee employees	625,000	550,000	550,000	550,000
91-420	Office of the Legislative Counsel	45,000	45,000	45,000	45,000
	Contingent Expenses of the House				
91-420	Miscellaneous items	680,000	500,000	500,000	500,000
	Total, House of Representatives	1,350,000	1,180,000	1,180,000	1,180,000
	Joint Items				
	Contingent Expenses of the Senate				
S. Doc. 91-114	Joint Economic Committee	3,750		3,750	3,750
S. Doc. 91-114	Joint Committee on Atomic Energy	5,000		5,000	5,000
S. Doc. 91-114	Joint Committee on Printing	2,500	9,200	11,700	11,700
	Total, joint items	11,250	9,200	20,450	20,450
	Architect of the Capitol				
	Capitol Buildings and Grounds				
	Capitol buildings		30,000	30,000	30,000
S. Doc. 91-114	Restoration of old Senate Chamber and old Supreme Court Chamber in the Capitol	1,209,000		1,209,000	
S. Doc. 91-114	Senate office buildings	189,500		189,500	189,500
91-404	Acquisition of property, construction and equipment, additional House office building (liquidation of contract authorization)	(1,250,000)			
91-404	John W. McCormack Residential Page School	50,000	50,000	50,000	50,000
	Total, Architect of the Capitol	1,448,500	80,000	1,478,500	269,500
	Appropriation to liquidate contract authorization	(1,250,000)			

See footnotes at end of table.

SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 19928)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	CHAPTER VIII—Continued				
	LEGISLATIVE BRANCH—Continued				
	Government Printing Office				
	Office of the Superintendent of Documents				
91-420	Salaries and expenses	$265,000	$265,000	$265,000	$265,000
	Cost-Accounting Standards Board				
91-382	Salaries and expenses	1,100,000	820,000	820,000	820,000
	Total, chapter VIII, new budget (obligational) authority	7,264,054	2,354,200	6,859,982	5,650,982
	Appropriation to liquidate contract authorization	(1,250,000)			
	CHAPTER IX				
	PUBLIC WORKS				
	Atomic Energy Commission				
91-382	Plant and capital equipment	25,500,000	(2)	25,500,000	25,500,000
	DEPARTMENT OF DEFENSE—CIVIL				
	Department of the Army				
	Corps of Engineers—Civil				
	General investigations			300,000	300,000
	Operation and maintenance, general			2,000,000	1,000,000
	Total, Corps of Engineers—Civil			2,300,000	1,300,000
	INDEPENDENT OFFICES				
	Environmental Protection Agency				
	Federal Water Quality Administration				
91-382	Pollution control operations and research	20,400,000	20,400,000	23,400,000	21,400,000
	Total, chapter IX, new budget (obligational) authority	45,900,000	20,400,000	51,200,000	48,200,000
	CHAPTER X				
	DEPARTMENT OF STATE				
	Administration of Foreign Affairs				
91-382	Payment to Foreign Service retirement and disability fund	2,000,000	2,000,000	2,000,000	2,000,000
	International Organizations and Conferences				
S. Doc. 91-114	International conferences and contingencies	318,000	200,000	300,000	280,000
91-382	Special contribution to the United Nations	20,000,000			
	Total, International organizations and conferences	20,318,000	200,000	300,000	280,000
	Total, Department of State	22,318,000	2,200,000	2,300,000	2,280,000
	DEPARTMENT OF JUSTICE				
	Legal Activities and General Administration				
91-382 and S. Doc. 91-114	Salaries and expenses, U.S. attorneys and marshals	14,057,000	5,928,000	12,928,000	9,428,000
	Federal Bureau of Investigation				
91-389	Salaries and expenses	14,150,000	14,150,000	14,150,000	14,150,000
	Federal Prison System				
S. Doc. 91-141	Support of U.S prisoners: Fiscal year 1970 (by transfer)	(489,000)		(489,000)	(489,000)
	Bureau of Narcotics and Dangerous Drugs				
S. Doc. 91-114	Salaries and expenses	7,609,000		7,000,000	7,000,000
	Federal Prison Industries, Incorporated				
91-382	Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated	(75,000)	(75,000)	(75,000)	(75,000)
	Total, Department of Justice	35,816,000	20,078,000	34,078,000	30,578,000
	Fiscal year 1970 (by transfer)	(489,000)		(489,000)	(489,000)
	Limitation	(75,000)	(75,000)	(75,000)	(75,000)
	DEPARTMENT OF COMMERCE				
	Office of Telecommunications				
S. Doc. 91-114	Research, engineering, analysis, and technical services	1,000,000		1,000,000	700,000
	Maritime Administration				
91-404	State marine schools (liquidation of contract authorization)	(105,000)	(105,000)	(105,000)	(105,000)
	Total, Department of Commerce	1,000,000		1,000,000	700,000
	Liquidation of contract authorization	(105,000)	(105,000)	(105,000)	(105,000)

See footnotes at end of table.

SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 19928)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	CHAPTER X—Continued				
	THE JUDICIARY				
	Supreme Court of the United States				
S. Doc. 91-114	Salaries	$54,000		$54,000	$54,000
91-114	Printing and binding Supreme Court reports:				
	Fiscal year 1970	20,000		20,000	20,000
	Fiscal year 1971	63,000		63,000	63,000
S. Doc. 91-114	Care of the buildings and grounds	25,000		25,000	25,000
	Total Supreme Court of the United States:				
	Fiscal year 1970	20,000		20,000	20,000
	Fiscal year 1971	142,000		142,000	142,000
	Total	162,000		162,000	162,000
	Court of Claims				
91-382	Salaries and expenses	12,000			
	Courts of Appeals, District Courts, and Other Judicial Services				
91-382	Salaries of judges	1,910,000	$1,400,000	1,400,000	1,400,000
91-382	Salaries of supporting personnel	2,700,000	1,900,000	1,900,000	1,900,000
91-420	Fees and expenses of court-appointed counsel	6,700,000	5,700,000	5,700,000	5,700,000
91-382	Fees of jurors	1,400,000	1,000,000	1,000,000	1,000,000
91-382	Travel and miscellaneous expenses	1,560,000	1,360,000	1,360,000	1,360,000
91-382 and 91-420	Administrative Office of the U.S. Courts	202,400	70,000	70,000	70,000
	Total, courts of appeals, district courts, and other judicial services	14,472,400	11,430,000	11,430,000	11,430,000
	Commission on Bankruptcy Laws of the United States				
91-420	Salaries and expenses	600,000	400,000	600,000	400,000
	Total, the judiciary:				
	Fiscal year 1970	20,000		20,000	20,000
	Fiscal year 1971	15,226,400	11,830,000	12,172,000	11,972,000
	Total	15,246,400	11,830,000	12,192,000	11,992,000
	RELATED AGENCIES				
	Equal Employment Opportunity Commission				
S. Doc. 91-114	Salaries and expenses	850,000		850,000	
	Foreign Claims Settlement Commission				
91-382	Payment of Vietnam and U.S.S. "Pueblo" prisoner of war claims	265,000	265,000	265,000	265,000
	National Commission on Fire Prevention and Control				
91-404	Expenses	500,000		143,000	
	Small Business Administration				
S. Doc. 91-114	Salaries and expenses (by transfer)	(5,000,000)		(5,000,000)	(3,000,000)
S. Doc. 91-114	Disaster loan fund	100,000,000		100,000,000	100,000,000
	Tariff Commission				
91-382	Salaries and expenses	450,000	350,000	450,000	350,000
	Total, related agencies	102,065,000	615,000	101,708,000	100,615,000
	By transfer	(5,000,000)		(5,000,000)	(5,000,000)
	Total, chapter X, new budget (obligational) authority:				
	Fiscal year 1970	20,000		20,000	20,000
	Fiscal year 1971	176,425,400	34,723,000	151,258,000	146,1450,00
	Total	176,445,400	34,723,000	151,278,000	146,165,000
	By transfer:				
	Fiscal year 1970	(489,000)		(489,000)	(489,000)
	Fiscal year 1971	(5,000,000)		(5,000,000)	(3,000,000)
	Total	(5,489,000)		(5,489,000)	(3,489,000)
	Appropriation to liquidate contract authorization	(105,000)	(105,000)	(105,000)	(105,000)
	Limitation	(75,000)	(75,000)	(75,000)	(75,000)
	CHAPTER XI				
	DEPARTMENT OF TRANSPORTATION				
	Federal Aviation Administration				
91-408	Operations (airport and airway trust fund)	8,963,000	6,000,000		6,000,000
	Operations			6,000,000	
91-408	Facilities and equipment (airport and airway trust fund)	[1] 36,000,000	36,000,000	60,000,000	48,000,000
91-408	Research and development (airport and airway trust fund)	[1] 33,000,000	24,000,000	24,000,000	24,000,000
91-408	Grants-in-aid for airports (airport and airway trust fund):				
	Planning grants	10,000,000	10,000,000	15,000,000	10,000,000
	Development grants (appropriation to liquidate contract authorization)	(40,000,000)	(40,000,000)	(100,000,000)	(60,000,000)
91-408	Payment to the airport and airway trust fund (intragovernmental transaction)	(576,989,000)			
91-408	Safety regulation	3,537,000	1,000,000	1,000,000	1,000,000
	Total, Federal Aviation Administration	91,500,000	77,000,000	106,000,000	89,000,000
	Consisting of:				
	Trust funds	87,963,000	76,000,000	99,000,000	88,000,000
	Federal funds	3,537,000	1,000,900	7,000,000	1,000,000
	Federal Railroad Administration				
S. Doc. 91-114	Federal grants to the National Railroad Passenger Corporation	40,000,000		40,000,000	40,000,000

See footnotes at end of table.

SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 19928)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	CHAPTER XI—Continued				
	RELATED AGENCIES				
	Interstate Commerce Commission				
S. Doc. 91-114	Payment ot loan guaranties	$40,685,000		$40,685,000	$40,685,000
	Total, chapter XI, new budget (obligational) authority	172,185,000	$77,000,000	186,685,000	169,685,000
	Appropriation to liquidate contract authorization	(40,000,000)	(40,000,000)	(100,000,000)	(60,000,000)
	Intragovernmental transaction (Federal funds payment to trust fund)	(576,989,000)			
	CHAPTER XII				
	TREASURY DEPARTMENT				
	Bureau ot Customs				
91-382	Salaries and expenses	500,000	500,000	500,000	500,000
	Bureau of the Mint				
91-382	Salaries and expenses	(language)	(language)	(language)	(language)
	Internal Revenue Service				
91-382	Revenue accounting and processing	118,000	118,000	118,000	118,000
S. Doc. 91-114	Compliance	6,200,000	750,000	5,026,000	5,026,000
	Total, Treasury Department	6,818,000	1,368,000	5,644,000	5,644,000
	EXECUTIVE OFFICE OF THE PRESIDENT				
	Domestic Council				
91-382	Salaries and expenses	960,000	210,000	960,000	960,000
	Office of Management and Budget				
91-382	Salaries and expenses	1,036,000	900,000	900,000	900,000
	Total, Executive Office of the President	1,996,000	1,110,000	1,860,000	1,860,000
	Total, chapter XII, new budget (obligational) authority	8,814,000	2,478,000	7,504,000	7,504,000
	CHAPTER XIII				
	Claims and Judgments				
91-420 and S. Do. 91-c117	Claims and judgments	43,130,510	41,747,738	43,130,510	43,130,510
	Total, new budget (obligational) authority:				
	Fiscal year 1970	20,000		20,000	20,000
	Fiscal year 1971	1,928,965,264	1,525,365,538	2,089,087,792	1,853,352,792
	Grand total	1,928,985,264	1,525,365,538	2,089,107,792	1,853,372,792
	Limitations	(27,883,000)	(27,775,000)	(27,783,000)	(27,783,000)
	By transfer:				
	Fiscal year 1970	(489,000)		(489,000)	(489,000)
	Fiscal year 1971	(5,685,000)	(485,000)	(5,485,000)	(3,485,000)
	Total, transfers	(6,174,000)	(485,000)	(5,974,000)	(3,974,000)
	Appropriations to liquidate contract authorization	(41,355,000)	(40,105,000)	(100,105,000)	(60,105,000)

[1] Excludes $22,500,000 for payment to the Corporation for Public Broadcasting (H. Doc. 91-404) not considered in connection with this bill.

[2] Deferred pending authorization.

[3] Budget proposed consolidating "facilities and equipment" and "research and development" into a single appropriation, "airways system investment and development."

Mr. BYRD of West Virginia. Mr. President, in the interest of saving the time of the Senate, I intend to confine my remarks to the major items in conference between the two bodies, but will be glad to respond to any questions any Senator may have on these or other items in the report.

Department of Defense: The Senate added $10,000,000 for the Navy to continue research in the surface effects ship program, which is facing termination this month with the exhaustion of available funds. The conferees agreed to an amount of $3,000,000. The Senate conferees requested report language that directs the Navy to seek further funding required in fiscal year 1971 through the congressional reprograming process. The House conferees approved this action, and the conference agreement will thus permit continuation of this Navy research program.

Foreign Operations: Among others, the conference report placed in disagreement amendments numbered 6, 7, 9, 10, 11, and 13. Amendments numbered 6, 7, 9, and 10 dealt with provisos inserted by the Senate relating to authorizing legislation. In part, amendments numbered 11 and 13 dealt with the same subject. The Senate will recall that Senator HRUSKA and I assured the Members that we would not yield on these amendments since the appropriation bill was preceding the authorization bill through the Senate. As Members know, the House has adopted the conference report on the supplemental bill, and the effect of the House motions retains the Senate language in the bill.

To recapitulate the amounts involved in these line items, the military assistance allowance by both bodies, and, therefore, not before the conference committee, was $340,000,000. For supporting assistance, a compromise figure of $155,000,000 was reached. The House had inserted $150,000,000 and the Senate had provided the full budget estimate of $195,000,000. In lieu of the $15,000,000 for the contingency fund, which was added on the floor of the Senate, a compromise figure for Pakistan disaster relief of $7,500,000 was settled on. In addition, the Senate amendment providing for the use of Pakistani rupees has since been authorized, and was agreed to in the conference.

Under the independent offices chapter, several major appropriation items were in conference.

General Services Administration: The conferees reduced the Senate figure of $11,350,000 to $8,000,000 for operating expenses of the Public Building Service, in the belief that the funds provided will permit the level of protection of court facilities and other public buildings requested by the administration.

For additional court facilities under the GSA, $19,150,000 was agreed to as reasonable for the balance of this fiscal year.

For Council on Environmental Quality and Office of Environmental Quality, the House receded to the Senate allowance of $500,000, and under the Appalachian regional development program, the House receded to the Senate figure of $8,500,000, together with report language directing that the entire sum of $8,500,000 be used only for airport projects.

For urban research and technology under the Department of Housing and Urban Development, a compromise figure of $15,000,000 was reached. Senators will recall that the House bill had originally provided $5,000,000 and the Senate amendment was in the amount of $25,000,000.

Department of the Interior: The conferees agreed to accept the House figure of $500,000 for the management of lands and resources; the Senate figure of $50,000 for resources management; and the House figure of $50,000,000 for the helium fund.

For the National Park Service, the conferees restored the Senate reduction of $270,000 and included $30,000, implementing Public Law 91-462, concerning establishment of a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading. As a result of the conferees' action, $300,000 was added to the Senate figure, for a total of $2,155,000.

For forest protection and utilization under the Forest Service, the conference committee compromised on $150,000, in lieu of the $300,000 inserted by the Senate, for the intensification of environmental protection associated with mineral development and production on national forest lands. The funds inserted by the Senate for forest research—$108,000—and construction—$198,000—were agreed to in the conference.

The compromise sum of $400,000—House, $250,000; Senate, $600,000—was agreed to for the National Council on Marine Resources and Engineering Development, and the full amount of the Senate allowance for the Youth Conservation Corps, $2,500,000, was accepted.

Department of Labor: The conference agreement reached for manpower training activities was $17,500,000, a reduction of $31,730,000 under the Senate amount, but $12,500,000 over the House allowance, which will be available for summer programs of the Neighborhood Youth Corps type.

Department of Health, Education, and Welfare: In lieu of the $43,000,000 provided in the Senate bill, the conferees compromised as follows: $5,000,000 for grants for special community projects as authorized by section 1(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and $1,500,000 for grants and contracts for education projects authorized by section 1(c) of the same act. This provides a total of $6,500,000 for the appropriation item, "Mental health." The Senate conferees receded on the $30,000,000 proposed for grant and contract programs for alcoholism prevention, treatment and rehabilitation, inasmuch as the authorization for these programs has not yet completed the legislative process and the House conferees were adamant that this request could await funding in the regular bill next year.

Similarly, it was felt that the $12,000,000 for family planning services and $5,000,000 for family planning and population research grants and contracts could await action in the regular appropriation bill.

The House conferees concurred in the Senate amendment No. 42 in the amount of $8,000,000 for research and training, Office of Education, to carry out drug abuse education and community education projects and to fund the Environmental Education Act—$6,000,000 for the former and $2,000,000 for the latter. Likewise, the House conferees agreed to the Senate amendment for the Office of Child Development, appropriating $1,900,000 for the White House Conference on Children and Youth.

Under the legislative branch chapter, Architect of the Capitol, the House conferees were adamant that this was not the time to proceed with the restoration of the Old Senate Chamber and Old Supreme Court Chamber in the Capitol; thus, the $1,209,000 provided in the Senate bill is not included in the conference agreement.

Public works chapter: For the Atomic Energy Commission, the funds inserted by the Senate, $25,500,000, were agreed to, contingent upon enactment into law of S. 4557, 91st Congress.

Under Corps of Engineers, general investigations, the conferees agreed to the Senate amendment in the amount of $300,000, of which $100,000 is for the initiation of a comprehensive 3-year study of the Long Island Sound and $200,000 is for preliminary investigation and design necessary to correct seepage and drainage problems in the vicinity of Gaving Point Dam and Clark Lake project located in Nebraska and South Dakota.

Under operation and maintenance, general, to implement the revised permit requirements under the Refuse Act of 1899, which include all industrial discharges into navigable waters and their tributaries, the conferees compromised on $1,000,000 in new obligational authority as being sufficient for the balance of the fiscal year. In addition, the conferees directed in the report that another $1,000,000 may be allocated from available funds, thus providing a total of $2,000,000 for the current fiscal year.

For the pollution control operations and research activity under the Environmental Protection Agency, an appropriation of $21,400,000 was settled on, which will provide funds to carry out the new and expanded responsibilities imposed within the agency, in the amount of $20,400,000, and, in addition, $1,000,000 was provided for a study to explore the economic development potential for the Monongahela River Basin, resulting from abatement of acid mine wastes.

Department of Justice chapter: To provide additional positions and related costs to service the new district judgeships authorized by Public Laws 91-272 and 91-358, to allow additional staff to cope with the increased litigative workload in the offices of the U.S. attorneys, and to fund an effective courtroom security program embracing all of the facilities utilized by the Federal court system, the conferees agreed to an appropriation of $9,428,000 in lieu of the House allowance of $5,928,000 and the Senate figure of $12,928,000.

For the Bureau of Narcotics and Dangerous Drugs, the Senate allowance of $7,000,000 was concurred in by the House conferees.

For the Office of Telecommunications, Department of Commerce, the conference allowance was $700,000, a reduction of $300,000 under the Senate amendment.

For the Commission on Bankruptcy Laws of the United States, House conferees were adamant that $400,000 would be sufficient for the remainder of the fiscal year, and that is the figure included in the conference agreement. The House conferees were equally as adamant that the $850,000 provided in the Senate bill for the Equal Employment Opportunity Commission was not required at this time, and the Senate conferees found it necessary to recede.

For the Small Business Administration, salaries and expenses item, $3,000,000 was accepted as the compromise figure, in substitution for the $5,000,000 inserted by the Senate. The House receded on the Senate amendment including $100,000,000 for the disaster loan fund item.

Department of Transportation: The agreement reached in the conference on the funding provided for the Federal Aviation Administration was $6,000,000 for operations, to be derived from the airport and airway trust fund; $48,000,000 for facilities and equipment, to be derived from the trust fund—House allowance, $36,000,000; Senate allowance, $60,000,000—$24,000,000 from the trust fund for research and development, which was not an item in conference; and $70,000,000 for grants-in-aid for airports—trust fund—of which $10,000,000 shall be for airport planning grants.

The House receded on the Federal grants to the National Railroad Passenger Corporation—$40,000,000—and on the payment of loan guarantees, Interstate Commerce Commission—$40,685,000—which were items inserted in the Senate committee, requested in budget documents to the Senate.

Department of the Treasury: For the compliance items, the conferees agreed on the Senate figure of $5,026,000, in lieu of the $750,000 included in the House bill. And for the final item of major interest, the Senate recommendation of $960,000 for the Domestic Council was agreed to.

In summary, Mr. President, the total funds agreed to by the committee of conference amounted to $1,853,372,792. This amount is $75,612,472 under the budget estimates of $1,928,985,264, $328,007,254 over the House version of the bill, and $235,735,000 under the Senate bill. I believe I have called attention to all the major items contained in this bill which were in conference, but if there are any questions, I shall be happy to answer them at this time.

Mr. JAVITS. Mr. President, I ask the Senator, so that it will be clear of record, regarding certain problems in connection with this matter which were raised in respect of this, which dealt with the appropriation of $200 million allegedly not authorized. I gather that is out of this matter now; is that correct?

Mr. BYRD of West Virginia. The Senator is thinking of foreign aid.

Mr. JAVITS. Does this continue the provision with respect to implementing the bill regarding Israel?

Mr. BYRD of West Virginia. It contains all the provisos, the House having receded from the Senate's position.

Mr. JAVITS. It does not complicate it with regard to Cambodia.

Mr. BYRD of West Virginia. No; it does not.

Mr. JAVITS. I thank my colleague. I am not challenging this. These were so hotly contested matters before. I accept absolutely the Senator's assurance; nonetheless, I believe that we should ask any question that should be in anyone's mind.

Mr. BYRD of West Virginia. Of course, I may say for the record that the Senator from Arkansas (Mr. FULBRIGHT) has been kept fully apprised of developments in connection with this conference report, and he is fully agreeable with the results.

Mr. JAVITS. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I move adoption of the conference report.

The motion was agreed to.

The PRESIDING OFFICER. The amendments in disagreement will be stated.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 8 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$155,000,000"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 11 to the aforesaid bill, and concur therein with an amendment as follows:

"CONTINGENCY FUND

"For the additional amount for 'Contingency funds', $7,500,000: Provided, That this appropriation shall be available only upon enactment into law of authorizing legislation."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$8,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 22 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert the following:

"FUNDS APPROPRIATED TO THE PRESIDENT

"APPALACHIAN REGIONAL DEVELOPMENT PROGRAM

"For an additional amount for 'Appalachian Regional Development Program', $8,500,000, to remain available until expended."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 29 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the amount stricken and inserted by said amendment, insert "$2,155,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 44 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by the Senate amendment, insert the following:

"VIII

"LEGISLATIVE BRANCH

"HOUSE OF REPRESENTATIVES

"The provisions relating to the Speaker of the House of Representatives carried in House Resolution 1238, Ninety-first Congress, shall be the permanent law with respect thereto."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 53 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$1,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$1,610,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 62 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert: "$700,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 71 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert: "$3,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 84 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert: "including the purchase of one hundred and fifty passenger motor vehicles for police-type use, in addition to these heretofore authorized, without regard to the general purchase price limitation for the current fiscal year, $5,025,000.".

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 8, 11, 16, 22, 29, 44, 53, 58, 62, 71, and 84.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. BYRD of West Virginia. I move that the Senate recede from its amendment No. 15.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

PROVIDING FOR THE DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF THE MISSISSIPPI SIOUX INDIANS

Mr. McGOVERN. Mr. President, in accordance with rule XIII of the Senate, I enter a motion that the Senate reconsider the vote on December 22 by which it receded from its amendment to H.R. 14984, to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, and 359–363, and for other purposes.

The PRESIDING OFICER. The motion will be entered.

Mr. JORDAN of North Carolina. May I ask what this is?

Mr. McGOVERN. It is a judgment claim with reference to the Sioux Indians in South Dakota, North Dakota, and Montana. There was a difference between the House and Senate versions of the bill. I moved on last Tuesday that the Senate recede from its position and now, in consultation with other Senators who are interested in the bill, I am asking that we go back to the original position and request that the bill be returned from the House.

This has been discussed with the leadership on both sides. I checked with Senators SCOTT, ALLOTT, and FANNIN, and with Senators on the majority side.

Mr. JORDAN of North Carolina. I shall not object.

Mr. McGOVERN. Mr. President, I move further that the Senate request return of the papers from the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota.

The motion was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1971—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CRANSTON). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 15, 1970, pages 41571–41573, CONGRESSIONAL RECORD.)

Mr. ELLENDER. Mr. President, the proposal I am about to make has been discussed by me with the majority and minority leaders. The bill continues two sections, with language that is now in the law, but in conference the House insisted that that language be modified and its modification is not acceptable to quite a few Senators on the floor. So what I propose to do is to ask that the conference report be tabled and that we appoint conferees so as to go back into conference and see if we cannot iron out our differences and have the bill enacted, instead of having a continuing resolution.

Mr. SCOTT. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. SCOTT. The Senator has discussed this with me and on our side here we would normally prefer a record vote on this. I understand what the situation is now. I have been under considerable pressure to insist on a record vote but I think it would be probably unfair to the Senate that this take place at this late hour.

Therefore, I will not press the point, but it is with considerable reluctance because I am told that the Members of the House would have preferred that the Senate have a record vote. I thought I had better make it a matter of record here.

Has the distinguished Senator from Louisiana discussed this question of a record vote with the House conferees?

Mr. ELLENDER. The Senator is correct. I have. I am very hopeful that we will get some conclusion of the matter early tomorrow.

Mr. SCOTT. On which we might have to have a record vote.

Mr. ELLENDER. The Senator is correct.

Mr. President, I move that the conference report be tabled.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendments and ask a further conference with the House and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Senators ELLENDER, RUSSELL, MCCLELLAN, STENNIS, SYMINGTON, YOUNG of North Dakota, SMITH, and ALLOTT conferees on the part of the Senate.

RECESS UNTIL 9 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess, in accordance with the previous order.

The motion was agreed to; and (at 12 o'clock and 10 minutes a.m. today, Tuesday, December 29, 1970), the Senate recessed until 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 28, 1970:

IN THE DIPLOMATIC AND FOREIGN SERVICE

Kenneth Franzheim II, of Texas, now Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

NATIONAL TRANSPORTATION SAFETY BOARD

John H. Reed, of Maine, to be a member of the National Transportation Safety Board for the term expiring December 31, 1975 (reappointment).

U.S. PATENT OFFICE

Rene Desloge Tegtmeyer, of Virginia, to be an Assistant Commissioner of Patents, vice John Henry Schneider.

EXTENSIONS OF REMARKS

THE UNIVERSITY AND THE CORPORATION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, December 28, 1970

Mr. METCALF. Mr. President, public policy is determined in the private as well as the public sector. The private sector is especially powerful in formulation of public policy regarding environmental protection, health and safety, equal employment opportunity, economic concentration, and the pricing of goods and services by oligopolies.

This power in determination of public policy by private corporations is held through four principal methods:

First. Cumbersome administrative procedures, which effectively insulate corporate management from stockholders who wish to influence corporate policy;

Second. The withholding, by the corporation, of information which Government enforcement officials need to administer public laws;

Third. The compromise of public officials, through retainers, job offers, campaign contributions, and constant cultivation at advisory committee meetings, association gathering and social events; and

Fourth. The pervasive permeation of the press and the public generally by elaborate, subliminal advertising programs, carefully calculated to induce complaisance and reduce inquisitive reporting. Thus it remains for the educational television network to do the documentaries on banks, utilities and company towns, for Scanlan's to tell how advertising has enveloped environmentalism and for the student and underground press to detail the corporate interlocks and actions which influence important areas of public policy a good deal more, I must say, than the actions of the U.S. Senate.

Mr. President, I wish to discuss today the method by which change can be made, within the system, in this crucially important matter of public decisionmaking by private corporations. An appropriate text is found in John Kenneth Galbraith's, "The New Industrial State" where he says, on page 373:

> If individual university disciplines are directly subsidized by the state or the business enterprise and continue to have and expand contractual relationships with these sources of funds, the result is nearly certain. Not only will the subjects so favored have a distorted growth in response to the needs of the system but those involved will tend to identify themselves increasingly with the goals of the contracting agencies and enterprises. They will not be immune to tendencies here analyzed; they will come more or less fully into the orbit of the industrial system. The university will become a shell with which they have only a residential association.
>
> If, however, universities can regain and retain power in the distribution of their resources not only is there chance that these will be allocated in accordance with humane and intellectual, as opposed to industrial, need, but moreover the identification of the constituent members will be with the corporate entity of the university and with its goals.

The universities—as institutions rather than as groups of student and faculty—are very much a part of the corporate orbit today. True enough, a few universities deviated, under pressure from students and the project on corporate responsibility, in the General Motors episode last year. Unease, reevaluation, and studied concern are reported among university financial managers. But they remain part of the corporate hierarchy. They sit on the boards of major corporations. They consult for industry. They cast the universities considerable votes in corporate elections for the policies and personnel of corporate management. Faculty and students are not a part of the decisionmaking process. Indeed, some students have reported considerable difficulty in even determining where their university invests its money.

UNIVERSITY VOTING STRENGTH UNKNOWN

Mr. President, no one has ever even determined the potential which universities have for influencing corporate policy through the voting of common stock they hold in major corporations. That absence of basic information itself speaks volumes about the lack of attention paid by the academic community and others to corporate decisionmaking.

This year, in order to begin the collection of what is an elemental part of the voting process, I ask some 60 universities to send me their investment portfolios. The response of a few universities bore out Professor Galbraith's remarks about tendencies of universities to identify themselves with the corporations in which they invest. These universities, alas, rather than letting their finances be known, in the spirit that befits any free and open university, asked that their stockholdings not be published. In that category was my own university, Stanford, along with Rice. In addition, the University of Missouri and the University of Chicago declined to provide the requested information. I have come to expect corporations to be secretive about their ownership. I did not expect, and was saddened to know, that some universities are secretive about their investments.

I have respected the wishes of those universities which asked that the contents of their investment portfolios not be published. And I am pleased to report that most of the universities promptly and fully provided the information requested.

A portion of the material submitted by the universities has now been tabulated and summarized by members of my staff and interns. Because of the limitation of time, my office analyzed university holdings of common stock in only one field, that of energy—the electric, gas, and oil companies.

The energy field was selected because that is where the action is, or should be. Energy companies employ all four methods described at the outset of my remarks to frustrate attempts to influence their practices and policies. And it is the practices and policies of energy companies, more than any other segment of

our society, which lead to the concern over environmental protection, health and safety, equal employment opportunity, economic concentrations, and overpricing.

Mr. President, this study of the investments of a few universities in one area shows that a mere 53 universities hold 10,963,272 shares of common stock, valued, as of December 5, at $321,590,-645.68, in 85 electric utilities.

They hold 1,805,683 shares of common stock, valued as of December 5, at $57,-204,062.73 in 32 gas utilities.

They hold 11,487,949 shares of common stock, valued as of December 5, at $526,773,290.16 in 44 oil companies.

In total, the 53 universities held 24,-256,904 shares of stock valued at $905,-567,998.57 in 161 energy companies.

The common stock holdings of these university portfolios amount, in many cases, to from 1 to 3 percent of the shares voted at a company's annual meeting last year. That is enough stock to have an impact on policy and the public, as witness the General Motors annual meeting controversy last spring, where the project for corporate responsibility assembled only 2.73 percent of the votes cast.

In addition, in several instances a university is among the 10 largest stockholders in a company. It has a sufficient investment portfolio to warrant representation on the board of directors of various corporations.

THE HARVARD EXAMPLE

Consider, for example, Harvard:

Harvard's investment portfolio of common stocks was valued, as of June 30, 1970 at $548,844,966. It held 7,251,413 shares of stock in the energy corporations. Harvard's treasurer, George Bennett, handles investments for Harvard-Yenching Institute, of which he is deputy treasurer, and for State Street Investment Corp., of which he is president. State Street handles investments for Harvard but State Street's 2,062,718 shares in energy corporations valued at $62,996,775—as of December 31, 1969—are not included in the Harvard and university totals above. Bennett is also president of the Federal Street Fund, Inc., and of the Second Federal Street Fund, Inc. He is a director of Hewlett-Packard Co., the John Hancock Mutual Life Insurance Co. and the United States and Foreign Securities Corp. In the energy field he is a director of the Commonwealth Oil Refining Co., New England Electric Co., Niagara Mohawk Power Corp. and Middle South Utilities, the New York holding company which controls Arkansas Power & Light, Louisiana Power & Light, Mississippi Power & Light, and New Orleans Public Service.

It was in this capacity as a director of Middle South that Mr. Bennett came to Washington and persuaded the Securities and Exchange Commission to overrule its staff and grant stock options to Middle South executives. Bennett testified that:

> The president of Middle South would do everything he is doing in a more extraordinary way . . . scan the operating expenses more carefully . . . sharpen his pencil a little sharper on construction programs . . . make his people who are negotiating with labor a little tougher, and be certain his company was earning a full return, if only he could have some stock options, which he got.

Harvard is the largest stockholder in Middle South and Harvard's State Street is the second largest stockholder. Twenty-four universities and Harvard's State Street together hold 1,467,826 shares in Middle South, more than 4 percent of the stock voted at the annual meeting last year. Certainly it is a sufficient holding to warrant consideration, at annual meetings and before Federal and State regulatory commissions as well, of questions that need answering today, such as:

First. How many nonwhites are employed in a professional capacity by each of your operating companies?

Second. What is the daily contribution of each generating plant to air and water pollution?

Third. Why do the companies continue to oversell their product, which is in short supply, through advertising?

Fourth. Why not put the money that has been going into advertising into research and development?

Fifth. Why do not the companies, in view of the President's pleas for voluntary actions to reduce inflation, forgo the rate increase which the regulatory commission could be persuaded to approve, and settle for a nice, solid annual return of 10 percent on our common stock?

Sixth. Why do the operating companies not return to their customers the millions of dollars of advance deposits that have been collected, or at least pay the going rate of interest?

Seventh. Which public officials are on the payroll of or retained by Middle South and its subsidiaries?

Substantive questions, including but not limited to those listed above, need to be asked at stockholder meetings and before regulatory commissions regarding a number of electric utilities. They range from American Electric Power—the New York holding company which is attempting throughout its vast territory to take over the locally managed, city-owned power systems—to Virginia Electric & Power, whose discrimination against blacks has caused the Justice Department to take action against it, a type of action which needs to be broadened in view of the finding by the Equal Employment Opportunity Commission that the electric utilities industry discriminate more in employment than does any other major industry.

Mr. President, it is noteworthy that the investments of a few universities gravitate toward those electric utilities whose pricing, hiring, environmental or monopoly practices are not in what many of us, off or on campus, believe to be the public interest. The universities which, as the following tables will show, follow this investment pattern, include the following 18:

Harvard; University of Texas; Cornell University; Northwestern University; University of North Carolina; and University of Virginia;

University of Illinois; University of Michigan; Columbia University; Rutgers University; University of California; and Williams College;

University of Rochester; University of Kansas; Macalester College; University of Oregon; Massachusetts Institute of Technology; and Princeton.

Yale University does not invest in electric utilities.

The 27 companies which especially attract those universities' investments and which sorely need some attention from independent scholars are:

American Electric Power, the New York holding company which controls Appalachian Power, Virginia, Indiana & Michigan Electric, Indiana, Kentucky Power, Kingsport Power, Tennessee, Ohio Power & Wheeling Electric.

Baltimore Gas & Electric.

Carolina Power & Light.

Central and Southwest, the Delaware holding company which from a Chicago office controls Central Power & Light—Texas, Public Service Company of Oklahoma, Southwestern Electric Power—Louisiana, and West Texas Utilities:

Cincinnati Gas & Electric; Cleveland Electric Illuminating; Columbus & Southern Ohio; Commonwealth Edison—Illinois; Consumers Power—Michigan; Florida Power Corp.; Florida Power & Light; Gulf States Utilities—Texas; Houston Lighting & Power; Illinois Power; Indianapolis Power & Light; Middle South Utilities.

New England electric system, the Boston holding company which controls Granite State Electric, New Hampshire, Massachusetts Electric, Massachusetts, Narragansett Electric, Rhode Island and New England Power, Massachusetts:

Niagara Mohawk, New York; Ohio Edison, which controls Pennsylvania Power; Oklahoma Gas & Electric; Pacific Gas & Electric, California; and Public Service of Indiana; South Carolina Electric & Gas; and Southern California Edison.

Southern, the Atlanta holding company which controls Alabama Power, Georgia Power, Gulf Power, Florida, and Mississippi Power:

Texas Utilities and, just across the Potomac, Virginia Electric & Power.

UNIVERSITY OIL HOLDINGS

The 53 universities surveyed have substantial common stock holdings, as the tables below show, in principal oil companies. Here are some of the leading oil company investments by the universities:

Company	Number of shares	Value as of Dec. 5, 1970
Standard of New Jersey	1,774,130	$129,245,370
Texaco	2,033,971	71,697,477
Gulf	2,319,802	69,872,436
Mobil	773,060	44,528,256
Standard of California	705,244	36,052,073
Standard of Indiana	661,888	34,980,780
Louisiana Land & Exploration	406,936	24,253,385
Atlantic Richfield	308,472	20,050,680

Mr. President, the stultifying effect of close financial ties with oil companies and other energy corporations is a subject of which the Senate has considerable knowledge. There is, however, no great body of literature published re-

garding the relationships between these corporations and the universities.

It is sufficient here, I believe, to remember the difficulty which California and Federal officials had in obtaining university experts in the wake of the oil leak off Santa Barbara early last year. Some university experts did not want to endanger their consulting arrangements and industry grants.

The University of California at Berkeley has lost millions of dollars because of its obeisance—along with Government officials at all levels—to Pacific Gas & Electric, which flouts the Raker Act and refuses to transmit to Berkeley the Federal power to which the city is entitled.

The University of Pennsylvania is wiser—and $3 million poorer—since some of its funds were involved in an effort to keep the late Penn Central from bankruptcy. I have seen a pointed series of articles by J. A. Livingston, the financial writer, and in the Wall Street Journal regarding the Penn U-Penn Central episode. But the University of Pennsylvania, to the best of my knowledge, is not raising any of the hard questions that should be asked about an arrangement under which the chairman of the university trustees' investment committee is the senior partner in a leading Philadelphia brokerage concern, Butcher & Sherrerd, and who also held a substantial number of shares in Penn Central himself.

My point here is that universities and faculty members who are too closely tied to corporations tend to behave like public servants who get into that kind of a box. They do not ask and answer the questions that need frank and full replies.

THE CHALLENGE PROCEDURE

Mr. President, it is not easy for stockholder groups, such as universities, to obtain consideration of proposed policy changes, to get the answers to questions which the corporation would rather not answer and to get onto the boards of directors persons who are not nominated by management. But it is possible.

The following is a rough outline of the steps that must be taken in any stockholder-initiated challenge of corporate behavior. This is by no means a complete or conclusive presentation. But it provides an idea of the legal hurdles that must be crossed.

There are two basic strategies available, which can be used simultaneously or independently:

First, the election of a director, or a slate of directors;

Second, the adoption of stockholders'-initiated proposals, either by the board or by the stockholders, at the annual meeting. Though special meetings of stockholders may, under certain circumstances, be called to achieve either or both of these objectives, the more practical and less complicated forum is the annual stockholders' meeting.

Neither the election of directors nor the adoption of stockholder resolutions necessarily involves a proxy contest. At least in theory, a board may be persuaded to fill a vacancy with an outside director or to sponsor a charter amendment to create a place for such a director. Some boards have the power to expand their number without charter amendment. Similarly, a shareholder proposal may be included on the management proxy under certain circumstances as provided by SEC rule 14a–8 discussed below.

Three separate though interrelated bodies of law apply to shareholder challenges:

First, the "law of the corporation"—that is, its articles of incorporation or charter and its bylaws;

Second, the law of the state of incorporation; and

Third, the Federal securities laws administered by the Securities and Exchange Commission, including the Securities Act of 1933, the Securities and Exchange Act of 1934, and rules and regulations promulgated by the SEC.

It is important to understand that there is no general Federal corporation law. The SEC, strictly speaking, administers securities laws and not incorporation laws, but State incorporation law determines many of the questions brought before the SEC. Needless to say, shareholder challenge without the aid of a competent attorney would be difficult, though the services of a securities law specialist are not necessary.

Except as directly related to SEC requirements, State law and the "law of the corporation" will not be treated here.

Section 14(a) of the Securities Exchange Act of 1934 as amended in 1964 and as augmented by current SEC proxy rules—often referred to as rule 14 and formally cited as 17 Code of Federal Regulations 240.14—applies to the election of directors and presentation of stockholder proposals by means of proxy solicitations, whether by management or by shareholders. The section and the rules apply only to corporations registered under the act—that is, companies listed on the exchanges or companies having more than 500 shareholders and $1 million assets. Through similar provisions in the Public Utility Holding Company Act of 1935, the proxy rules also apply to companies registered under that act.

RULE 14A–8: PROPOSALS OF SECURITY HOLDERS TO BE INCLUDED ON MANAGEMENT PROXIES

If the dissident group elects to submit a proposal at the annual meeting and whether or not it elects to solicit proxies on its own behalf, rule 14a–8 applies, as follows:

First, the proposal or proposals, accompanied by a notice of the group's intention to submit the proposal at the meeting, must be submitted to the management prior to the meeting.

Second, the management is then required: (a) to include the posposal(s) in its proxy statement and (b) to provide a means by which other shareholders can approve or disapprove of the proposals(s), and, if the election of directors is also involved, provide a means by which shareholders can vote on the proposal(s) while withholding support for management's slate of directors.

Third. Deadlines: However, the management need not include the proposals in its proxy unless the shareholder group submits its proposal(s) to management 60 days prior to a day in the current year corresponding to the first date on which the management's proxy soliciting material was released to shareholders in connection with the last annual meeting. For example, suppose the current annual meeting is scheduled for May 15, 1971, and last year's was held April 15, 1970. If in connection with the April 15, 1970 meeting, management released its proxy materials on March 15, 1970, then, the dissident shareholders would have to submit their proposal to management not less than 60 days prior to March 15, 1971. Note that the 60-day rule does not apply to elections or to counter proposals to matters submitted by management.

Fourth. If the management opposes the proposal(s), it must include in its proxy statement a statement in support of the proposal(s) provided by the dissident shareholders. This statement, which is limited to 100 words for each proposal, must be furnished to the management at the same time that the proposal itself is presented to them—that is, the 60-day rule applies.

Fifth. Management may omit a proposal from its proxy statement, a, if the proposal is not a proper subject for action by shareholders under the laws of the State of incorporation or, b, if the primary purpose of the proposal is either to redress a personal grievance or to promote general economic, political, racial, religious, social or similar causes, or, c, if the management has previously included a proposal in its proxy at the shareholder's request and the shareholder failed to present the proposal at the meeting, or d, if the proposal relates to the ordinary business operations of the corporation, or e, if substantially the same proposal received less than 3 percent of the total number of votes cast at a meeting held within the last 3 years—6 percent and 10 percent if submitted twice and three times respectively within the last 5 years.

DISCUSSION OF RULE 14A–8

If the management asserts that it may omit a proposal for any of the reasons stated above, it must present its assertion to the SEC for determination and notify the shareholder of its assertion.

The personal and general causes limitation is frequently the most difficult to overcome. A most helpful discussion of this limitation is discussed in *Medical Committee* v. *SEC*, No. 23,105 (D.C. Cir., July 8, 1970) reproduced below.

Strategic planning should take into consideration the 3–6–10-percent requirement. It may, for instance, be inadvisable for a group to present all of its proposals in the first year unless there is a reasonable chance of obtaining more than 3 percent of the votes on each proposition.

THE SOLICITATION OF PROXIES EITHER FOR THE ELECTION OF DIRECTORS OR TO BE VOTED IN FAVOR OF SHAREHOLDER PROPOSALS OR BOTH

The various rules relating to the solicitation of proxies apply to any party or group, including management, which seeks to obtain through proxies the voting rights of more than 10 shareholders of registered companies.

A proxy solicitation is not limited to requests for proxies accompanied by or

included in a proxy form. Solicitation also includes any request to execute or not to execute, or to revoke, a proxy and the furnishing of a form of proxy or other communication to security holders under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy. Rule 14a-1(f).

The SEC's role in proxy solicitations consists of assuring that the disclosure requirements of federal securities laws and the SEC rules promulgated thereunder are complied with. For this purpose, certain materials must be prepared and submitted in advance of the solicitation to the SEC for approval; other materials—that is, press handouts, speeches, and radio and TV scripts—must be filed simultaneously with their utilization; and certain newspaper ads—under Rule 14a-2(g)—need not be submitted at all.

PROXY STATEMENT—RULE 14a-3

Each person solicited must be furnished a proxy statement which discloses, among other things, the matter to be acted on at the meeting, the shareholder's rights, the identity of the parties making the solicitation and their interest in the matters to be passed on and the identity, affiliations and financial interest of any director-nominees. All the requirements are spelled out in SEC Schedule 14A.

Form of Proxy—Rule 14a-4. The proxy itself, in addition to meeting State law requirements, must indicate whether or not it is solicited on behalf of management and identify clearly each matter intended to be acted upon, whether proposed by management or by a shareholder. The proxy should be drafted so as to allow the solicited party to approve or disapprove of each matter and, if the election of directors is also involved, to withhold all authority to vote for directors. Certain limited discretionary authority may also be included—see paragraph (c) of rule 14a-4.

Written instructions. If the shareholder group intends to solicit proxies in person—that is, from foundations, universities or other large shareholders—copies of the written instructions furnished to individuals making the actual solicitations must also be filed with the SEC.

All of the above, including the proxy statement, the proxy form, and written instructions, must be filed in accordance with rule 14a-6 at least 10 days before any distribution or person-to-person solicitation, though the SEC rules recommend submission at the earliest practicable date.

Mailing Communications—Rule 14a-7. Under rule 14a-7, management must mail the shareholder group's proxy materials to other shareholders designated by the group. However, the group must reimburse management for expenses incurred in connection with the mailing. In addition, management must provide an estimate of the cost of such mailing if requested to do so by the group. Alternatively, the management may, at its option, provide a reasonably current list of the names and addresses of shareholders.

Election of Directors—"Schedule 14B". Rule 14a-11 provides for one additional filing to be made at least 5 days prior to the commencement of solicitation where opposing groups are competing for the election of directors. These filings, the details of which are specified in SEC schedule 14B, include personal and financial information and extend to director-nominees; persons, committees, or groups which solicit proxies; and persons who finance the solicitation—except those contributing not more than $500—and/or the purchase of shares made in connection with the contest. Of course, where proxies are being solicited only for the purpose of voting on shareholder proposals this step is omitted.

Mr. President, it is my firm belief that the faculties, students, administration and alumni of our great universities could perform monumental service to their country at a critical point in its history by redirection of the voting power of university stock in energy corporations. University leadership in this area could encourage other institutions and groups to examine more closely the behavior of corporations in which they own stock. Such leadership would tend to free the university community from the extraordinary influence of corporations described by James Ridgeway in "The Closed Corporation." And perhaps most importantly of all, it could well lead to some changes in public policy which are beyond the reach of public officials.

It is my hope that this fragmentary report on university voting potential will encourage the university community itself to undertake the collection and distribution of a full report in this area. This information could be used by the universities to strengthen themselves and the society of which they are a part. It would help them achieve the needed independence noted by Professor Galbraith, help them to regain and retain power in the distribution of their resources, and enhance the chance that these—resources—will be allocated in accordance with humane and intellectual, as opposed to industrial, need.

This academic exercise would also be invaluable in impressing upon those who undertook it the fact that no one knows who owns America, and that corporate reporting requirements are grossly inadequate. Our highly computerized society applies primitive methods in a field where the public interest cries for modern information storage and retrieval systems, filled with the information upon which public policy and law enforce should be based.

In conclusion, I ask unanimous consent to insert at this point in the RECORD the case to which I made previous reference, Medical Committee against SEC; the December 25 article in the Washington Post regarding administration efforts to overturn the ruling in the above case; the names of the 53 universities and the company-by-company list of their investments in electric, gas, and oil companies.

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

[U.S. Court of Appeals for the District of Columbia Circuit, No. 23,105]

MEDICAL COMMITTEE FOR HUMAN RIGHTS, PETITIONER *v.* SECURITIES AND EXCHANGE COMMISSION, RESPONDENT—PETITION FOR REVIEW OF AN ORDER OF THE SECURITIES AND EXCHANGE COMMISSION

[Decided July 8, 1970]

Mr. Roberts B. Owen, with whom *Messrs. Edwin M. Zimmerman, Richard B. Herzog* and *Paul S. Hoff* were on the brief, for petitioner.

Mr. Richard E. Nathan, Special Counsel, Securities and Exchange Commission, of the bar of the Court of Appeals of New York, *pro hac vice,* by special leave of court, with whom *Messrs. Philip A. Loomis, Jr.,* General Counsel, and *David Ferber,* Solicitor, Securities and Exchange Commission, were on the brief, for respondent.

Before MCGOWAN, TAMM, and ROBINSON, *Circuit Judges.*

TAMM, *Circuit Judge:* The instant petition presents novel and significant questions concerning implementation of the concepts of corporate democracy embodied in section 14 of the Securities Exchange Act of 1934, and of the power of this court to review determinations of the Securities and Exchange Commission made pursuant to its proxy rules. For reasons to be stated more fully below, we hold that the Commission's action in the present case is reviewable, and that the cause must be remanded for further administrative proceedings.

1. PROCEDURAL HISTORY OF THE CASE

On March 11, 1968, Dr. Quentin D. Young, National Chairman of the Medical Committee for Human Rights, wrote to the Secretary of the Dow Chemical Company, stating that the Medical Committee had obtained by gift several shares of Dow stock and expressing concern regarding the company's manufacture of the chemical substance napalm.[1] In part, Dr. Young's letter said:

"After consultation with the executive body of the Medical Committee, I have been instructed to request an amendment to the charter of our company, Dow Chemical. We have learned that we are technically late in asking for an amendment at this date, but we wish to observe that it is a matter of such great urgency that we think it is imperative not to delay until the shareholders' meeting next year. . . .

"We respectfully propose the following wording to be sent to the shareholders:

" 'Resolved, that the shareholders of the Dow Chemical Company request the Board of Directors, in accordance with the laws of the State of Delaware, and the Composite Certificate of Incorporation of the Dow Chemical Company, to adopt a resolution setting forth an amendment to the Composite Certificate of Incorporation of the Dow Chemical Company that napalm shall not be sold to any buyer unless that buyer gives reasonable assurance that the substance will not be used on or against human beings.' "

(App. 1a-2a.) The letter concluded with the following statement:

"Finally, we wish to note that our objections to the sale of this product [are] primarily based on the concerns for human life inherent in our organization's credo. However, we are further informed by our investment advisers that this product is also bad for our company's business as it is being used in the Vietnamese War. It is now clear from company statements and press reports that it is increasingly hard to recruit the highly intelligent, well-motivated, young college men so important for company growth. There is, as well, an adverse impact on our global business, which our advisers indicate, suffers as a result of the public reaction to this product."

Footnotes at end of article.

(App. 2a.) Copies of this letter were forwarded to the President and the General Counsel of Dow Chemical Company, and to the Securities and Exchange Commission. (App. 3a.)

By letter dated March 21, 1968, the General Counsel of Dow Chemical replied to the Medical Committee's letter, stating that the proposal had arrived too late for inclusion in the 1968 proxy statement, but promising that the company would "study the matter and . . . communicate with you later this year" regarding inclusion of the resolution in proxy materials circulated by management in 1969. (App. 4a.) Copies of this letter, and of all subsequent correspondence, were duly filed with the Commission.

The next significant item of record is a letter dated January 6, 1969, noting that the Medical Committee was "distressed that 1968 has passed without our having received a single word from you on this important matter," and again requesting that the resolution be included in management's 1969 proxy materials. (App. 7a–8a.) The Secretary of Dow Chemical replied to this letter on January 17, informing the Medical Committee that Dow intended to omit the resolution from its proxy statement and enclosing an opinion memorandum from Dow's General Counsel, the contents of which will be discussed in detail in part III, *infra*. (App. 9a–12a.) On February 3 the Medical Committee responded to Dow's General Counsel, asserting that he had misconstrued the nature of their proposal in his opinion memorandum, and averring that the Medical Committee would not "presume to serve as draftsmen for an amendment to the corporate charter." (App. 15a.) The letter continued:

"We are willing to bend . . . to your belief that the management should be allowed to decide to whom and under what circumstances it will sell its products. Nevertheless, we are certain that you would agree that the company's owners have not only the legal power but also the historic and economic obligation to determine what products their company will manufacture. Therefore, [we submit] . . . our revised proposal . . . requesting the Directors to consider the advisability of adopting an amendment to the corporate charter, forbidding the company to make napalm (any such amendment would, of course, be subject to the requirements of the "Defense Production Act of 1950," as are the corporate charters and management decisions of all United States Corporations), [and] we request that the following resolution be included in this year's proxy statement:

" 'Resolved, that the shareholders of the Dow Chemical Company request that the Board of Directors, in accordance with the laws [*sic*] of the Dow Chemical Company, consider the advisability of adopting a resolution setting forth an amendment to the composite certificate of incorporation of the Dow Chemical Company that the company shall not make napalm.' "

(App. 16a.) On the same date, a letter was sent to the Securities and Exchange Commission, requesting a staff review of Dow's decision if it still intended to omit the proposal, and requesting oral argument before the Commission if the staff agreed with Dow. (App. 17a.)

On February 7, 1969, Dow transmitted to the Medical Committee and to the Commission a letter and memorandum opinion of counsel, which in essence reiterated the previous arguments against inclusion of the proposal and stated the company's intention to omit it from the proxy statement. (App. 18a–19a.) Shortly thereafter, on February 18, 1969, the Commission's Chief Counsel of the Division of Corporation Finance sent a letter to Dow, with copies to the Medical Committee, concluding that "[f]or reasons stated in your letter and the accompanying opinion of counsel, both dated January 17, 1969, this Division will not recommend any action . . . if this proposal is omitted from the management's proxy material. . . ." (App. 20a.) In a letter dated February 28—which contains the first indications of record that petitioners had retained counsel—the Medical Committee again renewed its request for a Commission review of the Division's decision. (App. 24a.) On the same day, the Medical Committee filed with the Commission a memorandum of legal arguments in support of its resolution, urging numerous errors of law in the Division's decision. (App. 26a–32a.) Several other documents were filed by both the company and the Medical Committee; finally, on April 2, 1969, both parties were informed that "[t]he Commission has approved the recommendation of the Division of Corporation Finance that no objection be raised if the Company omits the proposals from its proxy statements for the forthcoming meeting of shareholders." (App. 44a–45a.) The petitioners thereupon instituted the present action, and on July 10, 1969 the Commission moved to dismiss the petition for lack of jurisdiction. On October 13 we denied the motion "without prejudice to renewal thereof in the briefs and at the argument on the merits."

In its briefs and oral argument, the Commission has consistently and vigorously urged, to the exclusion of all other contentions, that this court is without jurisdiction to review its action. We find this argument unpersuasive.

II. JURISDICTION TO REVIEW

a. timeliness

The Commission's first argument on the jurisdictional point is that the instant petition was untimely filed, thereby depriving this court of power to adjudicate the controversy. This argument is based upon the provision of section 25(a) of the Securities Act, 15 U.S.C. § 78y(a) (1964), which requires that a petition for review must be filed "within sixty days after the entry" of a Commission order.

In the instant case the Commission's minutes reflect that the decision which was reached after reviewing the petitioner's proxy claim was made on March 24, 1969 (App. 46a), whereas the petition to review in this court was not filed until May 29, 1969—some 66 days thereafter. It also appears uncontroverted that the Commission gave the Medical Committee some notification by telephone on March 24, that a decision had been reached, although the substance of this conversation is not reproduced in the briefs or record. (*Cf.* Supp. App. 3.) However, as we noted in the preceding section, petitioners did not receive any written information concerning the Commission's decision until a letter was mailed to them on April 2; in addition, the Medical Committee has asserted, without contradiction, that the Commission temporized for approximately four weeks after the petitioner requested a formal copy of the minutes of the decision, before making this important information available. (Reply Brief for Petitioner at 14 n.2 and accompanying text.)

It must be noted that the Commission is itself rather untimely in making this assertion of untimeliness, for in its July 10 Motion to Dismiss it explicitly disclaimed any intention to press upon us an argument relating to the time of filing the instant petition.[2] This resolve apparently fell by the wayside, however, and the timeliness argument appeared in full dress in the Commission's responsive brief on the merits, thereby helping to trigger further rounds of briefing by both sides. We need not elevate the Commission's vacillation to the status of a waiver, however, because we have concluded that its timeliness argument must fall on the merits.

The Commission relies primarily upon section 22(k) of its Rules of Practice, 17 C.F.R. § 201.22(k) (1970), which provides:

"In computing any period of time involving the date of the entry of an order by the Commission, the date of entry shall be (1) the date of the adoption of the order by the Commission . . . or (2) in the case of orders reflecting action taken pursuant to delegated authority, the date when such action is taken. . . . *The order shall be available for inspection by the public from and after the date of entry, unless it is a non-public order. A non-public order shall be available for inspection from and after the date of entry by any person entitled to inspect it.*" (Emphasis added.)

In essence, the Commission has taken the position that the date of decision, March 24, must be deemed the date of "entry" within the meaning of Rule 22(k), notwithstanding the language of the rule italicized above, and notwithstanding the fact that no written information regarding the basis of the decision was available until a substantial time after March 24.

None of the cases cited by the parties offers much guidance in resolving the particular timeliness question now before us;[3] however, we think it clear that Rule 22(k), together with the 60-day statutory period for filing petitions for review, evidences an attempt by Congress and the Commission to strike a balance between the need to have Commission orders operate with finality, and the aggrieved party's need to have both adequate notice of the substance of the decision, and sufficient time to prepare his petition.[4] To hold that the running of the 60-day period can be initiated by a mere telephone call, as the Commission urges, would create risk of inequity and hardship to aggrieved parties and defeat the goal of orderly and open administrative procedures embodied in the italicized portions of Rule 22(k) quoted above. Therefore, we conclude that the instant petition for review is not barred for reasons of untimeliness.

B. The existence of a reviewable order

The most difficult problems presented by this case arise from a congeries of related arguments supporting the general assertion that the Commission's decision regarding the Medical Committee's proxy proposal is not a reviewable order within the relevant jurisdictional statute. That statute is section 25(a) of the Securities Exchange Act of 1934, 15 U.S.C. § 78y(a) (1964), which in pertinent part states:

"Any person aggrieved by an order issued by the Commission in a proceeding under this chapter to which such person is a party may obtain a review of such order . . . in the United States Court of Appeals for the District of Columbia [Circuit], by filing in such court, within sixty days after the entry of such order, a written petition praying that the order of the Commission be modified or set aside in whole or in part."

Neither precedent[5] nor the legislative history of the Securities Act[6] offers an unambiguous answer to the question of whether decisions of the kind presently before us should be categorized as reviewable orders under this provision; thus, we must resort to general principles and analogies in determining whether we have jurisdiction to adjudicate this controversy.

Bypassing for the moment the question of whether deference to administrative discretion should compel us to foreclose review of this petition,[7] we begin by restating the well-established principle that there is a strong presumption in favor of the courts' power to review administrative action. As the Supreme Court concluded in *Abbott Laboratories v. Gardner*, 387 U.S. 136, 140 (1967), "[A] survey of our cases shows that judicial review of a final agency action by an aggrieved person will not be cut off unless there is persuasive reason to believe that such was the purpose of Congress." This

Footnotes at end of article.

theme has been developed at greater length by Professor Jaffe in his study of the law of reviewability:

"Congress, barring constitutional impediments, may indeed exclude judicial review. But judicial review is the rule. . . . It is a basic right; it is a traditional power and the intention to exclude it must be made specifically manifest. . . .

The mere fact that some acts are made reviewable should not suffice to support an implication of exclusion as to others. The right to review is too important to be excluded on such slender and indeterminate evidence of legislative intent. (L. Jaffe, Judicial Control of Administrative Action 346, 357 (1965) [hereinafter "L. Jaffe"]. *See also Environmental Defense Fund, Inc. v. Hardin*, No. 23,813 (D.C. Cir. May 28, 1970) (slip op. at 7); *Scanwell Laboratories, Inc. v. Thomas*, No. 22,863 (D.C. Cir. Feb. 13, 1970); 4 K. Davis, Administrative Law Treatise 1–32 (1958).)

Several other general observations which we have gleaned from our perusal of numerous cases and commentaries on reviewability must serve as prolegomena to our discussion of that issue in the present case. It appears that the factors most often relied upon in determining whether a particular administrative action is a reviewable order can be subdivided into two general categories. The first of these basic areas of concern involves consideration of whether the administrative action operates with final effect upon a particular individual, entity, or group.[8] *See, e.g., Abbott Laboratories v. Gardner*, 387 U.S. 136, 149 (1967); *Isbrandtsen Co. v United States*, 93 U.S. App. D.C. 293, 298, 211 F.2d 51, 55, *cert. denied*, 347 U.S. 990 (1954); L. Jaffe, 358, 403—404. The second line of analysis looks to the formalities preceding and attending the administrative action, for, as one commentator has stated, "the notion of an 'order' implies some formal characteristics." L. Jaffe 419; *cf. Helco Products Co. v. McNutt*, 78 U.S. App. D.C. 71, 137 F.2d 681 (1943); *American Sumatra Tobacco Corp v. SEC*, 68 App. D.C. 77, 93 F.2d 236 (1937).

Finally, the cases in the area seem virtually unanimous in proclaiming that pragmatic considerations, particularly those relating to the institutional relationships between the courts and the administrative agencies, must prevail over purely doctrinal arguments for or against reviewability. *See, e.g., Abbott Laboratories, supra* 387 U.S. at 149; *American Federation of Labor v. NLRB*, 308 U.S. 401, 408 (1940); *Cities Service Gas Co. v. FPC*, 255 F.2d 860, 862 (10th Cir.), *cert. denied*, 358 U.S. 837 (1958); *Isbrandtsen Co., supra*, 93 U.S.App.D.C. at 297, 211, F.2d at 55.

While the problem of whether there is sufficient formality is admittedly difficult in the present case, we need not pause long over the question of the decision's final effect upon petitioner. Here the administrative process had run its course with respect to petitioner's proxy proposal, and there can be no basis for any fear that review of the decision would cause the courts "to interfere in matters yet within the consideration of the Commission." *Cities Service Gas Co., supra*, 255 F.2d at 862. Here, also, we are dealing with a limited and easily identifiable class of individuals—shareholders of a regulated corporation—whom Congress sought to protect in section 14 of the Act, and who claim that they are wrongfully being denied fair corporate suffrage by the Commission's approval of Dow's decision to omit their proposal. *Cf.* Jaffe. *The Individual Rights to Initiate Administrative Process*, 25 Iowa L.Rev. 485, 528 (1940). In this regard we cannot see any merit in the Commission's contention that the petitioner has not suffered any "aggrievement" under the jurisdictional statute because it may still have relief through a private action against the company in a district court.

The relevance of a possible private action will be examined more fully later in this portion of our opinion. For present purposes, it is sufficient to note that the Medical Committee has been forced to undergo a two-stage administrative proceeding, compelled by the risk that failure to do so would preclude any judicial relief by virtue of the exhaustion doctrine;[9] its recourse to an authoritative judicial determination of the merits of its proxy proposal has been substantially delayed because of the administrative proceeding, whereas time is clearly of the essence in proxy contests; and not only has the Medical Committee lost the potential benefit of the Commission's resources and expertise as an ally in compliance litigation against the company, it has also had imposed upon it the added burden in a private action of overcoming an adverse Commission determination in face of the principle that the agency is entitled to judicial deference in the construction of its proxy rules, *See, e.g., Union Pacific R. Co.* v. *Chicago & N.W. Ry. Co.*, 226 F.Supp. 400, 408 (N.D.Ill. 1964). Moreover, we believe that there is a substantial public interest in having important questions of corporate democracy raised before the Commission and the courts by interested, responsible private parties. *Cf. Scanwell Laboratories, Inc.* v. *Thomas*, No. 22,863 (D.C. Cir. Feb. 13, 1970) (slip op. at 8–10); *Environmental Defense Fund, Inc.* v. *Hardin*, No. 23,813, (D.C. Cir. May 28, 1970) (slip op. at 5–7). Thus, we conclude that the Medical Committee is "aggrieved" for purposes of section 25(a) of the Act.

Finally, in the context of assessing the reviewability of the Commission's decision—as distinguished from our later inquiry into the scope of administrative discretion—it is clear that no significance whatsoever inheres in the fact that the administrative determination is couched in terms of a "no action" decision rather than in the form of a decree binding a party to perform or refrain from some particular act. This much has been clear ever since the Supreme Court interred the discredited "negative order doctrine" in *Rochester Telephone Corp.* v. *United States*.[10] That case, like the present controversy, involved a petitioner's attempt to obtain judicial review of "action by the Commission which affects the complainant because it does not forbid or compel conduct with reference to him by a third person." (307 U.S. at 135.) The Court pointed out that "[n]egative has really been an obfuscating adjective" because it failed to illuminate "the real considerations on which rest . . . the reviewability of Commission orders within the framework of its discretionary authority and within the general criteria of justiciability." (307 U.S. at 141.) The Court then concluded:

"An order of the Commission dismissing a complaint on the merits and maintaining the *status quo* is an exercise of administrative function, no more and no less, than an order directing some change in status. . . . Refusal to change an existing situation may, of course, itself be a factor in the Commission's allowable exercise of discretion. . . . But this bears on the disposition of a case and should not control jurisdiction." (307 U.S. at 142.)

Similarly, section 10(e) of the Administrative Procedure Act provides judicial relief for "agency action unlawfully withheld or unreasonably delayed" (5 U.S.C. § 706(1) (Supp. V 1965–69)), and the courts have had little difficulty in determining when an administrative failure to act presents an appropriate occasion for judicial scrutiny. *Compare Environmental Defense Fund v. Hardin, supra, with International Ass'n of Machinists v. NMB*, No. 23,409 (D.C. Cir. Jan. 30, 1970); *see Generally* Goldman, *Administrative Delay and Judicial Relief*, 66 Mich. L. Rev. 1423 (1968). Thus, there can be little doubt that the Commissions' decision operates with sufficient particularity and finality to warrant judicial review.

The question of whether the procedures attending the Commission's decision in this case are sufficiently formal to make the determination a reviewable order under section 25(a) is admittedly a close one, but we believe that the considerations militating in favor of reviewability must prevail. At the outset, we note that the decided cases make it clear beyond doubt that the absence of a formal evidentiary hearing does not compel the conclusion that an administrative decision is unreviewable. *See, e.g., Cities Service Gas Co.* v. *FPC*, 225 F. 2d 860, 862–63 (10th Cir.), *cert. denied*, 358 U.S. 837 (1958); *Phillips Petroleum Co.* v. *FPC*, 227 F. 2d 470, 475 (10th Cir. 1955), *cert. denied*, 350 U.S. 1005 (1956); *Isbrandtsen Co. v. United States*, 93 U.S. App. D.C. 293, 297, 211, F. 2d 51, 55, *cert. denied*, 347 U.S. 990 (1954).

This is a sound and necessary doctrine because agencies frequently are confronted with situations in which substantial questions of fact, law, or policy may be properly resolved through information-gathering mechanisms less cumbersome than a trial-type hearing. This court has consistently recognized that this kind of flexibility in procedures is a desirable attribute of the administrative process, regardless of whether the power was explicitly provided by statute or rule, or was evolved on an ad hoc basis by implication from a broad statutory grant. However, our deference to the efficient deployment of administrative resources has not been—and logically could not be—considered a matter which touches upon the courts' jurisdiction to review the action in question, in the absence of a clear indication that Congress intended such a result. *See generally National Air Carrier Ass'n v. CAB*, No. 23,012 (D.C. Cir. May 28, 1970); *H & B Communications Corp v. FCC*, No. 22,685 (D.C. Cir. Nov. 13, 1969); *Marine Space Enclosures, Inc. v. FMC*, ——— U.S. App. D.C. ———, 420 F. 2d 577 (1969). Thus, we must look to the Commission's rules and to the attributes of the proceeding here in issue in order to determine whether this is an appropriate occasion for review.

Although the line is not drawn with complete clarity, the Commission's Rules of Practice distinguish between "formal" and "informal" proceedings. Procedures denominated "informal" by the Commission generally involve negotiation between the Commission and one private party, and normally culminate in a letter of advice to the party from Commission staff member.[11] Here, however, there is an important difference which the Commission readily concedes:

"The difference is that in the normal no-action situation, there is only one interested private party and accordingly the Commission has not found it necessary to prescribe any rules dealing with the situation. The private party simply writes a letter which is answered."

"In the case of stockholder proposals, there are two interested private parties: the management and the shareholder. Consequently, Rule 14a–8(d) provides a procedure by which the position of both may be brought to the Commission's attention." (Supplementary Memorandum of Respondent at 10.)

Thus, the Commission's procedural regulations governing proxy proposals incorporate the basic theory of an adversary encounter, and a detailed perusal of Rule 14a–8 and its history reinforces this impression.

For the shareholder who wishes to have his proposal included in management's proxy statement, Rule 14a–8, 17 C.F.R. § 240.14a–8 (1970), is the touchstone of procedural and substantive rights. Rule 14a–8(a) describes the initiation of this process by providing that the security holder "shall submit to the management of the issuer, within the time hereinafter specified, a proposal which is accompanied by notice of his intention to present the proposal for action at the meeting."

Footnotes at end of article.

The basic time period established in this section is 60 days, subject to certain qualifications. Subsection (b) then provides that if management opposes the shareholder's proposal, it must include in its proxy materials a 100-word statement by the proponent of the proposal. The substantive exceptions to the general rule of inclusion are then set forth in subsection (c), and several of these grounds for omitting a shareholders proposal will be discussed at length in part III, *infra*. The following provision, subsection (d), contains the procedural steps which are immediately relevant; it describes the course of proceedings which comes into play whenever management believes that it is entitled under the substantive criteria of the preceding section to omit a shareholder proposal.

Subsection (d) is phrased wholly in mandatory rather than permissive language. It requires management to "file with the Commission . . . a copy of the proposal and any statement in support thereof as received from the security holder, together with a statement of the reasons why the management deems such omission to be proper in the particular case, and, where such reasons are based on matters of law, a supporting opinion of counsel." At the same time, management must "notify the security holder submitting the proposal of its intention to omit the proposal" and "forward to him a copy of the statement of the reasons why the management deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel." This filing and forwarding must be completed "not later than 20 days prior to the date the preliminary copies of the proxy statement are filed pursuant to § 240.14a-6(a)"; this requirement was promulgated "[s]o that the Commission will have more time to consider the problems involved in such cases and the security holder will have an opportunity to consider the management's position and take such action as may be appropriate." 19 Fed. Reg. 246 (1954). Presumably this "other appropriate action" by the shareholder encompasses the possibility of filing with the Commission detailed legal arguments in favor of requiring the company to include the proposal, similar to the one which the Medical Committee filed with the Commission in the present case after the Division of Corporation Finance had made its recommendation, and which the Commission accepted without comment or objection. (App. 26a–32a; *see also id.* at 28a–39a.) Finally, the history of the rule explicitly states that it "places the burden of proof upon the management to show that a particular security holder's proposal is not a proper one for inclusion in management's proxy material." (19 Fed. Reg. 246 (1954).)

We think that these provisions contain persuasive indicia that the Commission's proxy procedures are possessed of sufficient "adversariness" and "formality" to render its final proxy determinations amenable to judicial review, although the scope and content of that review must yet be investigated. This conclusion is inferentially supported by cases dealing with private actions to enforce the proxy rules, in which shareholders have been required to exhaust the administrative remedies provided by the foregoing sections. *Peck* v. *Greyhound Corp.*, 97 F. Supp. 679 (S.D.N.Y. 1951); *cf. Dyer* v. *SEC*, 291 F. 2d 774, 778 (8th Cir. 1961). However, the Commission urges that the structure of section 14 of the Act gives rise to a doctrinal anomaly if administrative decisions like the present one are held reviewable. This difficulty arises from the fact that even when the Commission moves against recalcitrant management under section 14 of the Act to terminate or prevent violations of the proxy rules, there is never a traditional trial-type hearing followed by a conventional mandatory order. Professor Loss has catalogued the Commission's enforcement alternatives under section 14 as follows:

[W]hen management or a security holder is adamant in refusing to comply with the rules as the Commission construes them, there is no administrative procedure comparable to the stop-order proceeding under the 1933 act. The commission may investigate. It may use its statutory power to "publish information concerning . . . violations," as it did in two early instances. It may institute appropriate administrative proceedings of a disciplinary nature under the 1934 act when the offender happens to be a registered broker-dealer or an exchange member, as it may when some other statutory provision or Commission rule has been violated. It may even use a violation of section 14(a) as a basis for delisting the security. And it may ask the Attorney General to prosecute willful violations. But the principal sanction—and the only practicable way of forcing compliance—is the statutory action for injunction." (Loss, *The SEC Proxy Rules in the Courts*, 73 Harv. L. Rev. 1041, 1043–44 (1960); *See also* Aranow & Einhorn, *Corporate Proxy Contests: Enforcement of SEC Proxy Rules by the Commission and Private Parties*, 31 N.Y.U. L. Rev. 875, 886, 866–87 n.50 (1956).)

We see little force in this anomaly—if, indeed, it is in fact an anomaly. Through section 14 of the Act Congress has invested the Securities and Exchange Commission with sweeping authority to regulate the solicitation of corporate proxies; the few words employed by Congress in subsection (a) of this provision confer upon the Commission much power, but little guidance or limitation:

"It shall be unlawful for any person, by the use of the mails or by any means or instrumentality of interstate commerce . . . or otherwise, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, to solicit or to permit the use of his name to solicit any proxy . . . in respect of any security (other than an exempted security) registered pursuant to . . . this title." (15 U.S.C. § 78n(a) (1964).)

Pursuant to this broad mandate, the Commission has established elaborate procedures which are of unquestioned validity for present purposes and which, as we have indicated above, otherwise possess sufficient attributes of finality and formality to warrant judicial review. Viewing the proxy rules in this light, we see no substantial reason why the absence of formal adjudicatory hearings in the regulatory scheme should render Commission decisions, however capricious or erroneous, utterly immune to direct judicial review or redress. Indeed, it seems doubtful that there is any meaningful distinction between review in this situation and review in the commonly accepted context of judicial assessment of final agency determinations made well in advance of, or in collateral proceedings relating to, a statutorily prescribed trial-type hearing. *See, e.g., Phillips Petroleum Co.* v. *FPC, supra*, 227 F.2d at 475; *Isbrandtsen Co.* v. *United States, supra*, 93 U.S. App.D.C. at 297, 211 F.2d at 55.

On the other hand, we do see significant problems and anomalies which would result from accepting the Commission's restrictive interpretation of the jurisdictional statute. There is no doubt that the Medical Committee could obtain a judicial determination of the legitimacy of its claim through a private action against Dow Chemical in the district court; the Supreme Court held that such a remedy is implicit in section 14(a) in *J. I. Case.* v. *Borak*, 377 U.S. 426 (1964). The essential question, then, is whether the district court is a more appropriate forum for adjudication of petitioner's claim than this court. We believe that every substantial consideration in this case leads to precisely the opposite conclusion.

Here the Medical Committee does not seek to contest any matters of fact which would require a trial de novo; rather, petitioner seeks only to have its proposal assessed by the Commission under a proper interpretation of the governing statutes and rules. The petitioner does not seek any relief which is peculiarly within the competence of the district court; instead, it seeks merely to have the cause remanded so that the Commission, in accord with proper standards, can make an enlightened determination of whether enforcement action would be appropriate. Thus we see no practical or theoretical virtues in commanding a course of action which "would result in equal inconvenience" to the petitioner, the Commission, and the overcrowded courts, and "would constitute circuitous routes for the determination of issues easily and directly determinable by review in this court." *American Sumatra Tobacco Corp.* v. *SEC*, 68 App. D.C. 77, 82, 93 F.2d 236, 241 (1937). *See also Gardner v. Toilet Goods Ass'n, Inc.*, 387 U.S. 167, 191–93 (1967) (Justice Fortas concurring and dissenting); *Environmental Defense Fund, Inc. v. Hardin, supra*, (slip op. at 9); L. Jaffe 358.

There is also, it seems to us, an independent public interest in having the controversy decided in its present posture rather than in the context of a private action against the company. The primary and explicit purpose of section 14(a) is "the protection of investors," and the primary method of implementing this goal is through Commission regulation of proxy statements, not through private actions by individual security holders. For the small investor, personal recourse to the Commission's proxy procedures without benefit of counsel may well be the only practicable method of contesting a management decision to exclude his proxy proposal.[12] In this situation, as our recent decisions make clear, it is particularly important that the Commission look carefully at the merits of the shareholder's proposal, and that it do so pursuant to an accurate perception of the Congressional intent underlying the proxy statute. *See generally Hale* v. *FCC*, No. 22,751 (D.C. Cir. Feb. 16, 1970) slip op, at 15–17; concurring opinion); *Office of Communication of the United Church of Christ* v. *FCC*, No. 19,409 (D.C. Cir. June 20, 1969). Direct judicial review of Commission proxy decisions is unquestionably the most logical and efficient means of achieving this objective.

Thus, we hold that the Commission's decision in this case is presently reviewable, and turn our attention to an investigation of the proper scope of this review.

C. Scope of review and administrative discretion

Many of the Commission's most forceful arguments are addressed to the proposition that the action which the Medical Committee now asks us to review falls within the purview of administrative discretion and therefore is protected from judicial inquiry or interference by section 10 of the Administrative Procedure Act, 5 U.S.C. § 701(a)(2) (Supp. V. 1965–69). In large measure, this line of defense reflects the misconstruction of section 10 that Professor Davis has called an "all or none fallacy" which ignores the language and intent of this provision.[13] The more accurate interpretation of the statute holds that assertions of discretion inevitably raise questions of degree which must be appraised in the context of the relevant provisions of law and the nature of the particular action sought to be reviewed: "[T]he question is not *whether* agency action is by law committed to agency discretion but *to what extent* agency action is so committed." 4 K. Davis, Administrative Law Treatise 33 (1958) (emphasis added); *see also Scanwell Laboratories, Inc. v. Thomas*, No. 22,863 (D.C. Cir. Feb. 13, 1970) (slip op. at 28–29). Our decisions also make clear that in analyzing issues of administrative discretion, as in dealing with general questions of reviewability, we must be fully cognizant of the strong presumption in favor of judicial review. *Environmental Defense Fund, Inc. v. Hardin,*

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No. 28,813 (D.C. Cir. May 28, 1970) (slip op. at 7–8).

The Commission asserts that its enforcement activities pursuant to the proxy rules are entitled to particular deference because they partake of the nature of the prosecutorial functions, which has traditionally been considered immune to judicial review.[14] This contention is meritorious, as will be seen below, but only in a limited sense; and the decisions of this court have never allowed the phrase "prosecutorial discretion" to be treated as a marginal incantation which automatically provides a shield for arbitrariness. Indeed, we have explicitly alluded to the prosecutorial function in compelling an administrative agency to deal openly and fairly with public interest in intervenors in licensing proceedings:

"[A] 'Public Intervenor' . . . is, in this context, more nearly like a complaining witness who presents evidence to the police or a prosecutor whose duty it is to conduct an affirmative and objective investigation of all the facts and to pursue his prosecutorial or regulatory function if there is probable cause to believe a violation has occurred.

"It was not the correct role of the Examiner or the Commission to sit back and simply provide a forum for the intervenors; the Commission's duties did not end by allowing Appellants to intervene; its duties began at that stage." (*Office of Communication of the United Church of Christ v. FCC*, No. 19,409 (D.C. Cr. June 20, 1969) (slip op. at 6).)

There is some reason to believe that similar judicial supervision of the administrative process is needed in circumstances like the present one, in order to assure that the investing public can obtain vigorous, efficient, and evenhanded implementation of the concepts of corporate democracy embodied in the proxy rules. One published study has accused the Commission of a variety of procedural sins in its regulation of proxies, most of which could be curtailed or eliminated through judicial review. Specifically, the Commission has been charged with repeatedly violating its own established procedural principles, particularly those relating to management's burden of proof in justifying the omission of proposals; of allowing non-lawyers to decide complex legal problems raised in proxy disputes; and of affording inconsistent treatment to similar factual situations for no apparent reason.[15] Perhaps the most serious charge against the Commission's secretive decision-making, however, is all too clearly illustrated by the record in the present case; the lack of articulated bases for past decisions encourages management to file shotgun objections to a shareholder proposal, urging every mildly plausible legal argument that inventive counsel can contrive, in the hope that the Commission will accept one of them.[16] If the Commission does agree with one of management's arguments, or if it determines not to act against the company for other reasons, the shareholder often has no idea why his proposal was deemed unworthy or what he can do to cure its defects for subsequent proxy solicitations. Viewed in this light, "discretion" can be merely another manifestation of the venerable bureaucratic technique of exclusion by attrition, of disposing of controversies through calculated nondecisions that will eventually cause eager supplicants to give up in frustration and stop "bothering" the agency.

Nevertheless, we recognize that there is a legitimate domain of administrative discretion in the proxy area, albeit not quite so broad as the Commission urges. As the Supreme Court has recognized, the Securities and Exchange Commission must process a formidable number of proxy statements in limited time and with insufficient manpower.[17] Obviously not all proxy proposals can or should be given detailed consideration by the full Commission, and even the boldest advocates of judicial review recognize that the agencies' internal mangement decisions and allocations of priorities are not a proper subject of inquiry by the courts.[18] However, that is definitely not what is at issue in the present case: here, the full Commission has exercised its discretion to review this controversy, and, as will be seen below, it has ostensibly acted in accord with a very dubious legal theory. The Medical Committee asks us merely to examine this allegedly erroneous legal premise and return the controversy to the Commission so that it may properly exercise its further discretion regarding the propriety and desirability of enforcement activity.[19]

Limited and partial review to examine the legal framework within which administrative discretion must be exercised is scarcely a doctrinal innovation; it has been repeatedly sustained by the Supreme Court. *See, e.g., McGrath v. Kristensen*, 340 U.S. 162, 169 (1950); (*Perkins v. Elg*, 307 U.S. 325, 349–50 (1939). We think that Justice Frankfurter's incisive observations in *Rochester Telephone Corp. v. United States*, 307 U.S. 125, 136 (1939), are equally appropriate here:

"Judicial relief would be precisely the same as in the recognized instances of review by courts of Commission action; if the legal principles on which the Commission acted were not erroneous, the bill would be ordered dismissed; if the Commission was found to have proceeded on erroneous legal principles, the Commission would be ordered to proceed within the framework of its own discretionary authority on the indicated correct principles."

We foresee scant possibility that such sharply circumscribed review, which depends upon the Commission's initial determination to review the staff decision, will cause the destruction of informal advisory and supervisory functions which the Commission now fears. The courts, we think, are abundantly capable of distinguishing between situations in which an agency gives informal advice and situations in which it formally decides among conflicting adversary claims premised on detailed legal arguments. Moreover, experience indicates that the grim forebodings which are frequently expressed in this court regarding the possibility that a particular decision will cause irreparable disruption of the administrative process only rarely, if ever, come to pass.[20]

On the other hand, if we are to foreclose review as the Commission urges, we would surely be condoning a frustration of congressional intent; for here the petitioner asserts that the Commission is failing to correct abuses which Congress sought to end by enacting the statute, and that it is a member of the class which Congress endeavored to protect in the Securities Act. In such situations, as a leading commentator has phrased it, "[i]nterests intended as the beneficiaries of legislative munificence will have cold comfort from embracing the dry, unmoving skeleton of the statute."[21] Review limited to the task of correcting such legal defects is consistent with the Supreme Court's interpretation of the Securities Act in *J. I. Case Co. v. Borak*, 377 U.S. 426, 432 (1964): "[A]mong [the] chief purposes [of section 14(a)] is 'the protection of investors,' which certainly implies the availability of judicial relief where necessary to achieve that result." Therefore, we conclude that partial review of the merits of this controversy will not project us into an area which is committed by law to agency discretion.

III. THE MERITS OF PETITIONER'S PROPOSAL

The Medical Committee's sole substantive contention in this petition is that its proposed resolution could not, consistently with the Congressional intent underlying section 14(a), be properly deemed a proposal which is either motivated by *general* political and moral concerns, or related to the conduct of Dow's ordinary business operations. These criteria are two of the established exceptions to the general rule that management must include all properly submitted shareholder proposals in its proxy materials. They are contained in Rule 14a–8(c), 17 C.F.R. § 240.14 a–8(c), (1970), which provides in relevant part:

"[M]anagement may omit a proposal . . . from its proxy statement and form of proxy under any of the following circumstances: . . .

"(2) If it clearly appears that the proposal is submitted by the security holder . . . primarily for the purpose of promoting general economic, political, racial, religious, social or similar causes; or . . .

"(5) If the proposal consists of a recommendation or request that the management take action with respect to a matter relating to the conduct of the ordinary business operations of the issuer."

Despite the fact that our October 13 order in this case deferred resolution of the jurisdictional issue pending full argument on the merits (*see* part I, *supra*), the Commission has not deigned to address itself to any possible grounds for allowing management to exclude this proposal from its proxy statement. We confess to a similar puzzlement as to how the Commission reached the result which it did, and thus we are forced to remand the controversy for a more illuminating consideration and decision. *Cf. Environmental Defense Fund, Inc.* v. *Hardin, supra*. In aid of this consideration on remand, we feel constrained to explain our difficulties with the position taken by the company and endorsed by the Commission.

It is obvious to the point of banality to restate the proposition that Congress intended by its enactment of section 14 of the Securities Exchange Act of 1934 to give true vitality to the concept of corporate democracy. The depth of this commitment is reflected in the strong language employed in the legislative history:

"Even those who in former days managed great corporations were by reason of their personal contacts with their shareholders constantly aware of their responsibilities. But as management became divorced from ownership and came under the control of banking groups, men forgot that they were dealing with the savings of men and the making of profits became an impersonal thing. When men do not know the victims of their aggression they are not always conscious of their wrongs. . . .

"Fair corporate suffrage is an important right that should attach to every equity security bought on a public exchange. Managements of properties owned by the investing public should not be permitted to perpetuate themselves by the misuse of corporate proxies." (H.R. Rep. No. 1383, 73d Cong., 2d Sess. 5, 13 (1934). *See also SEC v. Transamerica Corp.*, 163 F.2d 511, 517, 518 (3d Cir. 1947), *cert denied*, 332 U.S. 847 1948).)

In striving to implement this open-ended mandate, the Commission has gradually evolved its present proxy rules. Early exercises of the rule-making power were directed primarily toward the achievement of full and fair corporate disclosure regarding management proxy materials (*see, e.g.*, 3 Fed. Reg. 1991 (1938); 5 Fed. Reg. 174 (1940)); the rationale underlying this development was the Commission's belief that the corporate practice of circulating proxy materials which failed to make reference to the fact that a shareholder intended to present a proposal at the annual meeting rendered the solicitation inherently misleading. *See Hearings on Security and Exchange Commission Proxy Rules Before the House Comm. on Interstate and Foreign Commerce*, 78th Cong., 1st Sess., pt. 1, at 169–70 (1943) [hereinafter "House Hearings"].

From this position, it was only a short step to a formal rule requiring management to include in its proxy statement any shareholder proposal which was "a proper subject for action by the security holders." 7

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Fed. Reg. 10,659 (1942). It eventually became clear that the question of what constituted a "proper subject" for shareholder action was to be resolved by recourse to the law of the state in which the company had been incorporated; however, the paucity of applicable state law giving content to the concept of "proper subject" led the Commission to seek guidance from precedent existing in jurisdictions which had a highly developed commercial and corporate law, and to develop its own "common law" relating to proper subjects for shareholder action. *See generally II L.Loss, Securities Regulation* 905–06 (1961); *Hearings on SEC Enforcement Problems Before a Subcom. of the Senate Comm. on Banking and Currency*, 85th Cong., 1st Sess., pt. 1, at 118 (1957) [hereinafter "Senate Hearings"].

Further areas of difficulty became apparent as experience was gained in administering the "proper subject" test, and these conflicts provided the Commission with opportunities to put a detailed gloss upon the general phraseology of its rules. Thus, in 1945 the Commission issued a release containing an opinion of the Director of the Division of Corporation Finance that was rendered in response to a management request to omit shareholder resolutions which bore little or no relationship to the company's affairs; for example, these shareholder resolutions included proposals "that the anti-trust laws and the enforcement thereof be revised," and "that all Federal legislation hereafter enacted providing for workers and farmers to be represented should be made to apply to investors."[22] The Commission's release endorsed the Director's conclusion that "proposals which deal with general political, social or economic matters are not, within the meaning of the rule, 'proper subjects for action by security holders.'"[23] The reason for this conclusion was summarized as follows in the Director's opinion:

"Speaking generally, it is the purpose of Rule X–14A–7 to place stockholders in a *position to bring before their fellow stockholders matters of concern to them as stockholders in such corporation;* that is, such matters relating to the affairs of the company concerned as are proper subjects for stockholders' action under the laws of the state under which it was organized. It was not the intent of Rule X–14A–7 to permit stockholders to obtain the consensus of other stockholders with respect to matters which are of a general political, social or economic nature. *Other forums exist for the presentation of such views.*"[24]

Several years after the Commission issued this release, it was confronted with the same kind of problem when the management of a national bus company sought to omit a shareholder proposal phrased as "A Recommendation that Management Consider the Advisability of Abolishing the Segregated Seating System in the South"—a proposal which, on its face, was ambiguous with respect to whether it was limited solely to company policy rather than attacking all segregated seating, and which quite likely would have brought the company into violation of state laws then assumed to be valid.[25] The Commission staff approved management's decision to omit the proposal, and the shareholder then sought a temporary injunction against the company's solicitation in a federal district court. The injuction was denied because the plaintiff had failed to exhaust his administrative remedies or to show that he would be irreparably harmed by refusal to grant the requested relief. *Peck v. Greyhound Corp.*, 97 F. Supp. 679 (S.D.N.Y. 1951). The Commission amended its rules the following year to encompass the above-quoted exception for situations in which "it clearly appears that the proposal is submitted by the security holder . . . primarily for the purpose of promoting general economic, political, racial, religious, social or similar causes." 17 Fed. Reg. 11,433 (1952); *see also id.* at 11, 431. So far as we have been able to determine, the Commission's interpretation or application of this rule has not been considered by the courts.

The origins and genesis of the exception for proposals "relating to the conduct of the ordinary business operations of the issuer" are somewhat more obscure. This provision was introduced into the proxy rules in 1954, as part of amendments which were made to clarify the general proposition that the primary source of authority for determining whether a proposal is a proper subject for shareholder action in state law. *See* 19 Fed. Reg. 246 (1954). Shortly after the rule was adopted, the Commission explained its purpose to Congress in the following terms:

"The policy motivating the Commission in adopting the rule . . . is basically the same as the underlying policy of most State corporation laws to confine the solution or ordinary business problems to the board of directors and place such problems beyond the competence and direction of the shareholders. The basic reason for this policy is that it is manifestly impracticable in most cases for stockholders to decide management problems at corporate meetings. . . .

"While rule X–14A–S does not require that the ordinary business operations be determined on the basis of State law, the premise of rule X–14A–S is that the propriety of . . . proposals for inclusion in the proxy statements is to be determined in general by the law of the State of incorporation. . . . Consistency with this premise requires that the phrase 'ordinary business operations' in rule X–14A–S have the meaning attributed to it under applicable State law. To hold otherwise would be to introduce into the rule the possibility of endless and narrow interpretations based on no ascertainable standards." (Senate Hearings at 118.)

It also appears that no administrative interpretation of this exception has yet been scrutinized by the courts.

These two exceptions are, on their face, consistent with the legislatve purpose underlying section 14; for it seems fair to infer that Congress desired to make proxy solicitations a vehicle for *corporate* democracy rather than an all-purpose forum for malcontented shareholders to vent their spleen about irrelevant matters,[26] and also realized that management cannot exercise its specialized talents effectively if corporate investors assert the power to dictate the minutiae of daily business decisions. However, it is also apparent that the two exceptions which these rules carve out of the general requirement of inclusion can be construed so as to permit the exclusion of practically any shareholder proposal on the grounds that it is either "too general" or "too specific." Indeed, in the present case Dow Chemical Company attempted to impale the Medical Committee's proposal on both horns of this dilemma: in its memorandum of counsel, it argued that the Medical Committee's proposal was a matter of ordinary business operations properly within the sphere of management expertise and, at the same time, that the proposal clearly had been submitted primarily for the purpose of promoting general political or social causes. (App. 9a–10a; *see also id.* at 19a). As noted above, the Division of Corporation Finance made no attempt to choose between these potentially conflicting arguments, but rather merely accepted Dow Chemical's decision to omit the proposal "[f]or reasons stated in [the company's] letter and the accompanying opinion of counsel, both dated January 17, 1969;[27] this determination was then adopted by the full Commission. Close examination of the company's arguments only increases doubt as to the reasoning processes which led the Commission to this result.

In contending that the Medical Committee's proposal was properly excludable under Rule 14a–8(c)(5), Dow's counsel asserted:

"It is my opinion that *the determination of the products which the company shall manufacture,* the customers to which it shall sell the products, and the conditions under which it shall make such sales are related to the conduct of the ordinary business operations of the Company and that any attempt to amend the Certificate of Incorporation to define the circumstances under which the management of the Company shall make such determinations is contrary to the concept of corporate management, which is inherent in the Delaware General Corporation Act under which the Company is organized.[28]

In the first place, it seems extremely dubious that this superficial analysis complies with the Commission's longstanding requirements that management must sustain the burden of proof when asserting that a shareholder proposal may properly be omitted from the proxy statement, and that "[w]here management contends that a proposal may be omitted because it is not proper under State law, it will be incumbent upon management to refer to the applicable statute or case law." 19 Fed. Reg. 246 (1954. As noted above, the Commission has formally represented to Congress that Rule 14a–8(c)(5) is intended to make state law the governing authority in determining what matters are ordinary business operations immune from shareholder control; yet, the Delaware General Corporation law provides that a company's Certificate of Incorporation may be amended to "change, substitute, enlarge or diminish the nature of [the company's] business."[29] If there are valid reasons why the Medical Committee's proposal does not fit within the language and spirit of this provision, they certainly do not appear in the record.

The possibility that the Medical Committee's proposal could properly be omitted under Rule 14a–8(c)(2) appears somewhat more substantial in the circumstances of the instant case, although once again it may fairly be asked how Dow Chemical's arguments on this point could be deemed a rational basis for such a result: the paragraph in the company's memorandum of counsel purporting to deal with this issue, which is set forth in the margin,[30] consists entirely of a fundamentally irrelevant recitation of some of the political protests which had been directed at the company because of its manufacture of napalm, followed by the abrupt conclusion that management is therefore entitled to exclude the Medical Committee's proposal from its proxy statement. Our own examination of the issue raises substantial questions as to whether an interpretation of Rule 14a–8(c)(2) which permitted omission of this proposal as one motivated primarily by *general* political or social concerns would conflict with its congressional intent underlying section 14(a) of the Act.

As our earlier discussion indicates, the clear import of the language, legislative history, and record of administration of section 14(a) is that its overriding purpose is to assure to corporate shareholders the ability to exercise their right—some would say their duty[31]—to control the important decisions which affect them in their capacity as stockholders and owners of the corporation. Thus, the Third Circuit has cogently summarized the philosophy of section 14(a) in the statement that "[a] corporation is run for the benefit of its stockholders and not for that of its managers." *SEC* v. *Transamerica Corp.*, 163 F. 2d 511, 517 (3d Cir. 1947), *cert. denied*, 332 U.S. 847 (1948).

Here, in contrast to the situations detailed above which led to the promulgation of Rule 14a–8(c)(2), the proposal relates solely to a matter that is completely within the accepted sphere of corporate activity and control. No reason has been advanced in the present proceedings which leads to the conclusion that management may properly place obstacles in the path of shareholders who

Footnotes at end of article.

wish to present to their co-owners, in accord with applicable state law, the question of whether they wish to have their assets used in a manner which they believe to be more socially responsible but possibly less profitable than that which is dictated by present company policy. Thus, even accepting Dow's characterization of the purpose and intent of the Medical Committee's proposal, there is a strong argument that permitting the company to exclude it would contravene the purpose of section 14(a).

However, the record in this case contains indications that we are confronted with quite a different situation. The management of Dow Chemical Company is repeatedly quoted in sources which include the company's own publications as proclaiming that the decision to continue manufacturing and marketing napalm was made not *because* of business considerations, but *in spite of* them; that management in essence decided to pursue a course of activity which generated little profit for the shareholders and actively impaired the company's public relations and recruitment activities because management considered this action morally and politically desirable. (App. 40a–43a; *see also id. at* 33.) The proper political and social role of modern corporations is, of course, a matter of philosophical argument extending far beyond the scope of our present concern; the substantive wisdom or propriety of particular corporate political decisions is also completely irrelevant to the resolution of the present controversy. What *is* of immediate concern, however, is the question of whether the corporate proxy rules can be employed as a shield to isolate such managerial decisions from shareholder control.[32] After all, it must be remembered that "[t]he control of great corporations by a very few persons was the abuse at which Congress struck in enacting Section 14(a)." *SEC* v. *Transamerica Corp., supra,* 163 F. 2d at 518.

We think that there is a clear and compelling distinction between management's legitimate need for freedom to apply its expertise in matters of day-to-day business judgment, and management's patently illegitimate claim of power to treat modern corporations with their vast resources as personal satrapies implementing personal political or moral predilections. It could scarcely be argued that management is more qualified or more entitled to make these kinds of decisions than the shareholders who are the true beneficial owners of the corporation; and it seems equally implausible than an application of the proxy rules which permitted such a result could be harmonized with the philosophy of corporate democracy which Congress embodied in section 14(a) of the Securities Exchange Act of 1934.

In light of these considerations, therefore, the cause must be remanded to the Commission so that it may reconsider petitioner's claim within the proper limits of its discretionary authority as set forth above, and so that "the basis for [its] decision [may] appear clearly on the record, not inconclusory terms but in sufficient detail to permit prompt and effective review."[33]

Remanded for further proceedings consistent with this opinion.

FOOTNOTES

[1] Napalm is described as follows in 15 Encyclopaedia Britannica 1170 (1968):

"[T]he aluminum soap of naphthenic and palmitic acids which, when mixed with gasoline, forms a sticky sirup used in chemical warfare.

"In World War I both Germany and the Allies used raw gasoline in flame throwers . . . but it burned too quickly to be fully effective. What was needed was a thickener that would slow down the rate of burning and increase the range of the weapon. Napalm did this, and it also greatly raised the temperature at which the fuel burned. Harvard University scientists, in cooperation with the U.S. army chemical warfare service, developed the substance in 1942."

[2] Memorandum in Support of Respondent's Motion to Dismiss Petition for Review at 5 n.2:

"This court may, alternatively, be without jurisdiction based upon the Medical Committee's failure to file its May 29 petition to review 'within sixty days after the entry of' the alleged order. . . . *We do not urge the point, however, since the Commission's staff did not advise the Medical Committee of the Commission's March 24 decision . . . until April 2. . . .*" [Emphasis added.]

[3] Lile v. SEC, 324 F.2d 772 (9th Cir. 1963), which seems mostly directly apposite to the facts of the instant case, was decided prior to the adoption of the present version of Rule 22(k). *See* 29 Fed. Reg. 3424 (1964). Moreover, the discussion of the timeliness problem in *Lile* appears to be dictum, since the case was decided on the ground of exhaustion of administrative remedies. However, to the extent that the discussion in *Lile* is useful to elucidate the present inquiry, it militates against the Commission's argument: the text of that opinion clearly reflects the court's concern that orders which assertedly had the effect of starting the running of the 60-day review period were not readily available for public inspection. *See* 324 F.2d at 773.

Mr. G. Davis & Co. v. Cohen, 256 F.Supp. 128 (S.D.N.Y.), *aff'd,* 369 F.2d 360 (2d Cir. 1966), which the Commission relies upon, is distinguishable in that it involved a different provision of the Rules of Practice which governed the issuance of orders initiating administrative proceedings and which did not include language comparable to that contained in Rule 22(k) relating to the parties' immediate right to inspect orders affecting them.

[4] For a discussion of an analogous problem of computation arising under the Federal Rules of Civil Procedure, *see* 4 C. Wright & A. Miller, Federal Practice and Procedure 632–42 (1969).

[5] Dicta in a few cases and remarks by some scholarly commentators tend to indicate that it has generally been assumed that proxy decisions like the present one are not reviewable by the courts. *See, e.g.,* Klastorin v. Roth, 353 F.2d, 183 n.2 2d Cir. (1965); Clusserath, *The Amended Stockholder Proposal Rule: A Decade Later,* 40 N.D. Lawyer 13, 17 (1964). However, we have found no holding that proxy decisions like the present one are unreviewable, and no adequate analysis of the myriad arguments bearing on the jurisdictional question.

[6] The absence of any indication in the legislative history that Congress intended to preclude review serves to distinguish the instant controversy from Schilling v. Rogers, 363 U.S. 666 (1960) which the Commission heavily relies upon, *See, e.g.,* 363 U.S. at 671:

"The only express provision in the Trading with the Enemy Act for recourse to the courts by those claiming the return of property vested during World War II is that contained in § 9(a). That section, however, is applicable only to persons not enemies or allies of enemies as defined in the relevant statutes, and hence is not available to this petitioner, an enemy national. . . .

"The question then is whether a right to such relief can fairly be implied. . . . The terms of § 32 and its legislative history speak strongly against any such implication."

Cf. Heikkila v. Barber, 345 U.S. 229, 233 (1953): "Each statute in question must be examined individually; its purpose and history as well as its text are to be considered in deciding whether the courts were intended to provide relief for those aggrieved by administrative action. Mere failure to provide for judicial intervention is not conclusive; neither is the presence of language which appears to bar it."

The *Schilling* case is further distinguishable because the administrative action therein issue was found to be wholly within the province of administrative discretion; *see* 363 U.S. at 674. As will be developed more fully below, we do not find the discretionary aspects of the Commission's action preclusive of review in the present controversy. Finally, it must be noted that the subject matter of the regulatory scheme in *Schilling* was permeated with overtones of foreign affairs and national defense policy—considerations which have always made the courts reluctant to review administrative action, and which obviously are totally lacking here. *See e.g.,* Curran v. Laird, —— U.S. App. D.C. ——, 420 F. 2d 122 (1969) (*en banc*).

[7] *See* part II C, *infra.* Schilling v. Rogers, 363 U.S. 666 (1960), which is discussed in the preceding footnote, clearly indicates that the issue of whether particular administrative action is rendered unreviewable by implication of a statute or by pragmatic concerns should be considered a different inquiry from the question of whether agency discretion precludes review.

[8] Frequently these considerations are analyzed under one or more of the related doctrines of ripeness, finality, and exhaustion of administrative remedies; however, it is not uncommon to find these factors treated under the more general rubric of reviewability.

[9] *See* Peck v. Greyhound Corp., 97 F. Supp. 679 (S.D.N.Y. 1951).

[10] 307 U.S. 125 (1939). *See generally* 4 K. Davis, Administrative Law Treatise 87–93 (1958).

[11] 17 C.F.R. § 202.1 (1970) provides:

"The statutes administered by the Commission provide generally (1) for the filing with it of certain statements, such as . . . proxy solicitation material . . .; (2) for Commission determination through formal procedures of matters initiated by private parties or by the Commission; (3) for investigation and examination of persons and records where necessary to carry out the purposes of the statutes. . . .

"(c) *The statutes and the published rules, regulations and forms thereunder prescribe the course and method of formal procedures to be followed in Commission proceedings.* These are supplemented where feasible by certain informal procedures designed to aid the public and facilitate the execution of the Commission's functions. . . .

"(d) The informal procedures of the Commission are largely concerned with the rendering of advice and assistance by the Commission's staff to members of the public dealing with the Commission." [Emphasis added.]

Informal negotiation also plays a large role in Commission hearings which are indubitably formal in nature; *see e.g.,* 17 C.F.R. § 202.4 (1970):

"(a) Applications, declarations, and other requests involving formal Commission action after opportunity for hearing are scrutinized by the appropriate division for conformance with applicable statutory standards and Commission rules and generally the filing party is advised of deficiencies. . . .

"(b) After the staff has had an opportunity to study an application or declaration, interested persons may informally discuss the problems therein raised to the extent that time and the nature of the case permit. . . .

"(c) During the course of the hearings, the staff is generally available for informal discussions to reconcile bona fide divergent views not only between itself and other persons interested in the proceedings, but [also] among all interested persons; and, when circumstances permit, an attempt is made to narrow, if possible, the issues to be considered at the formal hearing."

[12] This contention was recently presented to the Commission in a proxy contest involv-

ing the General Motors Corporation. *See* Cong. Rec. p. 7769 (daily ed., March 17, 1970):

It must be recognized that Management's proxy statement is the only effective vehicle through which all of the shareholders can have an opportunity to express themselves, and even to hear any arguments on the question involved. . . . [T]he cost [of conducting a competing solicitation] is virtually prohibitive except to extremely well heeled shareholders. . . . This is no ordinary dispute with Management; it is not an effort by insurgent shareholders to seize control of the corporation. If it were so, one could justify large expenditures because the individual rewards are great and because, if successful, the insurgents could obtain reimbursement of their expenses from the company. The issues here lack that personal pecuniary bias. Denial of access to the shareholders through management's proxy solicitation, practically speaking, is total denial."

[13] 4 K. Davis, Administrative Law Treatise 33 (1958). We note that Professor Davis espouses a more restrictive role of the court in reviewing the discretionary acts of administrative agencies than that which is urged by other scholarly commentators. *See, e.g.*, Berger, *Administrative Arbitrariness: A Synthesis*, 78 Yale L.J. 965 (1969), and authorities cited *id.* at 966 n.9.

[14] *But cf.* K. Davis, DISCRETIONARY JUSTICE 225–26, 229 (1969):

"In the regulatory agencies, abuse of the power to prosecute or not to prosecute may be ten times as frequent as abuse of the power of formal adjudication and therefore may be ten times as damaging to justice. . . .

"The prosecuting power everywhere, whether exercised by police, by prosecutors, by regulatory agencies, or by other administrators, can and should be highly structured by both rules and precedents. . . .

"The American assumption that prosecutors' discretion should not be judicially reviewable developed when executive functions were generally unreviewable. The assumption is in need of reexamination in light of the twentieth-century discovery that courts can review executive action to protect against abuses while at the same time avoiding judicial assumtpion of the executive power."

[15] Clusserath, *The Amended Stockholder Proposal Rule: A Decade Later*, 40 N.D. Lawyer 13 (1964).

[16] *See id.* at 43.

[17] *Cf.* J. I. Case Co. v. Borak, 377 U.S. 426, 432 (1964):

"The Commission advises that it examines over 2,000 proxy statements annually and each of them must necessarily be expedited. Time does not permit an independent examination of the facts set out in the proxy material and this results in the Commission's acceptance of the representations contained therein at their face value, unless contrary to other material on file with it."

[18] *Cf.* Environmental Defense Fund, Inc. v. Hardin, *supra*, slip. op at 10; Goldman, *Administrative Delay and Judicial Relief*, 66 MICH. L. REV. 1423, 1426–31 (1968).

[19] Were we to compel the Commission either to entertain administrative review of a staff decision in the first instance, or to undertake particular enforcement activity upon remand, our decision might well conflict with the precedents which the Commission has cited involving petitioners' attempts to have courts order the Commission to initiate investigations pursuant to different sections of the Act. *See* Dyer v. SEC, 291 F.2d 774 (8th Cir. 1961); Leighton v. SEC, 95 U.S.App.D.C. 217, 221 F.2d 91, *cert. denied*, 350 U.S. 825 (1955). We note, however, that other circuits in dealing with action by other agencies have occasionally circumscribed administrative discretion to undertake investigatory activities. *See e.g.*, Trailways of New England Inc. v. CAB, 412 F.2d 926, 931–33 (1st Cir. 1969).

[20] *Cf.* Goodman v. United States, No. 22,521 (D.C. Cir. Jan. 30, 1970) (slip op. at 9): "Words like 'chaos' and 'impossible situation' fall readily from bureaucratic lips when confronted with the prospect of doing something not absolutely required by the book." *See also* Scanwell Laboratories, Inc. v. Thomas, No. 22,863 (D.C. Cir. Feb. 13, 1970) (slip op. at 25–26).

[21] Jaffe, *The Individual Right to Initiate Administrative Process*, 25 Iowa L. Rev. 485 (1940).

[22] Securities Exchange Act Release No. 3638 (Jan. 3, 1945), Brief for Petitioner at Addendum p. 2–3.

[23] *Id.* at Addendum p. 2.

[24] *Id.* at Addendum p. 3 (emphasis added).

[25] *See* Emerson & Latcham, *The SEC Proxy Proposal Rule: The Corporate Gadfly*, 19 U. Chi. L. Rev. 807, 833 (1952); Cong. Rec. p. 7771 (daily ed. March 17, 1970).

[26] *See, e.g.*, the following colloquy, which appears in House Hearings at 162–63:

"Mr. BOREN. So one man, if he owned one share in A.T. & T. . . . and another share in R.C.A. . . . if he decided deliberately . . . to become a professional stockholder in each one of the companies—he could have a hundred-word propaganda statement prepared and he could put it in every one of these proxy statements. Suppose he were a Communist.

"Commissioner PURCELL. That is possible. We have never seen such a case.

"Mr. BOREN. Suppose a man were a Communist and he wanted to send to all of the stockholders of all of these firms, a philosophic statement of 100 words in length, or a propaganda statement. . . . He could by the mere device of buying one share of stock . . . have available to him the mailing list of all the stockholders in the Radio Corporation of America. . . .

"Commissioner PURCELL. Of course, we have never seen such a case; and if such a case came before us, then we would have to deal with it and make such appropriate changes as might seem necessary."

[27] App. 20a. The letter referred to by the Division merely contains a citation to the proxy rules and a reference to the opinion of counsel (see App. 12a); thus, for present purposes the only relevant argument is that contained in the memorandum of counsel.

[28] App. 9a (emphasis added). The remainder of the company's argument under Rule 14a–8(c)(5) reads as follows, in its entirety:

"Moreover, there is considerable doubt as to the efficacy of the proposed limitation in the context of the ability of the Government of the United States to issue a directive that the Company manufacture napalm. Therefore, the proposed limitation could conceivably be contrary to the requirements of the Defense Production Act of 1950." (App. 9a–10a.)

In response to this contention, the Medical Committee pointed out that "any such amendment would, of course, be subject to the requirements of the 'Defense Production Act of 1950' as are the corporate charters and management decisions of all United States Corporations." (App. 16a.) No rebuttal by Dow was forthcoming.

[29] Chapter 1, Title 8 Delaware Code §§ 242 (a)(2), 242(d) (19—). *Cf.* II L. Loss, Securities Regulation 906 (1961): "Inevitably the Commission, while purporting to find and apply a generally nonexistent state law, has been building up a 'common law' of its own as to what constitutes a 'proper subject' for shareholder action. It is a 'common law' which undoubtedly would yield, as it should, to a contrary decision of the particular state court."

[30] App. 10a:

"It is a well-known fact that the Company has been the target of protests and demonstrations for the past few years at its office and plant locations, and on the occasion of recruiting on college and university campuses, as well as at its annual meeting of stockholders held May 8, 1968. The various protests and demonstrations are a reflection of opposition on the part of certain segments of the population against the policy of the United States Government in waging the war in Viet Nam. Although the Dow Chemical Company was not among the 100 largest prime contractors with the Department of Defense during the 1967–68 Government fiscal year and was only 75th on the list in the 1966–67 fiscal year, it appears to have been singled out symbolically by the protesters. Under all of these circumstances it is my opinion that it clearly appears that the proposal is primarily for the purpose of promoting a general political, social or similar cause."

[31] *See* Bayne, *The Basic Rationale of Proper Subject*, 34 U. DET. L.J. 575, 579 (1957):

"In so far as the shareholder has contributed an asset of value to the corporate venture, in so far as he has handed over his goods and property and money for use and increase, he has not only the clear right, but more to the point, perhaps, he has the stringent duty to exercise control over that asset for which he must keep care, guard, guide, and in general be held seriously responsible. . . .

"As much as one may surrender the immediate disposition of [his] goods, he can never shirk a supervisory and secondary duty (not just a right) to make sure these goods are used justly, morally and beneficially.

[32] *Cf.* Note, *Corporate Political Affairs Programs*, 70 YALE L.J. 821, 846–47 (1961).

[33] Environmental Defense Fund, Inc. v. Hardin, No. 23,813 (D.C. Cir. May 23, 1970) (slip op. at 11).

[From the Washington (D.C.) Post, Dec. 25, 1970]

U.S. APPEALS RULING IN DOW PROXY CASE

(By John P. MacKenzie)

Last July, government regulators were told to explain why they declined to move against the Dow Chemical Co. for refusing to let shareholders vote on the manufacture of napalm.

Yesterday, the Justice Department asked the Supreme Court to overturn the ruling.

Joining with the Securities and Exchange Commission, Solicitor General Erwin N. Griswold said the government can't enforce "corporate democracy" principles in proxy fights if the courts keep saddling the Securities and Exchange Commission with new formal duties.

In the dispute between Dow management and stockholders belonging to the antiwar Medical Committee on Human Rights, the SEC is required to provide a written decision, supported by reasons and subject to court scrutiny, explaining the commissions inaction after Dow offered a shareholder report that excluded the Medical Committee's bid for a vote.

Dow contended last spring that the proposal was a political propaganda move that invaded time-honored management prerogatives. The SEC, without explanation, rejected the Medical Committee arguments but the court of appeals ordered the agency to spell out its reasons.

The Supreme Court is not obliged to review the case but Griswold said the justices should set the guidelines for disputes over the contents of proxy statements submitted to shareholders. No high court action—either rejecting the government petition or setting the case down for full argument is expected before February.

The court of appeals decision was part of a judicial trend of making courts and regulatory agencies more accessible to citizens questioning official policy in government or private enterprise.

It was written by Circuit Judge Edward A. Tamm, usually rated a conservative jurist, with Judges Carl McGowan and Spottswood W. Robinson III concurring.

Judge Tamm said the SEC's murky nondecision left him uncertain whether the regulators considered the napalm issue beyond the concern of stockholders, either as an ethical or a business proposition. Then he added:

"We think there is a clear and compelling distinction between management's legitimate need of freedom to apply its expertise in matters of day-to-day business judgment, and management's patently illegitimate claim of power to treat modern corporations with their vast resources as personal satrapies implementing personal political or moral predilections."

Last spring General Motors reluctantly yielded to an SEC opinion, which the commission could not have enforced without going to court, that environmental issues offered by Ralph Nader's "Campaign GM" be placed on the corporation's ballot for voting at the annual meeting. The campaign issues were voted down overwhelmingly.

In his petition, Griswold said an SEC decision not to take a corporation to court over its proxy statement is not the kind of action the circuit court should review.

Noting that the SEC must look at 5,300 proxy statements a year and decide quickly whether they are lawful, Griswold said a burdensome court ruling might compel the agency to "eliminate security holder participation" from the review process altogether.

THE 53 COLLEGES AND UNIVERSITIES WHOSE COMMON STOCK HOLDINGS IN ENERGY CORPORATIONS ARE TABULATED BELOW

Bowdoin College.
Brown University.
California Institute of Technology.
University of California.
Catholic University.
Claremont University Center.
Clark University.
University of Colorado.
Columbia University.
Cornell University.
Dartmouth College.
Duke University.
Emory University.
Harvard College.
University of Illinois.
Indiana University.
University of Iowa.
Iowa State University.
University of Kansas.
Lehigh University.
Macalester College.
Massachusetts Institute of Technology.
University of Maryland.
Michigan University.
University of Minnesota.
University of Montana.
Mount Holyoke.
University of North Carolina.
Northwestern University.
Notre Dame University.
Oberlin College.
Oregon University.
University of Pennsylvania.
University of Pittsburgh.
Pomona College.
Princeton Univeristy.
Purdue University.
Rensselaer University.
Rochester Institute of Technology.
Rockefeller University.
Rutgers University.
Smith College.
Swarthmore College.
Syracuse University.
University of Texas.
Tulane University.
Vanderbilt University.
Vassar College.
University of Virginia.
Case Western Reserve University.
Western Reserve University.
Williams College.
University of Wisconsin.
Yale University.

ELECTRIC UTILITIES

ALLEGHENY POWER SYSTEM

A. Shares of common stock voted at last annual meeting, 20,792,362.

B. Total held by universities listed below, 127,957.

C. Market value per share of common stock,[1] $22.88.

D. Total market value of stock held by universities listed,[1] $2,927,656.16.

Name of School, date of report, number of shares

Bowdoin College, July 21, 1970, 13,407.
Calif. Institute of Technology, December 31, 1969, 8,700.
University of Colorado, March 31, 1970, 3,500.
University of Iowa, June 30, 1970, 580.
Macalester College, May 19,1970, 10,000.
University of Oregon, June 30, 1969, 320.
University of Pennsylvania, June 30, 1970, 40,000.
Pomona College, June 30, 1970, 3,898.
Pomona College (Future Projects Fund), June 30, 1970, 11,000.
Purdue University, June 30, 1970, 64.
University of Virginia, June 30, 1969, 11,488.
Case Western Reserve Univ.[2], June 30, 1970, 25,000.

AMERICAN ELECTRIC POWER CO.

A. Shares of common stock voted at last annual meeting, 50,000,000.

B. Total held by universities listed below, 347,686.

C. Market value per share of common stock,[1] $28.75.

D. Total market value of stock held by universities listed,[1] $9,995,972.50.

Name of school, date of report, number of shares [1]

Catholic University,[3] May 27, 1970, 18,290.
Clark University, June 30, 1970, 5,000.
Columbia University, March 31, 1969, 22,-733.
Cornell University,[3] March 31, 1970, 28,853.
Harvard College, June 30, 1970, 76,510.
University of Kansas, April 30, 1970, 422.
Massachusetts Institute of Technology (MIT), September, 1969, 24,030.
University of Montana, December 31, 1969, 926.
University of North Carolina, May 29, 1970, 4,012.
Princeton University, June 30, 1969, 66,627.
Rensselaer Polytechnic Inst., June 30, 1970, 3,000.
Rochester Institute of Technology, June 30, 1970, 8,000.
Rutgers University, June 30, 1969, 6,829.
University of Texas,[3] August 31, 1969, 62,-875.
University of Virginia,[3] June 30, 1969, 7,730.
Case Western Reserve University,[3] June 30, 1970, 4,100.
Williams College, June 30, 1969, 2,001.
University of Wisconsin, June 30, 1969, 5,748.

ARIZONA PUBLIC SERVICE CO.

A. Shares of common stock voted at last annual meeting, 9,874,199.

B. Total held by universities listed below, 1,370.

C. Market value per share of common stock:[1], $23.00.

D. Total market value of stock held by universities listed:[1], $31,510.00.

Name of school, date of report, number of shares [1]

Cornell University, March 31, 1970, 800.
University of Kansas, April 30, 1970, 250.
University of Oregon, June 30, 1969, 320.

Footnotes at end of article.

ARKANSAS-MISSOURI POWER CO.

A. Shares of common stock voted at last annual meeting, 1,921,627.

B. Total held by universities listed below: 50,000.

C. Market value per share of common stock:[1], $12.75.

D. Total market value of stock held by universities listed:[1] $637,500.00.

Harvard, June 30, 1970, 50,000.

ATLANTIC CITY ELECTRIC

A. Shares of common stock voted at last annual meeting, 6,920,000.

B. Total held by universities listed below, 40,593.

C. Market value per share of common stock,[1] $22.60.

D. Total market value of stock held by universities listed,[1] $917,401.80.

Name of school, date of report, number of shares

Princeton University, June 30, 1969, 40,580.
Purdue University, June 30, 1970, 13.

BALTIMORE GAS & ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 12,769,692.

B. Total held by universities listed below, 181,009.

C. Market value per share of common stock,[1] $30.25.

D. Total market value of stock held by universities listed,[1] $5,465,522.25.

Name of school, date of report, number of shares

Cal. Tech., December 31, 1969, 25,000.
University of California,[3] June 30, 1969, 63,014.
Duke University,[3] May 31, 1970, 8,000.
Emory University, May 29, 1970, 10,168.
Rutgers University, June 30, 1969, 10,623.
Syracuse University, April 30, 1970, 2,500.
University of Texas, August 31, 1969, 61,-050.
University of Virginia, June 30, 1969, 654.

BOSTON EDISON CO.

A. Shares of common stock voted at last annual meeting, ———

B. Total held by universities listed below, 35,038.

C. Market value per share of common stock,[1] $37.00.

D. Total market value of stock held by universities listed,[1] $1,465,522.25.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 34,488.
University of Michigan, June 30, 1970, 550.

CAROLINA POWER AND LIGHT CO.

A. Shares of common stock voted at last annual meeting, 13,250,230.

B. Total held by universities listed below, 317,264.

C. Market value per share of common stock,[1] $26.25.

D. Total market value of stock held by universities listed,[1] $8,328,180.00.

Name of school, date of report, number of shares

Columbia University, March 31, 1969, 12,610.
Cornell University, March 31, 1970, 50,000.
Duke University, May 31, 1970, 3,000.
Emory University, May 29, 1970, 6,770.
Harvard College, June 30, 1970, 88,338.
University of Michigan, June 30, 1970, 12,400.
Univ. of Mich. (Retirement Fund, June 30, 1970, 10,800.
University of North Carolina, May 29, 1970, 22,116.
University of Pittsburgh, June 30, 1970, 1,600.
Princeton University, June 30, 1969, 40,464.
University of Texas,[3] August 31, 1969, 41,600.

Vanderbilt University, June 30, 1969, 13,566.
University of Virginia, June 30, 1969, 1,400.
Williams College, June 30, 1969, 12,600.

CENTRAL HUDSON GAS AND ELECTRIC CORP.

A. Shares of common stocks voted at last annual meeting, 2,777,421.
B. Total held by universities listed below, 10,900.
C. Market value per share of common stock,[1] $21.75.
D. Total market value of stock held by universities listed,[1] $237,070.00.

Name of school, date of report, number of shares

Clark University, June 30, 1970, 3,000.
Vassar College, June 30, 1970, 7,900.

CENTRAL ILLINOIS LIGHT CO.

A. Shares of common stock voted at last annual meeting, 5,336,818.
B. Total held by universities listed below: 23,200.
C. Market value per share of common stock: [1] $26.00.
D. Total market value of stock held by universities listed: [1] $603,200.

Name of school, date of report, number of shares

University of Iowa, June 30, 1970, 200.
Rutgers University, June 30, 1969, 10,000.
Swarthmore College, June 30, 1969, 13,000.

CENTRAL ILLINOIS PUBLIC SERVICE

A. Shares of common stock voted at last annual meeting, 9,075,197.
B. Total held by universities listed below: 19,592.
C. Market value per share of common stock:[1] $20.00.
D. Total market value of stock held by universities listed:[1] $791,840.

Name of school, date of report, number of shares

Columbia University, March 31, 1969, 7,020.
Cornell University, March 31, 1970, 600.
University of Illinois, May 31, 1970, 1,000.
Northwestern University, May 31, 1970, 27,116.
Pomona College (future projects fund), June 30, 1970, 3,700.
University of Texas, August 31, 1969, 156.

CENTRAL LOUISIANA ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 6,529,882.
B. Total held by universities listed below: 164,320.
C. Market value per share of common stock,[1] $23.25.
D. Total market value of stock held by universities listed,[1] $3,820,440.00.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 151,320.
Tulane University, June 30, 1970, 13,000.

CENTRAL MAINE POWER CO.

A. Shares of common stock voted at last annual meeting, 547,895.6.
B. Total held by universities listed below: 19,622.
C. Market value per share of common stock,[1] $17.85.
D. Total market value of stock held by universities listed,[1] $350,252.70.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 19,622.

CENTRAL AND SOUTHWEST CORP.

A. Shares of common stock voted at last annual meeting, 21,351,598.
B. Total held by universities listed below: 199,857.
C. Market value per share of common stock,[1] $47.60.
D. Total market value of stock held by universities listed,[1] $9,513,193.20.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 3,500.
Catholic University [3], May 27, 1970, 3,600.
Columbia University, March 31, 1969, 8,783.
Cornell University [3], March 31, 1970, 776.
Emory University, May 29, 1970, 8,000.
University of Illinois, May 31, 1970, 1,400.
Univ. of Ill. Foundation, May 31, 1970, 400.
University of Kansas, March 31, 1970, 1,138.
University of Michigan (End.), June 31, 1970, 9,970.
University of North Carolina, May 29, 1970, 2,300.
Northwestern University, May 31, 1970, 17,805.
University of Oregon, June 30, 1969, 200.
Pomona College (Future Projects Fund), June 30, 1970, 8,000.
Princeton University, June 30, 1969, 40,676.
Swarthmore College, June 30, 1969, 8,000.
University of Texas [3], August 31, 1969, 58,000.
Vanderbilt University, June 30, 1969, 12,700.
Williams College, June 30, 1969, 9,609.
University of Wisconsin, June 30, 1969, 5,000.

CENTRAL VERMONT PUBLIC SERVICE

A. Shares of common stock voted at last annual meeting, 1,562,868.
B. Total held by universities listed below, 7,400.
C. Market value per share of common stock,[1] $17.25.
D. Total market value of stock held by universities listed,[1] $127,642.00.

Name of school, date of report, number of shares

Syracuse University, April 30, 1970, 7,400.

CINCINNATI GAS AND ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 15,501,846.
B. Total held by universities listed below, 376,063.
C. Market value per share of common stock,[1] $27.65.
D. Total market value of stock held by universities listed,[1] $10,473,354.55.

Name of school, date of report, number of shares

University of California,[3] June 30, 1969, 125,790.
Columbia University, March 31, 1970, 2,200.
Cornell,[3] March 31, 1970, 1,410.
Duke University,[3] May 31, 1970, 24,600.
Harvard College, June 30, 1970, 116,230.
University of Iowa, June 30, 1970, 592.
Lehigh University, June 30, 1970, 10,000.
University of Michigan (End.), June 30, 1970, 912.
Northwestern University, May 31, 1970, 28,961.
Oberlin College, June 30, 1969, 22,522.
University of Pennsylvania, June 30, 1970, 26,000.
Vanderbilt University, June 30, 1969, 16,546.
University of Virginia, June 30, 1969, 300.

CLEVELAND ELECTRIC ILLUMINATING CO.

A. Shares of common stock voted at last annual meeting, 13,486,399.
B. Total held by universities listed below, 130,950.
C. Market value per share of common stock,[1] $39.00.
D. Total market value of stock held by universities listed,[1] $5,107,050.

Name of school, date of report, number of shares

University of California,[3] June 30, 1969, 65,140.
Dartmouth College, March 31, 1970, 100.
University of North Carolina, May 29, 1970, 500.
Northwestern University, May 31, 1970, 21,346.
Case Western Reserve University,[2] June 30, 1970, 7,420.
Western Reserve University, June 30, 1970, 21,944.
Williams College, June 30, 1969, 14,500.

COLORADO INTERSTATE CORP.

A. Shares of common stock voted at last annual meeting, 3,463,011.
B. Total held by universities listed below, 62,880.
C. Market value per share of common stock,[1] $32.75.
D. Total market value of stock held by universities listed,[1] $2,059,582.

Name of school, date of report, number of shares

University of California, June 30, 1969, 17,880.
Cal Tech, December 31, 1969, 20,000.
Cornell University, March 31, 1969, 25,000.

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 5,600,000.
B. Total held by universities listed below, 62,473.
C. Market value per share of common stock,[1] $28.00.
D. Total market value of stock held by universities listed,[1] $1,749,224.00.

Name of school, date of report, number of shares

Claremont University Center, June 30, 1969, 5,000.
Harvard College, June 30, 1970, 23,773.
University of Kansas, March 31, 1970, 200.
Massachusetts Institute of Technology. September, 1969, 18,000.
Northwestern University, May 31, 1970, 10,500.
Case Western Reserve Univ.,[2] June 30, 1970, 5,000.

COMMONWEALTH EDISON CO.

A. Shares of common stock voted at last annual meeting, 46,487,874.
B. Total held by universities listed below, 362,105.
C. Market value per share of common stock,[1] $36.60.
D. Total market value of stock held by universities listed,[1] $13,253,043.00.

Name of school, date of report, number of shares

University of California,[3] June 30, 1969, 87,902.
Calif. Institute of Technology, December 31, 1969, 39.
Harvard College, June 30, 1970, 63,984.
University of Illinois,[3] May 31, 1970, 3,979.
Univ. of Ill. Foundation,[3] May 31, 1970, 1,204.
University of Iowa,[3] June 30, 1970, 2,945.
University of Kansas, June 30, 1970, 264.
Mass. Institute of Technology, September, 1969, 16,534.
University of Michigan (End.), June 30, 1970, 4,093.
University of Montana,[3] December 31, 1969, 159.
University of North Carolina, May 29, 1970, 731.
Northwestern University, May 31, 1970, 68,014.
University of Oregon, June 30, 1969, 344.
Pomona College, June 30, 1970, 8,359.
Rochester Institute of Technology, June 30, 1970, 7,500.
Rutgers University, June 30, 1969, 11,314.
University of Texas,[3] August 31, 1969, 62,370.
University of Virginia,[3] June 30, 1969, 8,057.
Williams College, June 30, 1969, 8,201.
University of Wisconsin, June 30, 1969, 6,112.

CONSOLIDATED EDISON OF NEW YORK

A. Shares of common stock voted at last annual meeting, 41,077,093.

Footnotes at end of article.

B. Total held by universities listed below, 1,547.

C. Market value per share of common stock,[1] $24.75.

D. Total market value of stock held by universities listed,[1] $38,288.25.

Name of school, date of report, number of shares

Cornell University,[3] March 31, 1970, 670.
University of Kansas, March 31, 1970, 53.
University of Michigan (End.), June 30, 1970, 500.
Northwestern University, May 31, 1970, 324.

CONSUMERS POWER CO.

A. Shares of common stock voted at last annual meeting, 23,560,238.

B. Total held by universities listed below, 256,849.

C. Market value per share of common stock,[1] $34.25.

D. Total market value of stock held by universities listed,[1] $8,797,078.25.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 4,708.
Clark University, June 30, 1970, 2,372.
Columbia University, March 31, 1969, 34,787.
Harvard College, June 30, 1970, 159,609.
University of Iowa, June 30, 1970, 366.
University of Kansas, March 31, 1970, 217.
University of Michigan (End.), June 30, 1970, 12,644.
Univ. of Mich. (Retirement), June 30, 1970, 9,941.
University of North Carolina, May 29, 1970, 524.
Syracuse University, April 30, 1970, 691.
University of Texas,[3] August 31, 1969, 30,990.

DAYTON POWER AND LIGHT

A. Shares of common stock voted at last annual meeting, 8,189,502.

B. Total held by universities listed below, 47,200.

C. Market value per share of common stock,[1] $24.50.

D. Total market value of stock held by universities listed,[1] $1,156,400.00.

Name of school, date of report, number of shares

Mass. Institute of Technology, September 1969, 15,000.
Northwestern University, May 31, 1970, 17,700.
Rutgers University, June 30, 1969, 13,500.
University of Virginia, June 30, 1969, 1,000.

DELMARVA POWER AND LIGHT CO.

A. Shares of common stock voted at last annual meeting, 420,000.

B. Total held by universities listed below, 25,400.

C. Market value per share of common stock,[1] $18.00.

D. Total market value of stock held by universities listed,[1] $457,200.

Name of school, date of report, number of shares

Lehigh University, June 30, 1970, 5,800.
Vanderbilt University, June 30, 1969, 19,600.

DETROIT EDISON CO.

A. Shares of common stock voted at last annual meeting, 28,853,711.

B. Total held by universities listed below: 89,090.

C. Market value per share of common stock,[1] $20.20.

D. Total market value of stock held by universities listed,[1] $1,804,072.50.

Name of school, date of report, number of shares

Cornell University,[3] March 31, 1970, 1,270.
Harvard College, June 30, 1970, 32,632.
University of Kansas, March 31, 1970, 150.
University of Michigan (End.), June 30, 1970, 8,920.
Pomona College, June 30, 1970, 4,618.
University of Texas,[3] August 31, 1969. 41,500.

DUKE POWER CORP.

A. Shares of common stock voted at last annual meeting, 23,230,139.

B. Total held by universities listed below, 169,958.

C. Market value per share of common stock,[1] $24.60.

D. Total market value of stock held by universities listed,[1] $4,180,966.80.

Name of school, date of report, number of shares

Duke University,[3] May 31, 1970, 155,000.
University of North Carolina, May 29, 1970, 14,958.

DUQUESNE LIGHT CO.

A. Shares of common stock voted at last annual meeting, 10,436,855.

B. Total held by universities listed below, 11,100.

D. Market value per share of common stock,[1] $23.

E. Total market value of stock held by universities listed,[1] $255,300.

Name of school, date of report, number of shares

Rutgers University, June 30, 1969, 8,000.
Vassar College, June 30, 1969, 3,100.

FLORIDA POWER CORPORATION

A. Shares of common stock voted at last annual meeting, 9,602,610.

B. Total held by universities listed below: 203,460.

C. Market value per share of common stock,[1] $53.00.

D. Total market value of stock held by universities listed,[1] $10,783,380.00.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 137,769.
University of Iowa, June 30, 1970, 300.
University of Michigan (End.) June 30, 1970, 7,505.
Univ. of Mich. (Retirement), June 30, 1970, 5,580.
Pomona College (Future Projects Fund), June 30, 1970, 5,000.
Princeton University, June 30, 1969, 35,081.
University of Virginia,[3] June 30, 1969, 7,225.
Williams College, June 30, 1969, 5,000.

FLORIDA POWER AND LIGHT CO.

A. Shares of common stock voted at last annual meeting, 13,900,000.

B. Total held by universities listed below, 217,279.

C. Market value per share of common stock,[1] $72.25.

D. Total market value of stock held by universities listed,[1] $15,698,307.75.

Name of school, date of report, number of shares

Clark University, June 30, 1970, 1,500.
Columbia University, March 31, 1969, 3,500.
Cornell University, March 31, 1970, 152.
Emory University, May 29, 1970, 3,600.
Harvard College, June 30, 1970, 105,209.
University of Illinois, May 31, 1970, 700.
Macalester College, May 29, 1970, 4,500.
University of Minnesota, June 30, 1970, 3,600.
University of Montana,[3] December 31, 1969, 130.
University of North Carolina, May 29, 1970, 2,768.
Northwestern University, May 31, 1970, 120.
University of Pittsburgh, June 30, 1970, 2,600.
Princeton University, June 30, 1969, 20,000.
Rensselaer Polytechnic Inst., June 30, 1970, 2,000.
Rockefeller University, June 30, 1970, 16,000.
Rutgers University, June 30, 1969, 1,000.
Smith College, June 30, 1970, 10,000.
University of Texas,[3] August 31, 1969, 39,900.

FLORIDA PUBLIC UTILITIES

A. Shares of common stock voted at last annual meeting, 12,525,053.

B. Total held by universities listed below: 61.

C. Market value per share of common stock,[1] $22.

D. Total market value of stock held by universities listed,[1] $1,342.

Name of school, date of report, number of shares

University of Kansas, March 31, 1970, 61.

GENERAL PUBLIC UTILITIES

A. Shares of common stock voted at last annual meeting, 27,402,729.

B. Total held by universities listed below, 338,090.

C. Market value per share of common stock,[1] $21.50.

D. Total market value of stock held by universities listed,[1] $7,268,935.

Name of school, date of report, number of shares

Calif. Institute of Technology, December 31, 1969, 84,930.
Clark University, June 30, 1970, 3,120.
University of Colorado, March 31, 1970, 3,441.
Cornell University,[3] March 31, 1970, 176.
Harvard University, June 30, 1970, 117,375.
Lehigh University, June 30, 1970, 17,199.
University of Montana,[3] December 31, 1969, 320.
Northwestern University, May 31, 1970, 22.
Oberlin College, June 30, 1969, 18,620.
University of Pennsylvania, June 30, 1970, 65,678.
Pomona College, June 30, 1970, 5,572.
University of Virginia, June 30, 1969, 1,272.
Case Western Reserve Univ.,[3] June 30, 1970, 11,700.
University of Wisconsin, June 30, 1969, 7,665.

GULF STATES UTILITIES

A. Shares of common stock voted at last annual meeting, 22,147,328.

B. Total held by universities listed below: 436,085.

C. Market value per share of common stock:[1] $23.85.

D. Total market value of stock held by universities listed,[4] $10,400,627.75.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 9,600.
University of California, June 30, 1969, 53,350.
Clark University, June 30, 1970, 4,000.
Cornell University,[3] March 31, 1970, 51,250.
University of Illinois, May 31, 1970, 3,000.
Lehigh University, June 30, 1970, 10,000.
University of Michigan (End.), June 30, 1970, 18,200.
University of North Carolina, May 29, 1970, 7,365.
Northwestern University, May 31, 1970, 13,400.
Oberlin College, June 30, 1969, 12,160.
University of Pittsburgh, June 30, 1970, 500.
Pomona College, June 30, 1970, 8,460.
Ponoma College (Future Projects Fund), June 30, 1970, 13,300.
Princeton University, June 30, 1969, 60,000.
Rutgers University, June 30, 1970, 18,000.
Smith College, June 30, 1970, 15,000.
University of Texas,[3] August 31, 1969, 99,000.
Vanderbilt University, June 30, 1969, 38,000.
University of Virginia, June 30, 1969, 1,500.

HOUSTON LIGHTNING AND POWER CO.

A. Shares of common stock voted at last annual meeting, 17,937,980.

Footnotes at end of article.

B. Total held by universities listed below: 144,246.

C. Market value per share of common stock,[1] $45.12.

D. Total market value of stock held by universities listed,[1] $6,508,379.52.

Name of school, date of report, number of shares

University of California, June 30, 1969, 13,933.
Cornell University, March 31, 1970 1003.
Harvard College June 30, 1970, 40,807.
University of Illinois [3] May 31, 1970, 3,651.
Macalester College, May 29, 1970, 6,854.
University of Michigan (End.), June 30, 1970, 8,727.
Univ. of Mich. (Retirement), June 30, 1970, 5,200.
University of Montana, December 31, 1969, 100.
Northwestern University, May 31, 1970, 236.
University of Oregon, June 30, 1969, 700.
Swarthmore College June 30, 1969, 7,735.
University of Texas,[3] August 31, 1969, 55,300.

IDAHO POWER

A. Shares of common stock voted at last annual meeting, 9,031,736.

B. Total held by universities listed below: 94,890.

C. Market value per share of common stock: [1] $33.75.

D. Total market value of stock held by universities listed,[1] $3,202,537.50.

Name of school, date of report, Number of shares

Cornell University,[3] March 31, 1970, 990.
Harvard College, June 30, 1970, 70,400.
Indiana University, August, 1970, 400.
Northwestern University, May 31, 1970, 15,200.
University of Notre Dame, June 30, 1970, 7,900.

ILLINOIS POWER CO.

A. Shares of common stock voted at last annual meeting, 14,320,000.

B. Total held by universities listed below: 294,044.

C. Market value per share of common stock: [1] $39.75.

D. Total market value of stock held by universities listed,[1] $11,688,249.00.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 3,620.
University of California,[3] June 30, 1969, 69,800.
Claremont University Center, June 30, 1969, 2,140.
Harvard College, June 30, 1970, 109,762.
University of Illinois, May 31, 1970, 2,850.
University of Iowa, June 30, 1970, 475.
Massachusetts Institute of Technology, September 1969, 18,685.
University of Michigan (End.), June 30, 1970, 13,175.
University of Michigan (Retirement), June 30, 1970, 9,400.
University of Oregon, June 30, 1969, 600.
University of Oregon (Development Fund), June 30, 1970, 200.
Princeton University, June 30, 1969, 30,237.
Rutgers University, June 30, 1969, 8,000.
Tulane University, June 30, 1970, 8,000.
Vanderbilt University, June 30, 1969, 17,100.

INDIANAPOLIS POWER & LIGHT CO.

A. Shares of common stock voted at last annual meeting, 7,616,333.

B. Total held by universities listed below, 152,202.

C. Market value per share of common stock,[1] $26.75.

D. Total market value of stock held by universities listed,[1] $4,071,403.50.

Name of school, date of report, number of shares

University of California,[3] June 30, 1969, 68,416.
Harvard College, June 30, 1970, 68,232.
Indiana University, August 1970, 2,654.
Vanderbilt University, June 30, 1969, 12,900.

INTERNATIONAL UTILITIES CORP.

A. Shares of common stock voted at last annual meeting. Not available.

B. Total held by universities listed below: 72,908.

C. Market value per share of common stock: [1] $35.

D. Total market value of stock held by universities listed,[1] $2,551,780.00.

Name of school, date of report, number of shares

University of Pennsylvania, June 30, 1970, 72,908.

IOWA ELECTRIC LIGHT AND POWER

A. Shares of common stock voted at last annual meeting, 3,526,740.

B. Total held by universities listed below, 188.

C. Market value per share of common stock,[1] $20.36.

D. Total market value of stock held by universities listed,[1] $3,827.68.

Name of school, date of report, number of shares

University of Iowa,[3] June 30, 1970, 188.

IOWA POWER AND LIGHT

A. Shares of common stock voted at last annual meeting, 3,428,380.

B. Total held by universities listed below, 171.

C. Market value per share of common stock,[1] $23.50.

D. Total market value of stock held by universities listed,[1] $4,018.50.

Name of school, date of report, number of shares

University of Iowa, June 30, 1970, 171.

IOWA PUBLIC SERVICE

A. Shares of common stock at last annual meeting, 3,121,573.

B. Total held by universities listed below, 509.

C. Market value per share of common stock,[1] $20.36.

D. Total market value of stock held by universities listed, [1] $10,363.24.

Name of school, date of report, number of shares

University of Kansas, March 31, 1970, 509.

IOWA ILLINOIS GAS AND ELECTRIC

A. Shares of common stock voted at last annual meeting, 5,299,992.

B. Total held by universities listed below, 45,950.

C. Market value per share of common stock, [1] $22.

D. Total market value of stock held by universities listed, [1] $1,010,900.

Name of school, date of report, number of shares

University of Iowa, June 30, 1970, 82.
Macalester College, May 29, 1970, 10,000.
University of North Carolina, May 29, 1970, 300.
Pomona College, June 30, 1970, 10,678.
Pomona College (Future Projects Fund), June 30, 1970, 11,000.
Vassar College, June 30, 1970, 13,890.

KANSAS CITY POWER & LIGHT CO.

A. Shares of common stock voted at last annual meeting, 5,447,092.

B. Total held by universities listed below, 31,508.

C. Market value per share of common stock,[1] $33.75.

D. Total market value of stock held by universities listed,[1] $1,063,395.

Name of school, date of report, number of shares

Columbia University, March 31, 1969, 7,800.
Duke University,[3] May 31, 1970, 15,000.
University of Illinois, May 31, 1970, 1,320.
University of Kansas, March 31, 1970, 388.
Williams College, June 30, 1969, 7,000.

KANSAS GAS AND ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 4,903,786.

B. Total held by universities listed below, 131,715.

C. Market value per share of common stock,[1] $24.75.

D. Total market value of stock held by universities listed,[1] $3,259,946.25.

Name of school, date of report, number of shares

Columbia University, March 31, 1969, 800.
Harvard College, June 30, 1970, 60,065.
University of Kansas, March 31, 1970, 600.
Mass. Institute of Technology, September 1969, 12,450.
Oberlin College, June 30, 1969, 15,800.
Vanderbilt University, June 30, 1969, 10,800.
Case Western Reserve University,[2] June 30, 1970, 9,200.
Western Reserve University,[2] June 30, 1970, 22,000.

KANSAS POWER AND LIGHT CO.

A. Shares of common stock voted at last annual meeting, 6,638,971.

B. Total held by universities listed below, 189,867.

C. Market value per share of common stock,[1] $24.50.

D. Total market value of stock held by universities listed,[1] $4,651,741.50.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 300.
Harvard College, June 30, 1970, 100,270.
University of Kansas, March 31, 1970, 10,799.
Oberlin College, June 30, 1969, 16,598.
University of Pennsylvania, June 30, 1970, 55,000.
University of Pittsburgh, June 30, 1970, 800.
Case Western Reserve University,[2] June 30, 1970, 6,100.

LOUISVILLE GAS AND ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 8,232,382.

Total held by universities listed below, 37,998.

C. Market value per share of common stock,[1] $38.00.

D. Total market value of stock held by universities listed,[1] $1,443,938.

Name of school, date of report, number of shares

Northwestern University, May 31, 1970, 6,000.
Oberlin College, June 30, 1969, 16,598.
Vanderbilt University, June 30, 1969, 15,400.

MIDDLE SOUTH UTILITIES

A. Shares of common stock voted at last annual meeting, 35,356,634.

B. Total held by universities listed below, 975,830.

C. Market value per share of common stock,[1] $26.25.

D. Total market value of stock held by universities listed,[1] $25,615,537.50.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 5,200.
Clark University, June 30, 1970, 4,000.
Columbia University, March 31, 1970, 25,508.
Cornell University, March 31, 1970, 40,000.
Emory University, May 29, 1970, 20,000.
Harvard College, June 30, 1970, 544,351.
University of Illinois, May 31, 1970, 5,000.
Lehigh University, June 30, 1970, 11,000.

Footnotes at end of article.

University of Michigan (End), June 30, 1970, 21,002.
University of Michigan (Retirement), June 30, 1970, 18,600.
University of North Carolina, May 29, 1970, 468.
Northwestern University, May 31, 1970, 50,994.
University of Pennsylvania, June 30, 1970, 1,600.
Pomona College (Future Projects Fund), June 30, 1970, 15,000.
Princeton University, June 30, 1969, 111,916.
Rochester Institute of Technology, June 30, 1970, 10,000.
Swarthmore College, June 30, 1969, 17,142.
Syracuse University, April 20, 1970, 800.
Tulane University, June 30, 1970, 13,500.
Vanderbilt University,[3] June 30, 1969, 24,000.
University of Virginia,[3] June 30, 1969, 9,936.
Williams College, June 30, 1969, 17,413.
University of Wisconsin, June 30, 1969, 8,400.

MISSOURI PUBLIC SERVICE CO.

A. Shares of common stock voted at last annual meeting, 2,770,343.
B. Total held by universities listed below, 60,511.
C. Market value per share of common stock,[1] $18.36.
D. Total market value of stock held by universities listed,[1] $1,110,981.96.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 60,511.

MONTANA DAKOTA UTILITIES

A. Shares of common stock voted at last annual meeting, 1,889,815.
B. Total held by universities listed below, 2,000.
C. Market value per share of common stock,[1] $33.60.
D. Total market value of stock held by universities listed,[1] $67,200.00.

Name of school, date of report, number of shares

University of Notre Dame, June 30, 1970, 2,000.

MONTANA POWER CO.

A. Shares of common stock voted at last annual meeting, 7,730,711.
B. Total held by universities listed below, 2,540.
C. Market value per share of common stock,[1] $33.75.
D. Total market value of stock held by universities listed,[1] $85,725.00.

Name of school, date of report, number of shares

Northwestern, May 31, 1970, 100.
University of Colorado, March 31, 1970, 1,500.
University of Montana,[3] December 31, 1969, 940.

NEW ENGLAND ELECTRIC SYSTEM

A. Shares of common stock voted at last annual meeting, 14,662,755.
B. Total held by universities listed below, 214,272.
C. Market value per share of common stock,[1] $22.00.
D. Total market value of stock held by universities listed,[1] $4,713,984.00.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 161,239.
Massachusetts Institute of Technology, September, 1969, 10,175.
Syracuse University,[3] April 30, 1970, 2,043.
University of Pennsylvania, June 30, 1970, 40,815.

Footnotes at end of article.

NEW YORK STATE ELECTRIC AND GAS

A. Shares of common stock voted at last annual meeting, 8,242,895.
B. Total held by universities listed below, 19,436.
C. Market value per share of common stock,[1] $30.85.
D. Total market value of stock held by universities listed,[1] $599,600.60.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 578.
University of Virginia, June 30, 1969, 2,500.
Vanderbilt University, June 30, 1970, 3,158.
Case Western Reserve University,[2] June 30, 1970, 13,200.

NIAGARA MOHAWK POWER CORP.

A. Shares of common stock voted at last annual meeting, 28,864,680.
B. Total held by universities listed below, 264,634.
C. Market value per share of common stock,[1] $15.85.
D. Total market value of stock held by universities listed,[1] $4,194,448.90.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 250,728.
University of Iowa, June 30, 1970, 300.
University of Kansas, March 30, 1970, 400.
University of Michigan (end.), June 30, 1970, 664.
University of Montana, December 31, 1969, 200.
Syracuse University,[3] April 30, 1970, 10,742.
Vanderbilt University, June 30, 1970, 1,600.

NORTHEAST UTILITIES

A. Shares of common stock voted at last annual meeting, 35,376,693.
B. Total held by universities listed below, 17,885.
C. Market value per share of common stock,[1] $13.50.
D. Total market value of stock held by universities listed,[1] $241,447.50.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 17,885.

NORTHERN INDIANA PUBLIC SERVICE

A. Shares of common stock voted at last annual meeting, 18,727,477.
B. Total held by universities listed below, 55,316.
C. Market value per share of common stock,[1] $29.50.
D. Total market value of stock held by universities listed,[1] $1,631,822.00.

Name of school, date of report, number of shares

University of Iowa, June 30, 1970, 522.
University of Indiana, August, 1970, 2,460.
Macalester College, May 29, 1970, 9,000.
University of North Carolina, May 29, 1970, 1,534.
Northwestern University, May 31, 1970, 41,800.

NORTHERN STATES POWER

A. Shares of common stock voted at last annual meeting, 15,321,199.
B. Total held by universities listed below, 34,565.
C. Market value per share of common stock,[1] $26.00.
D. Total market value of stock held by universities listed,[1] $898,690.00.

Name of school, date of report, number of shares

Claremont University Center, June 30, 1969, 2,800.
Clark University, June 30, 1970, 3,352.
Cornell University, March 31, 1970, 280.
Macalester College, May 29, 1970, 10,076.
University of Montana, December 31, 1969, 170.
Northwestern University, May 31, 1970, 77.
Rutgers University, June 30, 1970, 10,000.
Vassar College, June 30, 1970, 6,810.
University of Virginia, June 30, 1969, 1,000.

OHIO EDISON CO.

A. Shares of common stock voted at last annual meeting, 25,695,069.
B. Total held by universities listed below, 383,166.
C. Market value per share of common stock,[1] $25.00.
D. Total market value of stock held by universities listed [1] $9,579,150.00.

Name of school, date of report, number of shares

Columbia University, March 31, 1969, 64,117.
Duke University,[3] May 31, 1970, 22,800.
Emory University, May 29, 1970, 19,000.
Harvard College, June 30, 1970, 91,784.
University of Michigan (End), June 30, 1970, 7,904.
Northwestern University, May 31, 1970, 71.
Oberlin College, June 30, 1969, 35,156.
University of Oregon, June 30, 1969, 712.
University of Pennsylvania, June 30, 1970, 19,100.
Pomona College (Future Projects Fund), June 30, 1970, 4,300.
Rutgers University, June 30, 1969, 16,800.
Syracuse University, April 30, 1970, 436.
University of Texas,[3] August 31, 1969, 58,600.
Tulane University, June 30, 1969, 10,000.
Vanderbilt University, June 30, 1969, 12,236.
Western Reserve University, June 30, 1970, 20,150.

OKLAHOMA GAS AND ELECTRIC

A. Shares of common stock voted at last annual meeting, 16,689,724.
B. Total held by universities listed below, 389,505.
C. Market value per share of common stock,[1] $27.12.
D. Total market value of stock held by universities listed,[1] $10,563,375.60.

Name of school, date of report, number of shares

Columbia University, March 31, 1970, 36,862.
Harvard College, June 30, 1970, 118,899.
University of Illinois,[3] May 31, 1970, 4,408.
Lehigh University, June 30, 1970, 8,568.
Northwestern University, May 31, 1970, 31,037.
Oberlin College, June 30, 1969, 28,825.
University of Texas, August 31, 1969, 140,311.
Western Reserve University,[2] June 30. 1970, 7,100.
Williams College, June 30, 1969, 13,495.

PACIFIC GAS AND ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 72,746,653.
B. Total held by universities listed below, 187,179.
C. Market value per share of common stock,[1] $32.
D. Total market value of stock held by universities listed,[1] $5,989,728.00.

Name of school, date of report, number of shares

California Institute of Technology, December 31, 1969, 756.
University of California,[2] June 30, 1969, 134,795.
Claremont University Center, June 30, 1969, 4,100.
Duke University, May 31, 1970, 10,000.
University of Illinois,[3] May 31, 1970, 3,355.
Univ. of Ill. Foundation, May 31, 1970, 1,124.
University of Iowa, June 30, 1970, 66.
University of Kansas, March 31, 1970, 104.
University of Montana,[3] December 31, 1969, 2,410.
Northwestern University, May 31, 1970, 337.

University of North Carolina, May 29, 1970, 157.
University of Oregon, June 30, 1969, 450.
Pomona College, June 30, 1970, 4,374.
Pomona College (Future Projects Funds), June 30, 1970, 4,300.
Swarthmore College, June 30, 1969, 12,071.
University of Texas, August 31, 1969, 2,361.
Williams College, June 30, 1969, 219.
University of Wisconsin, June 30, 1969, 6,200.

PACIFIC POWER AND LIGHT

A. Shares of common stock voted at last annual meeting, 14,320,657.
B. Total held by universities listed below, 2,207.
C. Market value per share of common stock,[1] $19.50.
D. Total market value of stock held by universities listed,[1] $43,036.50.

Name of school, date of report, number of shares

University of Oregon, June 30, 1969, 2,115.
University of Texas, August 31, 1969, 92.

PENNSYLVANIA POWER AND LIGHT

A. Shares of common stock voted at last annual meeting, 14,910,341.
B. Total held by universities listed below, 54,174.
C. Market value per share of common stock,[1] $23.00.
D. Total market value of stock held by universities listed,[1] $1,246,002.00.

Name of school, date of report, number of shares

Lehigh University, June 30, 1970, 8,800.
University of Montana, December 31, 1969, 349.
University of Pennsylvania, June 30, 1970, 45,025.

PHILADELPHIA ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 31,935,111.
B. Total held by universities listed below, 130,859.
C. Market value per share of common stock,[1] $21.12.
D. Total market value of stock held by universities listed,[1] $2,763,742.08.

Name of school, date of report, number of shares

University of Pennsylvania, June 30, 1970, 117,867.
Rutgers University, June 30, 1969, 5,292.
University of Virginia, June 30, 1969, 1,200.
University of Wisconsin, June 30, 1969, 6,500.

PORTLAND GENERAL ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 7,900,000.
B. Total held by universities listed below, 2,680.
C. Market value per share of common stock,[1] $20.25.
D. Total market value of stock held by universities listed,[1] $54,270.00.

Name of school, date of report, number of shares

University of Oregon, June 30, 1969, 2,600.
University of Texas, August 31, 1969, 80.

POTOMAC ELECTRIC POWER CO.

A. Shares of common stock voted at last annual meeting, 14,743,944.
B. Total held by universities listed below, 167.
C. Market value per share of common stock,[1] $14.00.
D. Total market value of stock held by universities listed,[1] $2,338.00.

Name of school, date of report, number of shares

Pomona College, June 30, 1970, 167.

Footnotes at end of article.

PUBLIC SERVICE COMPANY OF COLORADO

A. Shares of common stock voted at last annual meeting, 14,447,700.
B. Total held by universities listed below, 2,430.
C. Market value per share of common stock,[1] $24.50.
D. Total market value of stock held by universities listed,[1] $59,535.00.

Name of school, date of report, number of shares

University of Colorado, March 31, 1970, 1,180.
Cornell University, March 31, 1970, 600.
Indiana University, August, 1970, 650.

PUBLIC SERVICE CO. OF INDIANA

A. Shares of common stock voted at last annual meeting, 11,422,936.
B. Total held by universities listed below, 218,117.
C. Market value per share of common stock,[1] $44.85.
D. Total market value of stock held by universities listed,[1] $9,782,547.45.

Name of school, date of report, number of shares

Columbia University, March 31, 1970, 2,200.
Cornell University, March 31, 1970, 500.
Harvard College, June 30, 1970, 122,004.
Indiana University, August, 1970, 2,260.
University of Montana, December 31, 1969, 764.
University of North Carolina, May 29, 1970, 7,335.
University of Oregon, June 30, 1969, 250.
Pomona College, June 30, 1970, 3,336.
Pomona College (Future Projects Fund), June 30, 1970, 3,400.
Syracuse University, April 30, 1970, 3,500.
University of Texas,[3] August 31, 1969, 65,364.
Vanderbilt University, June 30, 1969, 7,204.

PUBLIC SERVICE CO. OF NEW HAMPSEIRE

A. Shares of common stock voted at last annual meeting, 2,678,067.
B. Total held by universities listed below, 10,000.
C. Market value per share of common stock,[1] $25.85.
D. Total market value of stock held by universities listed,[1] $258,500.00.

Name of school, date of report, number of shares

Smith College, June 30, 1970, 10,000.

PUBLIC SERVICE CO. OF NEW MEXICO

A. Shares of common stock voted at last annual meeting, 3,551,869.
B. Total held by universities listed below, 10,000.
C. Market value per share of common stock,[1] $19.85.
D. Total market value of stock held by universities listed,[1] $198,500.00.

Name of school, date of report, number of shares

Duke University,[3] May 31, 1970, 10,000.

PUBLIC SERVICE ELECTRIC AND GAS

A. Shares of common stock voted at last annual meeting, 35,392,214.
B. Total held by universities listed below, 152,334.
C. Market value per share of common stock,[1] $26.25.
D. Total market value of stock held by universities listed,[1] $3,998,767.50.

Name of school, date of report, number of shares

Clark University, June 30, 1970, 4,500.
Cornell University, March 31, 1970, 500.
University of Iowa, June 30, 1970, 200.
Lehigh University, June 30, 1970, 10,000.
University of Pennsylvania, June 30, 1970, 40,314.
Rockefeller University, June 30, 1969, 30,000.
University of Texas,[3] August 31, 1969, 59,050.
Vassar College, June 30, 1970, 7,770.

ROCHESTER GAS AND ELECTRIC

A. Shares of common stock voted at last annual meeting, 6,541,529.
B. Total held by universities listed below, 14,846.
C. Market value per share of common stock,[1] $26.
D. Total market value of stock held by universities listed,[1] $3,859.96.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 502.
Northwestern University, May 31, 1970, 140.
Pomona College, June 30, 1970, 3,719.
Pomona College (Future Projects Fund), June 30, 1970, 10,485.

SAN DIEGO GAS AND ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 12,750,000.
B. Total held by universities listed below, 7,830.
C. Market value per share of common stock,[1] $21.75.
D. Total market value of stock held by universities listed,[1] $170,302.50.

Name of school, date of report, number of shares

California Institute of Technology, December 31, 1969, 3,422.
Claremont University Center, June 30, 1969, 4,000.
University of Iowa, June 30, 1970, 8.
University of Texas, August 1, 1969, 400.

SOUTH CAROLINA ELECTRIC AND GAS CO.

A. Shares of common stock voted at last annual meeting, 8,649,392.
B. Total held by universities listed below, 156,321.
C. Market value per share of common stock,[1] $28.00.
D. Total market value of stock held by universities listed,[1] $4,376,988.00.

Name of school, date of report, number of shares

Catholic University, May 27, 1970, 1,360.
Cornell University, March 31, 1970, 400.
Dartmouth College, April 30, 1970, 2,000.
Harvard College, June 30, 1970, 118,899.
Rutgers University, June 30, 1969, 14,000.
Vanderbilt University, June 30, 1969, 18,612.
University of Virginia, June 30, 1969, 1,050.

SOUTHERN CALIFORNIA EDISON

A. Shares of common stock voted at last annual meeting, 66,013,444.
B. Total held by universities listed below, 439,926.
C. Market value per share of common stock,[1] $30.75.
D. Total market value of stock held by universities listed,[1] $13,527,724.50.

Name of school, date of report, number of shares

California Institute of Technology, December 31, 1969, 31,496.
University of California,[3] 102,200.
Claremont University Center, June 30, 1969, 5,985.
Clark University, June 30, 1970, 3,120.
University of Colorado, March 31, 1970, 2,400.
Harvard College, June 30, 1970, 127,472.
University of Illinois, May 31, 1970, 2,672.
University of Illinois Foundation, May 31, 1970, 824.
Indiana University, August 1970, 300.
University of Iowa, June 30, 1970, 83.
University of Kansas, March 30, 1970, 2,481.
University of Minnesota, June 30, 1970, 4,000.
University of Montana, March 31, 1970, 200.
Northwestern University, May 31, 1970, 900.
University of Oregon, June 30, 1969, 851.

University of Oregon (Development Fund), March 31, 1970, 200.
Pomona College, June 30, 1970, 3,600.
Pomona College (Future Projects Fund), June 30, 1970, 3,500.
Rochester Institute of Technology, June 30, 1970, 10,000.
Rockefeller University, June 30, 1970, 30,000.
Rutgers University, June 30, 1969, 17,220.
University of Texas[3] August 31, 1969, 71,-742.
University of Virginia, June 30, 1969, 500.
Williams College, June 30, 1969, 12,580.
University of Wisconsin, June 30, 1970, 5,600.

SOUTHERN CO.

A. Shares of common stock voted at last annual meeting, 51,649,500.
B. Total held by universities listed below, 302,059.
C. Market value per share of common stock,[1] $24.12.
D. Total market value of stock held by universities listed,[1] $7,285, 663.08.

Name of school, date of report, number of shares

Columbia University, March 31, 1969, 10,100.
Cornell University, March 31, 1970, 1,245.
Duke University, May 31, 1970, 6,400.
Emory University, May 29, 1970, 30,000.
University of Iowa,[3] June 30, 1970, 1,600.
Lehigh University, June 30, 1970, 10,000.
Macalester College, May 29, 1970, 11,500.
Mass. Institute of Technology, September, 1969, 37,876.
University of Michigan (End), June 30, 1970, 400.
Univ. of North Carolina, May 29, 1970, 910.
Rochester Institute of Technology, June 30, 1970, 10,000.
Rutgers University, June 30, 1969, 10,000.
University of Texas,[3] August 31, 1969. 121,700.
Vanderbilt University,[3] June 30, 1969. 26,810.
University of Virginia,[3] June 30, 1969, 7,518.
Williams College, June 30, 1969, 17,000.

SOUTHWESTERN PUBLIC SERVICE COMPANY

A. Shares of common stock voted at last annual meeting, 18,733,208.
B. Total held by universities listed below, 970.
C. Market value per share of common stock,[1] $13.00.
D. Total market value of stock held by universities listed,[1] $12,610.00.

Name of school, date of report, number of shares

University of Kansas, March 31, 1970, 520.
University of Texas, August 31, 1969, 450.

TAMPA ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 10,677,747.
B. Total held by universities listed below, 27,635.
C. Market value per share of common stock,[1] $25.25.
D. Total market value of stock held by universities listed,[1] $697,783.75.

Name of school, date of report, number of shares

University of Illinois, May 31, 1970, 1,500.
Massachusetts Institute of Technology, September 1969, 25,000.
University of North Carolina, May 29, 1970, 335.
University of Oregon, June 30, 1969, 800.

TEXAS UTILITIES CO.

A. Shares of common stock voted at last annual meeting, 21,588,000.
B. Total held by universities listed below, 159,232.
C. Market value per share of common stock,[1] $59.36.

Footnotes at end of article.

D. Total market value of stock held by universities listed,[1] $9,452,011.52.

Name of school, date of report, number of shares

Clark University, June 30, 1970, 3,500.
Cornell University,[3] March 31, 1970, 692.
Emory University, May 29, 1970, 10,000.
Harvard College, June 30, 1970, 18,802.
University of Illinois, May 31, 1970, 400.
University of Kansas, March 31, 1970, 100.
Macalester College, May 29, 1970, 4,500.
University of Michigan (End), June 30, 1970, 6,170.
University of Michigan (Retirement), June 30, 1970, 5,100.
University of Minnesota, June 30, 1970, 3,400.
University of Montana, March 31, 1970, 160.
University of Oregon, June 30, 1969, 642.
Princeton University, June 30, 1969, 24,064.
Rochester Institute of Technology, June 30, 1970, 4,000.
Rockefeller University, June 30, 1969, 40,000.
Syracuse University, April 30, 1970, 200.
University of Texas, August 31, 1969, 5,170.
Tulane University, June 30, 1970, 5,000.
Vanderbilt University, June 30, 1969, 13,000.
Vassar College, June 30, 1970, 7,000.
University of Virginia,[3] June 30, 1969, 7,332.

TUCSON GAS AND ELECTRIC

A. Shares of common stock voted at last annual meeting, 5,365,146.
B. Total held by universities listed below, 100,000.
C. Market value per share of common stock,[1] $17.00.
D. Total market value of stock held by universities listed,[1] $1,700,000.

Name of school, date of report, number of shares

Pomona College, June 30, 1970, 20,000.
Princeton University, June 30, 1969, 80,000.

UNION ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 23,918,214.
B. Total held by universities listed below, 260,839.
C. Market value per share of common stock,[1] $20.12.
D. Total market value of stock held by universities listed,[1] $5,248,080.68.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 260,585.
University of Kansas, March 31, 1970, 254.

UNITED ILLUMINATING

A. Shares of common stock voted at last annual meeting, 2,349,349.
B. Total held by universities listed below, 5,700.
C. Market value per share of common stock,[1] $29.25.
D. Total market value of stock held by universities listed,[1] $166,725.00.

Name of school, date of report, number of shares

University of Notre Dame, June 30, 1970, 5,700.

UNITED UTILITIES CO.

A. Shares of common stock voted at last annual meeting, Not available.
B. Total held by universities listed below, 28,060.
C. Market value per share of common stock,[1] $19.85.
D. Total market value of stock held by universities listed,[1] $556,991.00.

Name of school, date of report, number of shares

University of Illinois, May 31, 1970, 3,000.
University of Kansas, March 31, 1970, 210.
University of North Carolina, May 29, 1970, 7,090.
University of Oregon, June 30, 1969, 6,960.
Rutgers University, June 30, 1969, 10,000.
University of Virginia, June 30, 1969, 800.

UTAH POWER AND LIGHT CO.

A. Shares of common stock voted at last annual meeting, 4,896,240.
B. Total held by universities listed below, 3,066.
C. Market value per share of common stock,[1] $31.85.
D. Total market value of stock held by universities listed,[1] $97,652.10.

Name of school, date of report, number of shares

Pomona College, June 30, 1970, 3,066.

VIRGINIA ELECTRIC AND POWER CO.

A. Shares of common stock voted at last annual meeting, 28,349,543.
B. Total held by universities listed below, 369,180.
C. Market value per share of common stock,[1] $23.12.
D. Total market value of stock held by universities listed,[1] $8,535,441.60.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 7,921.
California Institute of Technology, December 31, 1969, 7,600.
Cornell University, March 31, 1970, 700.
Emory University, May 29, 1970, 20,000.
Harvard College, June 30, 1970, 36,501.
University of Illinois, May 31, 1970, 833.
Massachusetts Institute of Technology, September 1969, 47,216.
University of Michigan (End), June 30, 1970, 16,254.
University of Michigan (Retirement), June 30, 1970, 11,200.
University of Minnesota, June 30, 1970, 7,700.
University of North Carolina, May 29, 1970, 18,588.
University of Pittsburgh, June 30, 1970, 7,599.
Princeton University, June 30, 1969, 60,120.
Rutgers University, June 30, 1969, 1,354.
University of Texas,[3] August 31, 1969, 98,515.
Vanderbilt University, June 30, 1969, 17,333.
University of Virginia,[3] June 30, 1969, 9,746.

WISCONSIN ELECTRIC POWER CO.

A. Shares of common stock voted at last annual meeting, 15,238,461.
B. Total held by universities listed below, 330,426.
C. Market value per share of common stock,[1] $23.00.
D. Total market value of stock held by unversities listed,[1] $7,599,798.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 20,000.
California Institute of Technology, December 31, 1969, 1,500.
Harvard College, June 30, 1970, 252,201.
Pomona College, June 30, 1970, 4,056.
Princeton University, June 30, 1969, 42,592.
University of Virginia, June 30, 1969, 770.
University of Wisconsin, June 30, 1969, 9,307.

WISCONSIN POWER AND LIGHT

A. Shares of common stock voted at last annual meeting, 6,599,549.
B. Total held by universities listed below, 10,900.
C. Market value per share of common stock,[4] $21.00.
D. Total market value of stock held by universities listed,[4] $228,900.

Name of school, date of report, number of shares

University of Wisconsin, June 30, 1969, 10,900.

WISCONSIN PUBLIC SERVICE

A. Shares of common stock voted at last annual meeting, 5,589,734.
B. Total held by universities listed below, 3,800.

C. Market value per share of common stock,[1] $16.75.

D. Total market value of stock held by universities listed,[1] $63,650.

Name of school, date of report, number of shares

Syracuse University, April 30, 1970, 3,800.

FOOTNOTES

[1] Computed as of December 5, 1970.

[2] Case Western Reserve University and Western Reserve University now combined. The investment portfolios, however, are kept separate and are so treated here.

[3] Combined total of common stock held in separately listed funds controlled by the college or university.

[4] Computed as of December 10, 1970.

[5] Number of outstanding shares of common stock—number voted at last annual meeting unavailable.

[6] Amerada Petroleum merged with Amerada Hess Corporation on June 20, 1969.

[7] Computed as of December 14, 1970.

GAS UTILITIES

AMERICAN NATURAL GAS

A. Shares of common stock voted at last annual meeting, 15,532,532.

B. Total held by universities listed below, 99,306.

C. Market value per share of common stock,[1] $43.12.

D. Total market value of stock held by universities listed,[1] $4,282,074.72.

Name of school, date of report, number of shares

University of Colorado, March 31, 1970, 2,000.

Columbia University, March 31, 1969, 20,008.

Emory University, May 29, 1970, 12,100.

Macalester College, May 29, 1970, 7,500.

Mount Holyoke, December 31, 1969, 5,012.

Oberlin College, June 30, 1969, 9,200.

Princeton University, June 30, 1969, 23,321.

Vassar College, June 30, 1970, 3,000.

University of Virginia, June 30, 1969, 8,455.

Western Reserve University, June 30, 1970, 8,710.

ARKANSAS LOUISIANA GAS

A. Shares of common stock voted at last annual meeting, 8,270,821.

B. Total held by universities listed below, 96,408.

C. Market value per share of common stock,[1] $25.00.

D. Total market value of stock held by universities listed,[1] $2,410,200.

Name of school, date of report, number of shares

Columbia University, March 31, 1969, 23,508.

Cornell University,[3] March 31, 1970, 47,500.

Macalester College, May 29, 1970, 9,000.

Northwestern University, May 31, 1970, 100.

Oberlin College, June 30, 1969, 8,000.

Syracuse University, April 30, 1970, 2,500.

University of Virginia, June 30, 1969, 5,800.

BROOKLYN UNION GAS CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 550.

C. Market value per share of common stock,[1] $24.60.

D. Total market value of stock held by universities listed,[1] $13,530.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 550.

CASCADE NATURAL GAS CO.

A. Shares of common stock voted at last annual meeting, 1,208,193.

B. Total held by universities listed below, 300.

C. Market value per share of common stock,[1] $9.75.

D. Total market value of stock held by universities listed,[1] $2,925.

Name of school, date of report, number of shares

University of Oregon, June 30, 1969, 300.

COASTAL STATES GAS PRODUCING CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 54,400.

C. Market value per share of common stock,[1] $46.50.

D. Total market value of stock held by universities listed,[1] $2,529,600.

Name of school, date of report, number of shares

Pomona College, June 30, 1970, 3,400.

Smith College, June 30, 1970, 18,000.

Tulane University, June 30, 1970, 33,000.

COLUMBIA GAS SYSTEM

A. Shares of common stock voted at last annual meeting, 31,030,612.

B. Total held by universities listed below, 45,547.

C. Market value per share of common stock,[1] $33.75.

D. Total market value of stock held by universities listed,[1] $1,537,211.25.

Name of school, date of report, number of shares

Claremont University Center, June 30, 1969, 4,500.

Cornell University, March 31, 1970, 648.

University of Kansas, March 31, 1970, 200.

University of Pennsylvania, June 30, 1970, 25,034.

University of Texas, August 31, 1969, 265.

Vanderbilt University, June 30, 1969, 600.

Case Western Reserve University,[2] June 30, 1970, 2,300.

Western Reserve University,[2] June 30, 1970, 12,000.

COMMONWEALTH NATURAL GAS

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 7,455.

C. Market value per share of common stock,[1] $27.

D. Total market value of stock held by universities listed,[1] $201,285.

Name of school, date of report, number of shares

University of Virginia,[3] June 30, 1969, 7,455.

CONSOLIDATED NATURAL GAS

A. Shares of common stock voted at last annual meeting, 18,911,762.

B. Total held by universities listed below, 127,254.

C. Market value per share of common stock,[1] $29.12.

D. Total market value of stock held by universities listed,[1] $3,705,636.48.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 400.

Emory University, May 29, 1970, 9,860.

University of Notre Dame, June 30, 1970, 8,300.

University of Oregon, June 30, 1969, 70.

Princeton University, June 30, 1969, 33,904.

Rockefeller University, June 30, 1969, 50,000.

University of Virginia, June 30, 1969, 56.

Case Western Reserve Univ.[2], June 30, 1970, 1,600.

Western Reserve University[2], June 30, 1970, 23,064.

EASTERN GAS AND FUEL ASSOCIATION

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 49,397.

C. Market value per share of common stock,[1] $37.

D. Total market value of stock held by universities listed,[1] $1,827,689.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 13,397.

Western Reserve University,[2] June 30, 1970, 36,000.

EL PASO NATURAL GAS

A. Shares of common stock voted at last annual meetings, 21,424,621.

B. Total held by universities listed below, 522.

C. Market value per share of common stock,[1] $17.50.

D. Total market value of stock held by universities listed,[1] $9,135.

Name of school, date of report, number of shares

University of Iowa, June 30, 1970, 22.

University of Kansas, March 31, 1970, 400.

Northwestern University, May 31, 1970, 100.

EMPIRE GAS

A. Shares of common stock voted at last annual meetings, not available.

B. Total held by universities listed below, 17,000.

C. Market value per share of common stock,[1] $16.75.

D. Total market value of stock held by universities listed, $284,750.

Name of school, date of report, number of shares

Northwestern, May 31, 1970, 17,000.

FLORIDA GAS CO.

A. Shares of common stock voted at last annual meeting, 252,571.

B. Total held by universities listed below, 35,000.

C. Market value per share of common stock,[1] $23.25.

D. Total market value of stock held by universities listed,[1] $813,750.

Name of school, date of report, number of shares

Swarthmore College, June 30, 1969, 35,000.

HOUSTON NATURAL GAS CORP.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 14,160.

C. Market value per share of common stock,[1] $51.12.

D. Total market value of stock held by universities listed,[1] $723,859.20.

Name of school, date of report, number of shares

Swarthmore College, June 30, 1969, 14,160.

INDIANA GAS CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 76,253.

C. Market value per share of common stock,[1] $28.75.

D. Total market value of stock held by universities listed,[1] $2,192,273.75.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 73,253.

University of Notre Dame, June 30, 1970, 3,000.

KANEB PIPE LINE CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 67,778.

C. Market value per share of common stock,[1] $24.12.

D. Total market value of stock held by universities listed,[1] $1,574,805.36.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 67,778.

Footnotes at end of article.

LACLEDE GAS CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 550.

C. Market value per share of common stock,[1] $25.

D. Total market value of stock held by universities listed,[1] $13,750.

Name of school, date of report, number of shares

Cornell, March 31, 1970, 550.

NEW ENGLAND GAS & ELECTRIC ASSOCIATION

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 65,701.

C. Market value per share of common stock,[1] $16.75.

D. Total market value of stock held by universities listed,[1] $1,100,491.75.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 65,701.

NEW JERSEY NATURAL GAS

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 1,183.

C. Market value per share of common stock,[1] $19.

D. Total market value of stock held by universities listed,[1] $22,477.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 1,183.

NORTHERN ILLINOIS GAS

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 111,694.

C. Market value per share of common stock,[1] $35.60.

D. Total market value of stock held by universities listed,[1] $3,976,306.40.

Name of school, date of report, number of shares

University of Illinois,[3] May 31, 1970, 1,550.
University of Iowa,[3] June 30, 1970, 456.
University of Kansas. March 31, 1970, 45.
Northwestern University, May 31, 1970, 20,218.

NORTHERN NATURAL GAS CO.

A. Shares of common stock voted at last annual meeting, 60,978,808.

B. Total held by universities listed below, 60,292.

C. Market value per share of common stock,[1] $50.36.

D. Total market value of stock held by universities listed,[1] $3,035,305.12.

Name of school, date of report, number of shares

University of Colorado, March 31, 1970, 1,000.
Columbia University, March 31, 1969, 17,293.
University of Illinois,[3] May 31, 1970, 3,496.
Lehigh University, 1970, 5,000.
Mount Holyoke College, December 31, 1969, 4,500.
Princeton University, June 30, 1969, 29,003.

OKLAHOMA NATURAL GAS

A. Shares of common stock voted at last annual meeting, 31,010.

B. Total held by universities listed below, 1,200.

C. Market value per share of common stock,[1] $22.25.

D. Total market value of stock held by universities listed,[1] $26,700.

Name of school, date of report, number of shares

University of Virginia, June 30, 1969, 1,200.

Footnotes at end of article.

PACIFIC LIGHTING CORP.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 16,820.

C. Market value per share of common stock,[1] $24.60.

D. Total market value of stock held by universities listed,[1] $413,772.

Name of school, date of report, number of shares

University of California, June 30, 1969, 16,120.
University of Montana,[3] June 30, 1970, 700.

PANHANDLE EASTERN PIPELINE

A. Share of common stock voted at last annual meeting, 11,083,380.

B. Total held by universities listed below, 70,268.

C. Market value per share of common stock,[1] $41.50.

D. Total market value of stock held by universities listed,[1] $2,916,122.

Name of school, date of report, number of shares

Columbia University, March 31, 1970, 32,760.
University of Iowa, June 30, 1970, 100.
Oberlin College, June 30, 1969, 10,504.
Princeton University, June 30, 1969, 26,334.
University of Texas, August 31, 1969, 570.

PEOPLES GAS CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 350,496.

C. Market value per share of common stock,[1] $38.60.

D. Total market value of stock held by universities listed,[1] $13,529,145.60.

Name of school, date of report, number of shares

Calif. Institute of Technology, December 31, 1969 60,350.
University of California, June 30, 1969, 20,600.
Claremont University Center, June 30, 1969, 5,000.
Harvard College, June 30, 1969, 144,673.
University of Illinois,[3] May 31, 1970, 3,280.
University of Iowa, June 30, 1970 197.
University of Kansas, March 30, 1970, 480.
Mount Holyoke, June 30, 1969, 6,230.
Northwestern University, May 31, 1970. 5,530.
Oberlin College, June 30, 1969, 7,521.
Princeton University, June 30, 1969, 43,635.
Swarthmore College, June 30, 1969, 12,000.
Vanderbilt University, June 30, 1969. 14,000.
Case Western Reserve Univ.,[2] June 30, 1970, 7,000.
Western Reserve University,[2] June 30, 1970. 20,000.

PHILADELPHIA SUBURBAN CORP.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 100,000.

C. Market value per share of common stock,[1] $19.36.

D. Total market value of stock held by universities listed,[1] $1,936,000.

Name of school, date of report, number of shares

University of Pennsylvania, June 30. 1970, 100,000.

PIONEER NATURAL GAS CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 60,550.

C. Market value per share of common stock,[1] $15.60.

D. Total market value of stock held by universities listed,[1] $944,580.

Name of school, date of report, number of shares

Cornell University, March 31, 1970. 49,300.
Oberlin College, June 30, 1969, 11,000.
University of Oregon (Development Fund), March 31, 1970, 250.

SOUTHERN NATURAL GAS CO.

A. Shares of common stock voted at last annual meeting, 7,874,856.

B. Total held by universities listed below, 37,358.

C. Market value per share of common stock,[1] $58.

D. Total market value of stock held by universities listed,[1] $2,166,764.

Name of school, date of report, number of shares

University of Kansas, March 30, 1970, 400.
Princeton University, June 30, 1969, 36,658.
University of Virginia, June 30, 1969, 300.

TEXAS EASTERN TRANSMISSION CORP.

A. Shares of common stock voted at last annual meeting, 17,096,656.

B. Total held by universities listed below, 4,926.

C. Market value per share of common stock,[1] $39.85.

D. Total market value of stock held by universities listed,[1] $196,301.10.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 200.
University of Iowa, June 30, 1970, 200.
University of Kansas, March 31, 1970, 4,405.
Vanderbilt University, June 30, 1969, 121.

TEXAS GAS TRANSMISSION

A. Shares of common stock voted at last annual meeting, 6,186,363.

B. Total held by universities listed below, 705.

C. Market value per share of common stock,[1] $39.12.

D. Total market value of stock held by universities listed,[1] $27,579.60.

Name of school, date of report, number of shares

Calif. Institute of Technology, December 31, 1969, 63.
University of Oregon, June 30, 1969, 642.

TRANSCONTINENTAL GAS PIPELINE

A. Shares of common stock voted at last annual meeting, 19,807,486.

B. Total held by universities listed below, 167,349.

C. Market value per share of common stock,[1] $18.85.

D. Total market value of stock held by universities listed,[1] $3,154,528.65.

Name of school, date of report, number of shares

University of California, June 30, 1969, 17,063.
Mass. Institute of Technology, September, 1969, 62,884.
Mt. Holyoke, June 30, 1969, 8,402.
University of Pennsylvania, June 30, 1970, 40,000.
Western Reserve University,[2] June 30, 1970, 39,000.

VALLEY GAS CO.

A. Shares of common stock voted at last annual meeting, 301,223.

B. Total held by universities listed below, 300.

C. Market value per share of common stock,[1] $9.75.

D. Total market value of stock held by universities listed,[1] $2,925.

Name of school, date of report, number of shares

University of Oregon, June 30, 1969, 300.

WASHINGTON GAS LIGHT CO.

A. Shares of common stock voted at last annual meeting, 2,935,313.

B. Total held by universities listed below, 64,961.

C. Market value per share of common stock,[1] $29.75.

D. Total market value of stock held by universities listed,[1] $1,632,589.75.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 58,000.
University of Illinois, May 31, 1970, 761.
Vassar College, June 30, 1970, 6,200.

FOOTNOTES

[1] Computed as of December 5, 1970.

[2] Case Western Reserve University and Western Reserve University now combined. The investment portfolios, however, and kept separate and are so treated here.

[3] Combined total of common stock held in separately listed funds controlled by the college or university.

[4] Computed as of December 10, 1970.

[5] Number of outstanding shares of common stock—number voted at last annual meeting unavailable.

[6] Amerada Petroleum merged with Amerada Hess Corporation on June 20, 1969.

[7] Computed as of December 14, 1970.

OIL COMPANIES

AMERADA HESS CORP.

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 31,550.

C. Market value per share of common stock,[1] $45.12.

D. Total market value of stock held by universities listed,[1] $1,423,536.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 2,000.
Princeton University, June 30, 1969, 22,551.
Syracuse University, April 30, 1970, 7,000.

AMERADA PETROLEUM CORP.[6]

Name of school, date of report, number of shares

University of Maryland, June 30, 1969, 11,250.
University of Virginia, June 30, 1969, 1,200.

ASHLAND OIL, INC.

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 10,266.

C. Market value per share of common stock,[1] $24.36.

D. Total market value of stock held by universities listed,[1] $250,079.76.

Name of school, date of report number of shares

Cornell University, March 31, 1970, 10,000.
Northwestern University, May 31, 1970, 266.

ATLANTIC RICHFIELD CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 308,472.

C. Market value per share of common stock,[1] $65.

D. Total market value of stock held by universities listed,[1] $20,050,680.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 3,000.
Brown University, December 31, 1969, 3,680.
University of California,[3] June 30, 1969, 66,995.
Columbia University, March 31, 1970, 2,500.
Dartmouth College, April 30, 1970, 12,000.
Duke University, May 31, 1970, 300.
Emory University, May 29, 1970, 4,000.
Harvard College, June 30, 1970, 3,800.
University of Illinois, May 31, 1970, 920.
Univ. of Illinois Foundation, May 31, 1970, 850.

Footnotes at end of article.

Macalester College, May 29, 1960, 4,724.
Mass. Institute of Technology,[3] June 30, 1969, 29,002.
University of Montana,[3] December 31, 1969, 96.
University of North Carolina, May 29, 1970, 4,355.
University of Pittsburgh, June 30, 1970, 6,000.
Pomona College, June 30, 1970, 250.
Princeton University, June 30, 1969, 21,566.
University of Rochester, December 31, 1969, 40,000.
Vassar College, June 30, 1970, 8,000.
University of Virginia, June 30, 1969, 1,724.
Williams College, June 30, 1969, 6,610.
Yale University, November 1, 1969, 88,100.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 32.

C. Market value per share of common stock,[1] $41.75.

D. Total market value of stock held by universities listed,[1] $1,336.

Name of school, date of report, number of shares

Brown University, Dec. 31, 1969, 32.

CLARK OIL CO.

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 100.

C. Market value per share of common stock,[1] $20.

D. Total market value of stock held by universities listed,[1] $2,000.

Name of school, date of report, number of shares

California Institute of Technology, Dec. 31, 1969, 100.

COMMONWEALTH OIL REFINING CO., INC.

A. Shares of common stock voted at last annual meeting, 7,891,000.

B. Total held by universities listed below, 206,827.

C. Market value per share of common stock,[1] $15.25.

D. Total market value of stock held by universities listed,[1] $3,154,111.75.

Name of school, date of report, number of shares

Dartmouth College, April 31, 1970, 20,000.
Harvard College, June 30, 1970, 151,635.
Mass. Institute of Technology, June 30, 1969, 10,192.
Yale University, November 1, 1969, 25,000.

CONTINENTAL OIL

A. Shares of common stock voted at last annual meeting, 43,927,000.

B. Total held by universities listed below, 456,093.

C. Market value per share of common stock,[1] $31.75.

D. Total market value of stock held by universities listed,[1] $14,480,952.75.

Name of school, date of report, number of shares

California Institute of Technology, December 31, 1969, 1,657.
Harvard College, June 30, 1970, 220,356.
University of Illinois, May 31, 1970, 12.
Indiana University, August, 1970, 2,000.
University of Kansas, April 30, 1970, 2,032.
Mount Holyoke, June 30, 1969, 13,338.
University of Notre Dame, June 30, 1970, 18,000.
University of Oregon, June 30, 1969, 300.
University of Pittsburgh,[3] June 30, 1970, 14,410.
Pomona College, June 30, 1970, 1,552.
Princeton University, June 30, 1969, 46,822.
Swarthmore College, June 30, 1969, 11,138.
University of Texas, August 31, 1969, 88,576.
Vanderbilt University, June 30, 1969, 12,800.
Vassar College, June 30, 1970, 13,450.
Williams College, June 30, 1969, 9,650.

CREOLE PETROLEUM CORP.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 19,000.

C. Market value per share of common stock,[1] $29.60.

D. Total market value of stock held by universities listed,[1] $562,400.

Name of school, date of report, number of shares

Case Western Reserve Univ.,[2] June 30, 1970, 19,000.

DOME PETROLEUM, LTD.

A. Shares of common stock voted at last annual meeting, 2,138,000.

B. Total held by universities listed below, 81,062.

C. Market value per share of common stock,[1] $74.60.

D. Total market value of stock held by universities listed,[1] $6,047,225.20.

Name of school, date of report, number of shares

Columbia University, March 31, 1970, 2,600.
Harvard College, June 30, 1970, 78,462.

GENERAL AMERICAN OIL CO. OF TEXAS

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 52,540.

C. Market value per share of common stock,[1] $35.

D. Total market value of stock held by universities listed,[1] $262,700.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 52,540.

GETTY OIL CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 108,000.

C. Market value per share of common stock,[1] $74.36.

D. Total market value of stock held by universities listed,[1] $8,030,880.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 107,000.
University of Kansas, April 30, 1970, 1,000.

GREAT PLAINS DEVELOPMENT

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 1,000.

C. Market value per share of common stock,[7] $31.

D. Total market value of stock held by universities listed,[7] $31,000.

Name of school, date of report, number of shares

Brown University, Dec. 31, 1969, 1,000.

GULF OIL CORP.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 2,319,802.

C. Market value per share of common stock,[1] $30.12.

D. Total market value of stock held by universities listed,[1] $69,872,436.24.

Name of school, date of report, number of shares

California Institute of Technology, December 31, 1969, 39,384.
University of California,[3] June 30, 1969, 75,000.
Clark University, June 30, 1970, 4,000.
Columbia University, March 31, 1970, 66,841.
Cornell University, March 31, 1970, 94,993.
Dartmouth College, April 30, 1970, 49,534.
Duke University,[3] May 31, 1970, 11,073.
Emory University, May 29, 1970, 30,880.
Harvard College, June 30, 1970, 671,187.

University of Illinois,[3] May 31, 1970, 1,758.
University of Illinois Foundation,[3] May 31, 1970, 2,234.
Indiana University, August, 1970, 474.
University of Iowa, June 30, 1970, 5.
University of Kansas, April 30, 1970, 3,727.
Lehigh University, August, 1970, 25,004.
Macalester College, May 29, 1970, 7,726.
University of Maryland, June 30, 1969, 2,320.
Massachusetts Institute of Technology,[3] June 30, 1969, 96,056.
University of Michigan (End), June 30, 1970, 21,240.
University of Michigan (Retirement), 10,288.
University of Montana, December 31, 1969, 40.
Mount Holyoke, June 30, 1969, 14,942.
University of North Carolina, May 29, 1970, 7,889.
Northwestern University, May 31, 1970, 107,567.
University of Notre Dame, June 30, 1970, 37,266.
Oberlin College, June 30, 1969, 28,912.
University of Pennsylvania, June 30, 1970, 47,749.
University of Pittsburgh, June 30, 1970, 279,116.
Pomona College, June 30, 1970, 5,908.
Princeton University, June 30, 1969, 271,-856.
Rennselaer Polytechnic Institute,[3] June 30, 1970, 74,457.
Smith College, June 30, 1970, 28,404.
Swarthmore College, June 30, 1969, 10,306.
Syracuse University, April 30, 1970, 3,000.
University of Texas, August 31, 1969, 118,-436.
Tulane University, June 30, 1970, 20,640.
Vanderbilt University, June 30, 1969, 19,-190.
University of Virginia,[3] June 30, 1969, 14,-400.
Case Western Reserve University,[3] June 30, 1970, 12,000.
University of Wisconsin, June 30, 1969, 4,000.

HALLIBURTON CO.

A. Shares of common stock voted at last annual meeting, 7,054,000.
B. Total held by universities listed below, 8,540.
C. Market value per share of common stock,[1] $46.25.
D. Total market value of stock held by universities listed,[1] $394,975.

Name of school, date of report, number of shares

Emory University, May 29, 1970, 8,540.

HOME OIL CO., LTD., CLASS A

A. Shares of common stock voted at last annual meeting, 1,655,000.
B. Total held by universities listed below, 34,400.
C. Market value per share of common stock,[1] $25.85.
D. Total market value of stock held by universities listed,[1] $1,018,490.

Name of school, date of report, number of shares

Dartmouth College, April 30, 1970, 27,400.
Mass. Institute of Technology, June 30, 1969, 12,000.

HUDSON'S BAY OIL & GAS CO., LTD.

A. Shares of common stock voted at last annual meeting, none.
B. Total held by universities listed below, 9,281.
C. Market value per share of common stock,[1] $36.
D. Total market value of stock held by universities listed,[1] $334,080.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 9,281.

Footnotes at end of article.

IMPERIAL OIL CO., LTD.

A. Shares of common stock voted at last annual meeting, none.
B. Total held by universities listed below, 100.
C. Market value per share of common stock,[1] $19.25.
D. Total market value of stock held by universities listed,[1] $1,925.

Name of school, date of report, number of shares

University of Kansas, April 30, 1970, 100.

KERR-M'GEE OIL INDUSTRIES

A. Shares of common stock voted at last annual meeting, not available.
B. Total held by universities listed below, $2,324.
C. Market value per share of common stock,[1] $110.
D. Total market value of stock held by universities listed,[1] $255,640.

Name of school, date of report, number of shares

Northwestern University, May 31, 1970, 100.
University of Notre Dame, June 30, 1970, 1,224.
Rutgers University, June 30, 1969, 1,000.

LOUISIANA LAND AND EXPLORATION CO.

A. Shares of common stock voted at last annual meeting, 16,473,000.
B. Total held by universities listed below, 406,936.
C. Market value per share of common stock,[1] $59.60.
D. Total market value of stock held by universities listed,[1] $24,253,385.60.

Name of school, date of report, number of shares

California Institute of Technology, December 31, 1969, 17,500.
Columbia University, March 31, 1970, 18,902.
Dartmouth College, April 30, 1970, 20,000.
Duke University, May 31, 1970, 15,800.
Harvard College, June 30, 1970, 16,822.
Northwestern University, May 31, 1970, 300.
University of Notre Dame, June 30, 1970, 17,870.
Princeton University, June 30, 1969, 162,282.
University of Rochester, December 31, 1969. 80,000.
Swarthmore College, June 30, 1969, 8,000.
Tulane University, June 30, 1970, 14,160.
University of Texas, August 31, 1969, 35,300.

MARATHON OIL CO.

A. Shares of common stock voted at last annual meeting, 25,787,000.
B. Total held by universities listed below, 394,039.
C. Market value per share of common stock,[1] $37.
D. Total market value of stock held by universities listed,[1] $14,579,443.

Name of school, date of report, number of shares

Columbia University, March 31, 1970, 32,010.
Duke University, May 31, 1970, 8,000.
University of Illinois (End), May 31, 1970, 1,248.
Indiana University, August 1970, 132.
Lehigh University, August 1970, 5,000.
Massachusetts Institute of Technology, June 30, 1969, 13,722.
University of Michigan (End), June 30, 1970, 16,642.
University of Michigan (Retirement), June 30, 1970, 7,400.
University of North Carolina, May 29, 1970, 6,110.
Northwestern University, May 31, 1970, 17,402.
Pomona College, June 30, 1970, 3,518.
Pomona College (Future Projects Fund), June 30, 1970, 3,500.
Princeton University, June 30, 1969, 71,015.
Rockefeller University, June 30, 1969, 175,000.
Swarthmore College, June 30, 1969, 10,000.
Syracuse University, April 30, 1970, 4,000.
Tulane University, June 30, 1970, 9,340.
Vanderbilt University, June 30, 1969, 10,000.

M'CULLOCH OIL CORP.

A. Shares of common stock voted at last annual meeting, none.
B. Total held by universities listed below, 7,000.
C. Market value per share of common stock,[1] $35.12.
D. Total market value of stock held by universities listed,[1] $245,840.

Name of school, date of report, number of shares

Duke University, May 31, 1970, 7,000.

MIDWEST OIL COMPANY

A. Shares of common stock voted at last annual meeting, none.
B. Total held by universities listed below, 200.
C. Market value per share of common stock,[1] $90.75.
D. Total market value of stock held by universities listed,[1] $18,150.

Name of school, date of report, number of shares

University of Illinois, May 31, 1970, 200.

MOBIL OIL CORP.

A. Shares of common stock voted at last annual meeting, 85,150,000.
B. Total held by universities listed below, 773,060.
C. Market value per share of common stock,[1] $57.60.
D. Total market value of stock held by universities listed,[1] $44,528,256.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 13,-200.
California Institute of Technology, December 31, 1969, 53,349.
Clark University, June 30, 1970, 4,200.
Columbia University, March 31, 1970, 83,633.
Cornell University, March 31, 1970, 25,920.
Dartmouth College, April 30, 1970, 26,599.
Duke University, May 31, 1970, 10,846.
Emory University, May 29, 1970, 9,460.
Harvard College, June 30, 1970, 242,010.
University of Illinois, May 31, 1970, 500.
University of Illinois Foundation, May 31, 1970, 1,100.
Indiana University, August 1970, 1,000.
University of Iowa, June 30, 1970, 536.
University of Kansas, April 30, 1970, 400.
Lehigh University, August 1970, 5,750.
Massachusetts Institute of Technology, June 30, 1969, 49,352.
University of Michigan (End), June 30, 1970, 12,711.
University of Michigan (Retirement), June 30, 1970, 7,030.
University of Minnesota, June 30, 1970, 4,400.
Mount Holyoke, June 30, 1969, 8,716.
University of Montana,[3] December 31, 1969, 410.
University of North Carolina, May 29, 1970, 3,680.
Northwestern University, May 31, 1970, 34,800.
Oberlin College, June 30, 1969, 17,630.
University of Oregon,[3] June 30, 1969, 870.
University of Pennsylvania, June 30, 1970, 2,029.
University of Pittsburgh, June 30, 1970, 20,000.
Pomona College, June 30, 1970, 5,887.
Pomona College (Future Propects Fund), June 30, 1970, 5,700.
Rutgers University, June 30, 1969, 10,000.
Syracuse University,[3] April 30, 1970, 9,480.
University of Texas, August 31, 1969, 29,700.

University of Virginia,[3] June 30, 1969, 9,082.
Williams College, June 30, 1969, 230.
University of Wisconsin, June 30, 1969, 4,850.
Yale University, November 1, 1969, 58,000.

NYVATEX OIL CORP.

A. Shares of common stock voted at last annual meeting, none
B. Total held by universities listed below, 42,850.
C. Market value per share of common stock,[4] $1.
D. Total market value of stock held by universities listed,[4] $42,850.

Name of school, date of report, number of shares

Williams College, June 30, 1969, 42,850.

OCCIDENTAL PETROLEUM

A. Shares of common stock voted at last annual meeting, none.
B. Total held by universities listed below, 4,066.
C. Market value per share of common stock,[1] $19.25.
D. Total market value of stock held by universities listed,[1] $78,270.50.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 61.
Columbia University, March 31, 1970, 4,000.
Vanderbilt University, June 30, 1969, 5.

PAN OCEAN OIL

A. Shares of common stock voted at last annual meeting, none.
B. Total held by universities listed below, 3,200.
C. Market value per share of common stock,[1] $15.75.
D. Total market value of stock held by universities listed,[1] $50,400.

Name of school, date of report, number of shares

California Institute of Technology, Dec. 31, 1969, 3,200.

PARKER DRILLING

A. Shares of common stock voted at last annual meeting, none.
B. Total held by universities listed below, 8,000.
C. Market value per share of common stock,[1] $7.50.
D. Total market value of stock held by universities listed,[1] $60,000.

Name of school, date of report, number of shares

Brown University, Dec. 31, 1969, 8,000.

PHILLIPS PETROLEUM CO.

A. Shares of common stock voted at last annual meeting, 36,705,000.[5]
B. Total held by universities listed below, 229,094.
C. Market value per share of common stock,[1] $29.85.
D. Total market value of stock held by universities listed,[1] $6,838,455.90.

Name of School, date of report, number of shares

Columbia University, March 31, 1970, 45,000.
Emory University, May 29, 1970, 11,600.
University of Illinois, May 31, 1970, 1,640.
University of Iowa, June 30, 1970, 1,670.
Mass. Institute of Technology,[3] June 30, 1969, 40,000.
University of Maryland, June 30, 1969, 600.
University of Michigan (End.), June 30, 1970, 8,680.
Univ. of Mich. (Retirement), June 30, 1970, 10,200.
University of Minnesota, June 30, 1970, 10,800.
University of Montana, December 31, 1969, 200.
University of North Carolina, May 29, 1970, 654.

Footnotes at end of article.

University of Notre Dame, June 30, 1970, 21,574.
University of Oregon, June 30, 1969, 800.
University of Pennsylvania, June 30, 1970, 612.
Pomona College, June 30, 1970, 3,664.
Rutgers University, June 30, 1969, 20,000.
Syracuse University,[3] April 30, 1970, 8,600.
University of Texas, August 31, 1969, 36,600.
University of Virginia,[3] June 30, 1969, 6,200.

ROYAL DUTCH PETROLEUM

A. Shares of common stock voted at last annual meeting, not available.
B. Total held by universities listed below, 297,827.
C. Market value per share of common stock,[1] $45.12.
D. Total market value of stock held by universities listed,[1] $13,437,954.24.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 16,666.
Columbia University, March 31, 1970, 40,358.
Harvard College, June 30, 1970, 113,217.
University of Illinois, May 31, 1970, 1,873.
Lehigh University, August 1970, 16,500.
Massachusetts Institute of Technology, June 30, 1969, 814.
University of Michigan, June 30, 1969, 74.
Mount Holyoke, June 30, 1969, 13,007.
Princeton University, June 30, 1969, 45,697.
Swarthmore College, June 30, 1969, 11,880.
Syracuse University, April 30, 1970, 11,112.
Tulane University, June 30, 1970, 7,500.
Vanderbilt University, June 30, 1969, 19,129.

SCHLUMBERGER, LTD.

A. Shares of common stock voted at last annual meeting, 11,573,000.[5]
B. Total held by universities listed below, 8,800.
C. Market value per share of common stock,[1] $87.75.
D. Total market value of stock held by universities listed,[1] $772,200.

Name of school, date of report, number of shares

Yale, November 1, 1969, 8,800.

SHELL OIL CO.

A. Shares of common stock voted at last annual meeting, 64,285,095.
B. Total held by universities listed below, 186,463.
C. Market value per share of common stock,[1] $48.50.
D. Total market value of stock held by universities listed,[1] $9,043,455.50.

Name of College, date of report, number of shares

Bowdoin College, July 21, 1970, 9,500.
University of California, June 30, 1969, 19,132.
Dartmouth College, April 30, 1970, 22,606.
Emory University, May 29, 1970, 3,100.
Lehigh University, August 1970, 10,328.
Mass. Institute of Technology, June 30, 1969, 222.
University of Michigan (End), June 30, 1970, 8,288.
University of North Carolina, May 29, 1970, 2,206.
Oberlin College, June 30, 1969, 8,800.
University of Oregon, June 30, 1969, 150.
Pomona College, June 30, 1970, 1,443.
Princeton University, June 30, 1969, 24,171.
Swarthmore College, June 30, 1969, 4,917.
University of Texas,[3] August 31, 1969, 71,600.

SCURRY RAINBOW OIL, LTD.

A. Shares of common stock voted at last annual meeting, 1,686,888.
B. Total held by universities listed below, 40,000.
C. Market value per share of common stock,[1] $22.36.
D. Total market value of stock held by universities listed,[1] $894,400.

Name of school, date of report, number of shares

Dartmouth College, April 30, 1970, 40,000

SIGNAL COMPANIES, INC.

A. Shares of common stock voted at last annual meeting, none.
B. Total held by universities listed below, 42,585.
C. Market value per share of common stock,[1] $13.25.
D. Total market value of stock held by universities listed,[1] $564,251.25.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 6,925.
University of California,[3] June 30, 1969, 35,660.

SKELLY OIL CO.

A. Shares of common stock voted at last annual meeting, not available.
B. Total held by universities listed below, 1,500.
D. Market value per share of common stock,[1] $46.
E. Total market value of stock held by universities listed,[1] $69,000.
Name of school, date of report, number of shares.
Northwestern, May 31, 1970, 1,500.

STANDARD OIL CO. OF CALIFORNIA

A. Shares of common stock voted at last annual meeting, 65,867,000.
B. Total held by universities listed below, 705,244.
C. Market value per share of common stock,[1] $51.12.
D. Total market value of stock held by universities listed,[1] $36,052,073.28.

Name of school, date of report, number of shares

Calif. Institute of Technology, December 31, 1969, 2,105.
University of California,[3] June 30, 1969, 75,918.
University of Colorado, March 31, 1969, 2,226.
Columbia University, March 31, 1970, 39,214.
Dartmouth College, April 30, 1970, 20,238.
Emory University, May 29, 1970, 5,804.
Harvard College, June 30, 1970, 190,380.
University of Illinois, May 31, 1970, 365.
University of Iowa, June 30, 1970, 87.
Iowa State University, June 30, 1969, 96.
University of Kansas, April 30, 1970, 219.
Lehigh University, August 1970, 6,850.
Massachusetts Institute of Technology,[3] June 30, 1969, 54,425.
University of Michigan (End), June 30, 1970, 5,669.
University of Montana,[3] December 31, 1969, 156.
Mount Holyoke, June 30, 1969, 883.
Oberlin College, June 30, 1969, 10,784.55.
University of Oregon, June 30, 1969, 1,927.
University of Pittsburgh, June 30, 1970, 5,000.
Pomona College, June 30, 1970, 7,147.
Pomona College (Future Projects Fund), June 30, 1970, 7,035.
Princeton University, June 30, 1969, 66,369.
Rockefeller University, June 30, 1969, 140,001.
Rutgers University, June 30, 1970, 1,157.
Smith College, June 30, 1970, 19,176.
University of Texas, August 31, 1969, 27,780.
Tulane University, March 25, 1970, 10,062.
University of Virginia, June 30, 1969, 4,171.

STANDARD OIL CO. OF INDIANA

A. Shares of common stock voted at last annual meeting, 57,560,000.
B. Total held by universities listed below, 661,888.
C. Market value per share of common stock,[1] $52.85.

D. Total market value of stock held by universities listed,[1] $34,980,780.80.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 4,000.
Columbia University, March 31, 1970, 27,630.
Cornell University, March 31, 1970, 29,000.
Dartmouth College, April 30, 1970, 23,936.
Harvard College, June 30, 1970, 86,638.
University of Illinois,[3] May 31, 1970, 3,506.
Indiana University, August 1970, 3,551.
University of Iowa,[3] June 30, 1970, 829.
University of Kansas, April 30, 1970, 1,513.
Macalester College, May 29, 1970, 5,536.
Mass Institute of Technology, June 30, 1969, 39,280.
University of Maryland, June 30, 1969, 652.
University of Michigan (End), June 30, 1970, 13,156.
Univ. of Mich (Retirement) June 30, 1970, 6,448.
University of North Carolina, May 29, 1970, 2,294.
Northwestern University, May 31, 1970, 72,078.
Oberlin College,[3] June 30, 1969, 31,360.
Pomona College, June 30, 1970, 4,875.
Pomona College (Future Projects Fund), June 30, 1970, 4,900.
Rockfeller University, June 30, 1969, 175,000.
Vanderbilt University, June 30, 1969, 150.
University of Virginia, June 30, 1969, 3,200.
Case Western Reserve University,[2] June 30, 1970, 20,000.
University of Wisconsin, June 30, 1969, 2,356.
Yale University, November 1, 1969, 100,000.

STANDARD OIL OF NEW JERSEY

A. Shares of common stock voted at last annual meeting, 171,840,000.
B. Total held by universities listed below, 1,774,130.
C. Market value per share of common stock,[1] $72.75.
D. Total market value of stock held by universities listed,[1] $129,245,370.50.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 6,007.
Brown University, December 31, 1969, 20,375.
California Institute of Technology, December 31, 1969, 2,932.
University of California,[3] June 30, 1969, 66,686.
Catholic University of America,[3] May 27, 1970, 11,120.
Clark University, June 30, 1970, 2,080.
University of Colorado, March 31, 1970, 4,247.
Columbia University, March 31, 1970, 39,223.
Cornell University, March 31, 1970, 66,793.
Dartmouth College, April 30, 1970, 19,336.
Duke University,[3] May 31, 1970, 18,989.
Emory University, May 29, 1970, 15,659.
Harvard College, June 30, 1970, 245,914.
University of Illinois,[3] May 31, 1970, 3,243.
Indiana University, August 1970, 1,337.
University of Iowa,[3] June 30, 1970, 585.
Iowa State University, June 30, 1969, 80.
University of Kansas, April 30, 1970, 5,013.
Lehigh University, August 1970, 33,369.
Macalaster College, May 29, 1970, 2,908.
Massachusetts Institute of Technology, June 30, 1969, 143,592.
University of Maryland, June 30, 1969, 2,639.
University of Michigan (End), June 30, 1970, 13,559.
University of Michigan (Retirement), June 30, 1970, 5,523.
University of Montana,[3] December 31, 1969, 936.
Mount Holyoke, June 30, 1969, 6,366.
University of North Carolina, May 29, 1970, 4,101.
Northwestern University, May 31, 1970, 41,521.
University of Notre Dame, June 30, 1970, 3,240.
Oberlin College,[3] June 30, 1969, 13,644.
University of Oregon, June 30, 1969, 794.
University of Pennsylvania, June 30, 1970, 3,960.
University of Pittsburgh,[3] June 30, 1970, 55,187.
Pomona College, June 30, 1970, 5,975.
Pomona College (Future Projects Fund), June 30, 1970, 5,824.
Princeton University, June 30, 1969, 107,584.
Rennselaer Polytechnic Institute, June 30, 1970, 30,075.
Rochester Institute of Technology, June 30, 1970, 10,000.
Rockefeller University, June 30, 1969, 425,000.
Rutgers University,[3] June 30, 1969, 8,250.
Smith College, June 30, 1970, 14,826.
Swarthmore College, June 30, 1969, 5,808.
Syracuse University,[3] April 30, 1970, 20,140.
University of Texas, August 31, 1969, 23,353.
Vanderbilt University,[3] June 30, 1969, 20,150.
Vassar College,[3] June 30, 1970, 5,713.
University of Virginia,[3] June 30, 1969, 20,562.
Case Western Reserve University,[2 3] June 30, 1970, 32,827.
Williams College, June 30, 1969, 21,536.
University of Wisconsin, June 30, 1969, 7,140.
Yale University, November 1, 1969, 148,409.

STANDARD OIL OF OHIO

A. Shares of common stock voted at last annual meeting, not available.
B. Total held by universities listed below, 13,934.
C. Market value per share of common stock,[1] $76.12.
D. Total market value of stock held by universities listed,[1] $1,060,656.08.

Name of school, date of report, number of shares

Indiana University, August 1970, 952.
University of Iowa, June 30, 1970, 83.
Iowa State University, June 30, 1969, 88.
University of Kansas, April 30, 1970, 683.
University of Minnesota, June 30, 1970, 2,000.
University of Montana, December 31, 1969, 128.
Rensselaer University, June 30, 1970, 10,000.

SUN OIL CO.

A. Shares of common stock voted at last annual meeting, 22,343,000.
B. Total held by universities listed below 66,088.
C. Market value per share of common stock,[1] $45.12.
D. Total market value of stock held by universities listed,[1] $2,981,890.56.

Name of school, date of report, number of shares

Northwestern University, May 31, 1970, 19,000.
University of Notre Dame, June 30, 1970, 2,247.
University of Pennsylvania, June 30, 1970, 4,841.
Princeton University, June 30, 1969, 40,000.

SUPERIOR OIL CO.

A. Shares of common stock voted at last annual meeting, not available.
B. Total held by universities listed below, 32,696.
C. Market value per share of common stock,[1] $178.75.
D. Total market value of stock held by universities listed,[1] $5,844,410.

Name of school, date of report, number of shares

California Institute of Technology, December 31, 1969, 1,950.
Harvard College, June 30, 1970, 22,446.
Massachusetts Institute of Technology, June 30, 1969, 2,000.
University of Notre Dame, June 30, 1970, 6,000.
Pomona College, June 30, 1970, 300.

TEXACO, INC.

A. Shares of common stock voted at annual meeting, not available.
B. Total held by universities listed below, 2,033,971.
C. Market value per share of common stock,[1] $35.25.
D. Total market value of stock held by universities listed,[1] $71,697,477.75.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 1.
California Institute of Technology,[3] December 31, 1969, 71,322.
University of California,[3] June 30, 1969, 92,303.
Clark University, June 30, 1970, 4,200.
Columbia University, March 31, 1970, 88,846.
Cornell University, March 31, 1970, 46,169.
Dartmouth College, April 30, 1970, 46,398.
Duke University,[3] May 31, 1970, 55,608.
Emory University, May 29, 1970, 20,000.
Harvard University, June 30, 1970, 770,259.
University of Illinois,[3] May 31, 1970, 4,390.
University of Illinois Foundation, May 31, 1970, 1,592.
Indiana University, August 1970, 676.
University of Iowa,[3] June 30, 1970, 1,686.
Iowa State University, June 30, 1969, 264.
Lehigh University, August 1970, 33,050.
Macalester College, May 29, 1970, 9,600.
Massachusetts Institute of Technology,[3] June 30, 1969, 43,346.
University of Maryland, June 30, 1969, 3,054.
University of Michigan (End), June 30, 1970, 24,735.
University of Michigan (Retirement), June 30, 1970, 15,222.
University of Minnesota, June 30, 1970, 9,200.
University of Montana, December 31, 1969, 2,000.
Mount Holyoke, June 30, 1969, 12,700.
University of North Carolina,[3] May 29, 1970, 20,521.
Northwestern University, May 31, 1970, 126,754.
Oberlin College,[3] June 30, 1969, 10,914.
University of Oregon,[3] June 30, 1970, 268.
University of Pennsylvania, June 30, 1970, 30,072.
University of Pittsburgh, June 30, 1970, 10,000.
Pomona College, June 30, 1970, 10,782.
Pomona College (Future Projects Fund), June 30, 1970, 13,000.
Princeton University, June 30, 1969, 170,910.
Rochester Institute of Technology, June 30, 1970, 20,000.
Rutgers University, June 30, 1969, 5,463.
Swarthmore College, June 30, 1969, 16,730.
University of Texas, August 31, 1969, 120,572.
Tulane University, June 30, 1970, 32,088.
Vanderbilt University,[3] June 30, 1969, 12,819.
University of Virginia,[3] June 30, 1969, 11,533.
Williams College, June 30, 1969, 20,040.
University of Wisconsin, June 30, 1969, 4,800.
Yale University, November 1, 1969, 40,084.

TEXAS OIL AND GAS

A. Shares of common stock voted at last annual meeting, none.
B. Total held by universities listed below, 10,900.
C. Market value per share of common stock,[1] $57.50.
D. Total market value of stock held by universities,[1] $626,750.

Footnotes at end of article.

Name of school, date of report, number of shares

Pomona College (Future Projects Fund), June 30, 1970, 4,000.

Vassar College, June 30, 1970, 6,900.

TRANSOCEAN OIL, INC.

A. Shares of common stock voted at last annual meeting, 5,899,896.

B. Total held by universities listed below, 17,568.

C. Market value per share of common stock,[1] $13.50.

D. Total market value of stock held by universities listed,[1] $237,168.

Name of school, date of report, number of shares

Dartmouth College, April 30, 1970, 17,568.

UNION OIL OF CALIFORNIA

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 71,521.

C. Market value per share of common stock,[1] $33.50.

D. Total market value of stock held by universities listed,[1] $2,395,953.50.

Name of school, date of report, number of shares

University of California, June 30, 1969, 15,082.

Dartmouth College, April 30, 1970, 18,000.

University of Kansas, April 30, 1970, 1,000.

Northwestern University, May 31, 1970, 29,095.

University of Oregon, June 30, 1969, 512.

University of Pennsylvania, June 30, 1970, 1,000.

Pomona College, June 30, 1970, 432.

Rutgers University,[3] June 30, 1969, 6,400.

FOOTNOTES

[1] Computed as of December 5, 1970.

[2] Case Western Reserve University and Western Reserve University now combined. The investment portfolios, however, are kept separate and are so treated here.

[3] Combined total of common stock held in separately listed funds controlled by the college or university.

[4] Computed as of December 10, 1970.

[5] Number of outstanding shares of common stock—number voted at last annual meeting unavailable.

[6] Amerada Petroleum merged with Amerada Hess Corporation on June 20, 1969.

[7] Computed as of December 14, 1970.

Mr. PELL. Mr. President, I wish to congratulate the distinguished Senator from Montana (Mr. METCALF), for his probing research into the portfolios of some of the major universities of our country.

By bringing to the attention of the members of the university community the fact that 53 universities control almost a billion dollars worth of voting stock in the Nation's oil, gas, and electric companies, the Senator from Montana is providing the university community with a unique opportunity to fight pollution and overpricing through the corporate ballot box. The Senator from Montana is to be praised by those who are concerned with the extent of Government regulation needed to stop pollution, for what the distinguished Senator is suggesting is truly a private enterprise solution to pollution control. He is not suggesting more Government regulation, he simply is pointing out the opportunity for stockholders, as voting owners of the major polluters, to utilize their voting powers to elect directors who wish to eliminate pollution and to vote for antipollution policies presented at shareholder meetings.

HISTORIC COURTHOUSE DESTROYED BY FIRE

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, December 28, 1970

Mr. SPONG. Mr. President, 10 days before Christmas, the historic Botetourt County courthouse in Fincastle, Va., was gutted by fire. Fortunately, all of the permanent records, including those from the days when the court at Fincastle served the vast territory west to the Mississippi, were saved.

It occurred to me that Senators, especially those from the States of West Virginia, Kentucky, Ohio, Indiana, Illinois, and Wisconsin would be interested in knowing of the fire and of the preservation of the old records. I ask unanimous consent to have printed in the RECORD, an article from the Fincastle Herald, which gives an interesting account of the background of the 200-year-old Botetourt County courthouse.

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

PRESENT COURTHOUSE, THIRD ON SITE, WAS BASED ON EARLIER JEFFERSON PLANS

One of the first concerns expressed by Botetourt County residents, both at the scene of the Courthouse fire early Tuesday morning and in the dreary hours after it was over, was for the status of the priceless historical documents which reflect the county's 200-year history.

The fire occurred during the year of the county's Bicentennial Celebration.

Most of the documents are believed to have been saved. The Board of Supervisors in an emergency meeting Tuesday afternoon, authorized Circuit Clerk George E. Holt, Jr., to engage paper experts from the W. J. Barrow Research Laboratory in Richmond to survey any damage in his office.

Holt has said that as soon as electricity is available in the vault building he will have dehumidifiers installed.

The Courthouse was a focal point of the Bicentennial Celebration. In its vault are such documents as a 1780 land grant signed by Thomas Jefferson, then governor of Virginia; a colonial grant signed by Governor Dunmore in 1772; minutes of a meeting of field officers in the American Revolution in 1782; maps of prison bounds in Fincastle in the late 1700's, and the marriage bond of Wiliam Clark, of the Lewis and Clark expedition, and Judith Hancock.

On file are the wills of such colonial leaders as General Andrew Lewis, Colonel William Fleming, General James Breckinridge, and Colonel Henry Bowyer.

Land records include Israel Christian's original transfer of land for Fincastle and other points in the vast county area which extended west to the Mississippi River.

Copies of land grants from King George III to Thomas Jefferson for Natural Bridge in a tract on Cedar Creek and to George Washington for 7,276 acres of land in what is now Kentucky are on file here.

The first court house on this site was built in 1770. It was of log construction. In the space around it were stocks and a ducking stool.

The second court house was started in 1818. It was made of brick with a dome in the center and chimneys on the east and west ends. The plans for this building were drawn by Thomas Jefferson. His letter to General James Breckinridge transmitting these plans read in part: Monticello, Oct. 6–18. "You have had a right to suppose me very unmindful of my promise to furnish you with drawings for your court house, yet the fact is not so. A few days after I parted with you, the use of the waters of the Warm Spring began to affect me unfavorably. These sufferings, aggravated by the torment of the journey home over the rocks and mountains I had to pass had reduced me to the lowest state of exhaustion by the time I had got back. I have been on the recovery some time and still am so but not yet able to sit erect for writing. By working at your drawings a little everyday, I have been able to compleat and now to forward them by mail, with the explanations accompanying them. I hope your workman will sufficiently understand them. I send also some seed of the succory (chicory) which I think I promised you. I shall not despair, in my annual rambles to the Natural Bridge of being able at some time to extend them to Fincastle."

The present Court House was erected in 1947–48 and was copied from the Jefferson Court House of 1818.

The edicts issued from this building were law within its territory, which extended to the Mississippi River and contained all or parts of the states of West Virginia, Kentucky, Ohio, Indiana, Illinois and Wisconsin.

At the rear of this court building were brick houses containing offices for the local attorneys, and housing some of the county officials. Among these buildings, one is yet standing which was the office of Andrew Hamilton who was using it as his law office in 1812.

This is now being restored for use as a museum for the collection and exhibition of old items indigenous to Botetourt County or of particular interest to its citizens.

SOME SPECIFIC SUGGESTIONS TO BETTER COPE WITH LABOR-MANAGEMENT DISPUTES

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. FISHER. Mr. Speaker, evidences of inflation have been dramatically illustrated during the past year. These symptoms are reflected in food prices and also in general price increases.

A second and quite significant indicator is found in wage raises, including some that have been exorbitant. Availing themselves of raw economic power, some labor unions have been able to ignore reality and any semblance of production capacity in imposing virtual blackmail upon employers.

Among some unions, monopoly has been the watchword. It has been demonstrated in the automobile industry, transportation, and others. Total direct and indirect costs of the General Motors strike are estimated at $7 billion.

It has been a dueling process of settling wage-price quarrels, with the public—which pays the bill—looking on helplessly.

It is understandable that labor is sensitive to rising living costs. But many of these wage hikes are unrelated to the cost-of-living index. Too often strikes are an exercise in unrestrained economic power, unrelated to legitimate contentions. Too often industry is forced to yield and compensate by simply adding the increase in cost to the prices that are charged for what they produce.

EXORBITANT WAGE INCREASES IN CONSTRUCTION INDUSTRY

Mr. Speaker, I recently received a letter from Mr. Joseph Rich, president of the National Association of Plumbing-Heating-Cooling Contractors, which contains some interesting statistics on the effect inflationary wage increases are having on the construction industry.

The letter and an enclosure follow:

NOVEMBER 23, 1970.

Hon. O. C. FISHER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FISHER: While we are certain that you are generally aware of the exorbitant wage settlements that have been inflicted on the construction industry and the public in recent months, we wish to bring to your attention some *factual* details which bring into focus the enormity and real impact of this condition.

Some glaring examples in our industry are listed below:

CITY AND HOURLY INCREASE

Los Angeles, Orange County, California, $5.00 over 3 years.

Miami, Florida, $5.00 over 30 months.

Cleveland, Ohio, $4.50 over 3 years.

Baltimore, Maryland, $4.38 over 3 years.

New Britain, Connecticut, $4.06 over 2 years.

Providence, Rhode Island, $4.10 over 3 years.

Buffalo, New York, $3.90 over 3 years.

Evansville, Indiana, $3.80 over 37 months.

Memphis, Tennessee, $3.40 over 3 years.

Rochester, New York, $3.00 over 2 years.

Wilmington, Delaware, $3.00 over 21 months.

(Further information on building trades shown on attached sheet.)

To date, in 1970, there have been 420 strikes in the construction industry as compared to 205 during the calendar year 1969.

We all believe that the American working man should be entitled to a fair wage. However, it is obvious that this condition is completely one-sided and is *fueling* runaway inflation. Even the Federal Government in its contracting, purchasing, and financing activities is having its programs blunted. A four billion dollar federal pollution control shrinks to three billion before the project is off the drawing board.

We would appreciate any suggestions or comments you might offer which will bring some manner of relief.

Sincerely,

JOSEPH RICH,
President.

SETTLEMENTS OF VARIOUS BUILDING TRADES

City and State	Occupation	Days on strike	Current rate	Increase	Final rate	Annual percent increase
Los Angeles, Calif.	Sheet metal workers	17	$7.06	$5 per 3 years	$12.06	23.7
Northern Illinois	Operating engineers (heavy, highway)	75	6.03	4.75 per 38 months	11.05	25.1
Las Vegas, Nev.	Operating engineers	9	7.07	3.96 per 4 years	11.03	14.0
Norwich, Conn.	Bricklayers	28	6.07	4.03 per 3 years	10.10	22.0
New Britain, Conn.	Plumbers, steamfitters		6.31	4.06 per 2 years	10.37	32.1
Connecticut statewide	Carpenters		6.59	4.69 per 39 months	10.35	25.2
Waterbury, Conn.	Electricians		5.95	6 per 3 years	11.95	33.6
Miami, Fla.	Pipefitters	55	6.76	3.50 per 27 months	10.26	22.8
Miami, Fla.	Plumbers	50		5 per 30 months		
Hartford, Conn.	Electricians	28	6.75	5.75 per 3 years	12.50	28.2
Chicago, Ill.	Operating engineers		6.55	4.50 per 4 months	11.05	28.8
Wichita, Kans.	do	48	5.40	5.10 per 3 years	10.50	31.4
Baltimore, Md.	Bricklayers	47	6.21	4.36 per 3 years	10.57	23.3
Do.	Plumbers	47	5.68	4.38 per 3 years	10.06	25.7
Missouri area W-1	Laborers (heavy, highway)	10	3.925	2.85 per 13 months	6.775	66.9
Columbus, Ohio	Plumbers		8.205	3.565 per 3 years	11.77	14.4
Providence, R.I.	do			4.10 per 3 years		
South Bend, Ind.	Carpenters		6.605	3.85 per 3 years	10.455	19.4
Detroit, Mich.	Sprinkler fitters		7.80	3.20 per 3 years	11.00	14.9
New York, Albany-Troy, Schenectady	Sheet metal workers	91	5.85	4.43 per 3 years	10.28	25.3
Louisville, Ky.	Iron workers	10	7.29	3.15 per 3 years	10.44	14.4
Niagara Falls, N.Y.	Plumbers		8.55	2.85 per 2 years	11.40	16.6
Kansas City, Mo.	Bricklayers			4.50 per 4 years		
Memphis, Tenn.	Ironworkers			4 per 4 years		
New Jersey, statewide	Operating engineers (heavy, highway)			5.10 per 3 years		

HIGHLIGHTS

Cleveland, Ohio, pipefitters ended a five month strike with a settlement that provided a $3.15 hourly wage increase over three years which means a 1972 base rate of $10.96 an hour.

Boston Area Plumbers and Gasfitters held a four week strike and won a three year settlement of $3.90 hourly increase, and 60% increase in fringe benefits. 1972 will give them a base rate of $10.60 hourly.

On June 16, 1970, the Wilmington, Delaware pipefitters began a strike demanding $3.00 for 21 months. Their current rate was $6.77. They settled for $2.85 for two years which will, in mid-1971, bring their base pay to $10.38.

Suffolk County, New York, plumbers agreed, without a strike, to an increase of $4.00 for three years, retroactive to July 1, 1970.

LEGISLATION IS IMPERATIVE

Mr. Speaker, the Congress must face up to this intolerable situation. Present laws to protect the public are obviously inadequate. This Nation, advanced as it is in so many ways, can ill afford the luxury of such antiquated, haphazard, raw power, methods of settling labor-industrial disputes.

The administration has proposed amendments to the Railway Labor Act, designed to better deal with that problem. The President has said the Taft-Hartley Act should be updated to better cope with today's issues. All seem to agree that something should be done. What is needed is an overhaul of present laws. Piecemeal legislation will not suffice.

With this in mind, I have introduced some bills, one of which would make labor unions subject to the antitrust laws. Unions have opposed this approach as being "antilabor." Actually it is not. It is a means of equalizing bargaining power of two powerful contesting forces.

Unions were exempted from antitrust long ago, at a time when they were relatively weak. Now they have grown up. Instead of being weaklings, unions are now big business. No longer do they need to be wetnursed and coddled because of alleged relative weakness. They should recognize that fact.

WHAT ABOUT A LABOR COURT?

In addition, I have offered a bill which would abolish the National Labor Relations Board, and create a 15-member labor court, with authority to resolve labor-management disputes without resorting to the arbitrant featuring a clash of economic power. It would for the first time provide a means whereby the public would have a voice in achieving a judicial determination of the issues.

While this method has the markings of compulsory arbitration, it incorporates a judicial approach where both sides—and the public—would have a hand. The labor court approach has been used quite successfully in Australia. While admittedly it provides no ideal solution, unless and until something better is offered, then the proposal deserves serious consideration.

If this approach is discounted, and if nothing better is offered, then consideration should be given to the creation of a commission, to include labor, management, the public, and representatives of the Congress. This commission would be charged with responsibility to make an in-depth investigation of the adequacy of present laws, and recommend specific proposals.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE RETIREMENT OF DANIEL PATRICK MOYNIHAN

HON. JOHN SHERMAN COOPER

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Monday, December 28, 1970

Mr. COOPER. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks in the RECORD excerpts from a statement made by Dr. Daniel Patrick Moynihan at the White House on the conclusion of his tenure of service to President Nixon, as published in today's Washington Post.

This statement speaks for itself. It is good to have a judgment of the first 2 years of President Nixon's administration by Dr. Moynihan, a man who speaks as a nonpartisan, of intellectual quality and attainments, and has been intimately associated with President Nixon. I hope it will be widely read by the American people. I hope also that the family assistance plan which was conceived by Dr. Moynihan will be enacted, and that he will render further service to this country during President Nixon's administration.

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

"AMERICA IS THE HOPE OF THE WORLD": MOYNIHAN SUMS UP 2 YEARS WITH ADMINISTRATION

As the President has said, we are now in the middle of the journey. Where it will end we do not know. It is no longer even clear where it began, our senses having long since been dulled by the relentless excess of stimulus which is the lot of any who involve themselves in American government.

It may be of some use, then, to try to reconstruct the circumstances in which the President was elected, and formed his Administration, just two years ago.

It seemed the worst of times. It was the habit then to speak of the nation as divided, and to assert that the situation was grave beyond anything since the Civil War itself. This was misleading. The country was not so much divided as fragmented; it was coming apart. The war in Asia, undeclared and unwanted, misunderstood or not understood at all, pursued by decent men for decent purposes but by means, and with consequences, that could only in the end be heartbreaking, had brought on an agony of the spirit that had had no counterpart in our national experience.

The agony was elemental, irresolvable, and nigh to universal. No matter what one's view of the nation might be, events in Vietnam contradicted that view. Not long before the war in Asia began a French Dominican priest wrote that "Either America is the hope of the world, or it is nothing." An astonishingly large cohort of Americans concluded in the course of the 1960's that it was nothing.

The agony of war was compounded by and interacted with the great travail of race which, once again, not so much divided as fractured the society. Racial bondage and oppression had been the one huge wrong of American history, and when at last the nation moved to right that wrong the damage that had been done proved greater than anyone had grasped.

An ominous new racial division made its appearance, and with it also a new sectional division, unattended and underappreciated, but not less threatening.

The economic vitality of the nation was imperiled. The war disrupted the economy and then dictated that the onset of peace would do so as well.

In such circumstances, confidence in American government eroded. Government was not to be believed, nor was much to be expected of it. Save fear, Government had begun to do utterly unacceptable things, such as sending spies to the party conventions in 1968.

It all comes together in the story of the man who says, "They told me if I voted for Goldwater there would be half a million troops in Vietnam within the year. I voted for him, and by God they were right."

How then could it have been otherwise than that the election of 1968 would begin in violence and end in ambiguity. It was clear enough who had won, albeit barely, but not at all certain what had won.

Then came the President's inaugural address with its great theme of reconciliation, and restraint, and—in the face of so much about which we comprehend so little—reserve. "Few ideas are correct ones," wrote Disraeli, "and what are correct no one can ascertain; but with words we govern men."

Those words of January 20, 1969, were and remain the most commanding call to governance that the nation has heard in the long travail that is not yet ended.

How, by that standard, would one measure the two years now past. Not, I think, unkindly. To the contrary, the achievement has been considerable, even remarkable.

In foreign affairs the nation has asserted the limits of its power and its purpose. We have begun to dismantle the elaborate construct of myth and reality associated with the Cold War. The war in Asia has receded, the prospect of arms limitation has gradually impressed itself on our consciousness, the possibility of containing the endless ethnic, racial, and religious conflicts that may now become the major threat to world order has become more believable as here and there things have got better, not worse. The prospect of a generation of peace has convincingly emerged.

In domestic matters events have been similarly reassuring. Far from seeking a restoration of outmoded principles and practices with respect to issues of social justice and social order, the President, on taking office, moved swiftly to endorse the profoundly important but fundamentally unfulfilled commitments, especially to the poor and oppressed, which the nation had made in the 1960's.

He then moved on to new commitments to groups and to purposes that had been to much ignored during that period, and beyond that to offer a critique of government the like of which has not been heard in Washington since Woodrow Wilson.

In one message after another to the Congress, the fundaments of governmental reform were set forth. More was required of government, the President said, than simply to make promises. It had to fulfill them. It was on this bedrock of reality that trust in government must rest. The restoration of trust would depend on this.

Since that time, mass urban violence has all but disappeared. Civil disobedience and protest have receded. Racial rhetoric has calmed. The great symbol of racial subjugation, the dual school system of the South, virtually intact two years ago, has quietly and finally been dismantled.

All in all, a record of some good fortune and much genuine achievement.

And yet how little the administration seems to be credited with what it has achieved. To the contrary, it is as if the disquiet and distrust in the nation as a whole has been eased by being focused on the government in Washington. One thinks of President Kennedy's summation: life is not fair. But there is something more at work than the mere perversity of things.

In a curious, persistent way our problem as a nation arises from a surplus of moral energy. Few peoples have displayed so intense a determination to define the most mundane affairs in terms of the most exalted principles to see in any difficulty an ethical failing, to deem any success a form of temptation, and as if to ensure the perpetuation of the impulse, to take a painful pleasure in it all.

Our great weakness is the habit of reducing the most complex issues to the most simplistic moralisms. About Communism. About Capitalism. About Crime. About Corruption. About Likker. About Pot. About Race Horses. About the SST. Name it.

This is hardly a new condition. Tocqueville noted it a century and a half ago. "No men are fonder of their own condition. Life would have no relish for them if they were delivered from the anxieties which harass them, and they show more attachment to their cares than aristocratic nations to their pleasures."

But in the interval this old disposition has had new consequences. What was once primarily a disdain for government has developed into a genuine distrust. It has made it difficult for Americans to think honestly and to some purpose about themselves and their problems. Moralism drives out thought.

The result has been a set of myths and counter myths about ourselves and the world that create expectations which cannot be satisfied, and which lead to a rhetoric of crisis and conflict that constantly, in effect, declares the government in power disqualified for the serious tasks at hand.

The style which the British call "muddling through" is not for us. It concedes too much to the probity of those who are trying to cope, and the probable intransigency of the problems they are trying to cope with. In any event, in so intensely private a society it is hard to get attention to one's own concern save through a rhetoric of crisis.

As a result, we have acquired bad habits of speech and worse patterns of behavior, lurching from crisis to crisis with the attention span of a five-year old. We have never learned to be sufficiently thoughtful about the tasks of running a complex society.

The political process reinforces, and to a degree rewards, the moralistic style. Elections are rarely our finest hours. This is when we tend to be most hysterical, most abusive, least thoughtful about problems, and least respectful of complexity.

Of late these qualities have begun to tell on the institution of the Presidency itself. A very little time is allowed the President during which he can speak for all the nation, and address himself to realities in terms of the possible. Too soon the struggle recommences.

This has now happened for us. We might have had a bit more time, but no matter. The issue is how henceforth to conduct ourselves.

As I am now leaving, it may seem to come with little grace to prescribe for those who must stand and fight. I would plead only that I have been sparing of such counsel in the past. Therefore, three exhortations, and the rest will be silence.

The first is to be of good cheer and good conscience. Depressing, even frightening things are being said about the administration. They are not true. This has been a company of honorable and able men, led by a President of singular courage and compassion in the face of a sometimes awful knowledge of the problems and the probabilities that confront him.

The second thing is to resist the temptation to respond in kind to the untruths and half truths that begin to fill the air. A cen-

tury ago the Swiss historian Jacob Burckhardt foresaw that ours would be the age of "the great simplifiers," and that the essence of tyranny was the denial of complexity. He was right. This is the single great temptation of the time. It is the great corruptor, and must be resisted with purpose and with energy.

What we need are great complexifiers, men who will not only seek to understand what it is they are about, but who will also dare to share that understanding with those for whom they act.

And, lastly, I would propose that if either of the foregoing is to be possible, it is necessary for members of the Administration, the men in this room, to be far more attentive to what it is the President has said, and proposed. Time and again, the President has said things of startling insight, taken positions of great political courage and intellectual daring, only to be greeted with silence or incomprehension.

The prime consequence of all this is that the people in the nation who take these matters seriously have never been required to take us seriously. It was hardly in their interest to do so. Time and again the President would put forth an oftentimes devastating critique precisely of their performance. But his initial thrusts were rarely followed up with a sustained, reasoned, reliable second and third order of advocacy.

Deliberately or not, the impression was allowed to arise with respect to the widest range of Presidential initiatives that the President wasn't really behind them. It was a devastating critique.

The thrust of the President's program was turned against—him! For how else to interpret an attempt to deal with such serious matters in so innovative a way, if in fact the effort was not serious.

It comes to this. The Presidency requires much of those who will serve it, and first of all it requires comprehension. A large vision of America has been put forth. It can only be furthered by men who share it.

It is not enough to know one subject, one department. The President's men must know them all, must understand how one thing relates to another, must find in the words the spirit that animates them, must divine in the blade of grass the whole of life that is indeed contained there, for so much is at issue.

I am of those who believe that America is the hope of the world, and that for that time given him the President is the hope of America. Serve him well. Pray for his success. Understand how much depends on you. Try to understand what he had given of himself.

This is something those of us who have worked in this building with him know in a way that perhaps only that experience can teach. To have seen him late into the night and through the night and into the morning, struggling with the most awful complexities, the most demanding and irresolvable conflicts, doing so because he cared, trying to comprehend what is right, and trying to make other men see it, above all, caring, working, hoping for this country that he has made greater already and which he will make greater still . . .

RECOMMENDATIONS BY THE LUBAVITCH MOVEMENT DURING THE WHITE HOUSE CONFERENCE ON CHILDREN

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. GIAIMO. Mr. Speaker, overlooked amid the arguments and heated rhetoric of the recent White House Conference on Children were the observations and recommendations of many noted educators and other experts who came to the conference with a view toward improving the quality of public education in the United States. Among these experts were delegates from the Lubavitch Movement, an internationally recognized Jewish organization which operates schools and maintains youth activities and summer camps in the United States, Canada, Europe, North Africa, Israel, Australia, and South America.

Since I believe that the observations of the Lubavitch delegates will be of interest to my colleagues, I wish to insert them in the RECORD at the conclusion of my remarks. I also wish to include a most interesting analysis of the effect of communal living on children and the family presented at the conference by Rosabeth Moss Kanter, assistant professor of sociology at Brandeis University.

[From the Lubavitch News Service, Dec. 17, 1970]

WHITE HOUSE CONFERENCE ON CHILDREN

The delegation of the Chabad (Lubavitch) Movement, with Headquarters at 770 Eastern Parkway, Brooklyn, N.Y., consisting of representatives from the Movement's regional operations in various parts of the country, issued the following statement:

CONFIDENCE RESTORED

"After an initial period of frustrations, the Lubavitch delegation have found that their respective Forums have settled down to a more businesslike atmosphere," declared Dr. Nissan Mindel, head of the delegation, at a Press Conference, Tuesday night.

"We have come to the White House Conference on Children with a series of practical recommendations with a view to improving the quality of public school education," he continued. "We are gratified that most of them have been well received, and many have been adopted in the workshops. Our confidence in the Conference has been largely restored."

NATIONWIDE AND WORLDWIDE EXPERIENCE

The Lubavitch delegation, comprising ten energetic Rabbis from various sectors of the country from coast to coast, and two ladies representing the Women's Division of the Movement, bring with them the experience of a Movement which operates schools for boys and girls (non-coed) and maintains youth activities and summer camps in various parts of the country, as well as in Canada and many other countries in Europe, North Africa, Israel, Australia, and South America. The Movement's educational arm, the Central Organization for Jewish Education, also publishes educational textbooks and literature and a monthly magazine for children and youth, *Talks and Tales*, appearing in eight languages, for the benefit of Jewish children in various parts of the world, where the Lubavitch Movement maintains educational facilities.

ACCENT ON MORAL VALUES

The Lubavitch delegates focused attention, among other things, on the need to foster moral, ethical, and spiritual values in child education. An educational system must have a soul. Children are not computers to be fed a mass of informational data, without regard for their human needs for higher goals and ideals in life. This is a basic tenet of the Lubavitch education philosophy, which has been highly successful in their worldwide experience with children and youth.

CHILDREN'S RIGHTS AND WRONGS

Among the values suggested by the Lubavitch delegates as important to the child's development, the following were proposed, and most of them adopted:

Reaffirmation of faith in American democracy; loyalty to God, family and country; commitment to the highest ethical, cultural and spiritual values in the daily life; dedication to the principles of morality, and faith in a Supreme Being.

Children must be taught that their rights must not infringe upon the rights and prerogatives of parents, other members of the family, and of other children and adults. (Forum 22–J, Rabbi Abraham B. Hecht, Sephardic Community of Brooklyn; civic leader).

A child has a right not to be burdened by decision-making in areas requiring mature judgment. (Forum 14–A, Rabbi David Hollander, former Pres. Rabbinical Council of America, Professor of Sociology, New York City).

A child has a right to be born into a family of maximum parental devotion and security on an *enduring* basis. This calls for the strengthening of the time-honored family institution, to the exclusion of such deviations as "group marriages," and the like, which negate the specific father-and-mother foundation of the family.

A child's personality should include the virtues of honesty, fairness, compassion, understanding, and respect in all inter-human relationships. (Forum 18–F, Rabbi Noach Bernstein, Spiritual leader of Cong. Adas Israel, Duluth, Minn., social worker).

PARENT'S RIGHTS

Parents have a right to determine the kind of outlook and way of life they wish their children to follow. (FORUM 22–J).

ADULT EDUCATION

Massive Federal aid for a broadened program of adult education on the local community level, with emphasis on those values which would make adults better models for children. (FORUM 4–D, Rabbi Jacob J. Hecht, National Committee for Furtherance of Jewish Education, Brooklyn, N.Y.).

EXTRA-CURRICULAR EDUCATION

Affirmation of the voluntary released time program for religious education outside the school, and the need to expand it. (FORUM 4–B, Director of Publications, Central Organ. for Jewish Ed., editor, author, translator).

To institute a program—"Search For Values"—to operate along the lines of the released time program for religious education. (FORUM 4–D).

TEACHER'S QUALIFICATIONS

A child has a right to be taught by teachers who are qualified not merely professionally, but also by their personal moral and ethical attitudes and behavior. (FORUM 14–D).

MASS MEDIA

Condemn X-rated films and other vehicles of obscenity in mass media accessible to children. (FORUM 4–D).

RELIGIOUS INSTITUTIONS

Recognition of the positive role of religious institutions in the development of a better society. (FORUM 4–B, Mrs. Nettie Mindel, High School teacher, Long Beach, N.Y.)

Other members of the Lubavitch delegation are: Rabbi Maurice Hecht, Headmaster of Hebrew Day School, New Haven, Conn.; Rabbi Moshe Feller, Minneapolis, Minn., director of the Movement's Midwestern office; Rabbi Abraham B. Shemtov, director of the office in Philadelphia, Pa.; Rabbi Shlomo Cunin, director of the office in Los Angeles, Cal., Rabbi Zalman Posner, Nashville, Tenn., and Mrs. Ruth Hecht, New Haven, Conn.

INFORMATION ON COMMUNES

(By Rosabeth Moss Kanter)

Communes have always existed in America starting as early as 1680, predating many

other kinds of settlements. During the 1840's several national associations existed for the purpose of founding communities, and many prominent Americans befriended this life style, including Nathaniel Hawthorne, Ralph Waldo Emerson, and Henry David Thoreau, all of whom either lived or spent considerable time at Brook Farm. The communal tradition thus has old and respectable roots in America. (Even the Pilgrims came here to establish a communal society.)

Today I would estimate that at least 100,000 people live in some form of commune with 5 to 10 times that number considering it. (This is an informed guess for purposes of our discussion; don't quote me on it.)

Groups labelled communes vary enormously in size, family style, child-rearing patterns, economic base, and stability. (Some really are total communities.) To make any statements about communes *must take this diversity into account.*)

Communes range from 5 people sharing living space to several hundred.

There is a wide variety of family style in communes, including: 1. monogamous couples who share a dwelling unit (either a separate house or rooms in a common house) along with their children. Also single people in their own rooms. 2. Monogamous couples sharing a room, children living together in children's quarters, single people in their own rooms. 3. All adults and children in separate rooms, some couples (married or unmarried) forming though not living together, liberal sexual norms, no clear pattern. 4. Group marriage, couples, and all adults engaging in sexual relations with all others. No exclusive attachments to adults or children. 5. Celibacy (a rare form today, more common in the last century) no sexual contact. Children if present either born before their parents entered the community or adopted.

Structures for child-rearing vary along the following dimensions:

1. From children living with their parents to children living together in children's quarters.

2. From parents having primary responsibility for their own children to the community as a whole sharing responsibility for all children and making policy with respect to them, sometimes delegating this to "house parents" for the children's quarters.

3. From the commune forming its own school and teaching children internally to the commune sending children to school on the outside.

Economic base of communes similarly varies. Some form a production unit and support themselves by working together on a community enterprise, whether a farm or a business. Some of these enterprises are very successful. (Where members work internally on community businesses children often work side-by-side with adults part-time.) Other communes send some adults to outside jobs.

Communes also differ in stability. Some have only existed for a few years and have a high turnover of members. Others, however, have existed for long periods (some well over a hundred years) with a stable group of members.

Examples of advantages of communes. (I welcome your comments or additions—this is only a partial list.)

1. Strong sense of caring and belonging.

2. Multiplicity of role models for children—get to know many adults and many adults tastes.

3. If the group has its own enterprise, then work and family life are well integrated. Children can see their own parents and other adults at work and often work side-by-side.

4. Children can be a vital part of the life of the group, rather than a separate category of person to be isolated and ignored. They are often given the opportunity to make a real contribution to commune life, with their own work to do, developing their sense of responsibility easier transition to adult status.

5. Cooperation an important part of day-to-day life and training in cooperation this is a natural result of living.

6. Reduction of dependency on just two adults. If one or more of the parents is absent the child and the remaining adult still have a number of other strong, caring relationships with adults.

7. If the commune runs its own schools, then all parents and other adults can more easily participate in the life of children and children in the life of adults.

8. Creation of strong peer groups for children. Sexual learning more natural.

9. Where the commune has a strong set of values and beliefs, both children and adults gain a sense of identity, and purpose.

10. Training in interpersonal competence. Given the close set of relationships in a commune children learn more effectively a basic set of skills in human relations.

11. In many communes children have more rights as well as responsibilities.

(Some of these are advantages of any strong family form.)

Examples of problems of communes:

1. Difficult problem of establishing a viable way to organize; therefore many communes find it hard to survive.

2. Creation of strong "in-group" feeling sometimes isolates members from the outside. It is sometimes difficult for a commune to incorporate change.

3. Emphasis on strong ties to the group means that individuals often must be willing to give a measure of privacy and autonomy.

4. Dynamic in stable communes as they develop toward concentrating all energy and loyalty within the commune.

(I'm stopping here because of time and space constraints but there is a great deal more to be said. Let's discuss it further.)

Legislaiton currently existing in the following areas has discriminatory implications for communes: income tax, adoption laws, housing laws. Communes are also subject to much official harrassments.

Since communes are organized around principles of mutual support, self-help, and joint responsibility by all members for all others, they may potentially relieve society of some social burdens rather than adding to them. Therefore this potential should be actively encouraged, and programs built with this in mind. (I would be interested in discussing this further.)

HOUSE OF REPRESENTATIVES—*Tuesday, December 29, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

So, my brothers, do stand firmly in the Lord.—Philippians 4: 1.

Our Father God, who reveals Thyself in all that is good and true and beautiful, help us to make our hearts receptive to Thee, and our minds responsive to the leading of Thy Spirit, as we face the tasks of the last days of the old year. Now and always may we keep alive our faith in values that live forever and in virtues that never die. No matter what may be our lot in life—joy or sorrow, victory or defeat—may we be strengthened by Thy presence and sustained by Thy power as we labor for the good of our country and as we work for a better world in which men can live together with justice and in peace.

We mourn the passing of our beloved colleague, L. MENDEL RIVERS, "who more than self his country loved." For his devotion to our country, particularly our Armed Forces, we thank Thee. For the love in his home, the warmth of his friendship, the greatness of his heart, we are grateful. The passing of this highly trusted and great-spirited public servant reminds us again that in the midst of life we are in death. Bless his family with the comfort of Thy presence and strengthen them for the days ahead.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Tuesday, December 22, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 13810. An act for the relief of Lt. Col. Robert L. Poehlein.

The message also announced that the Senate had passed with amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10874. An act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes.

The message also announced that the Senate had tabled the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19590) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes."

And that the Senate disagrees to the amendments of the House to Senate amendments numbered 14, 26, 31, 49, and 53 to the above-entitled bill.

And that the Senate further insists upon its amendments to the above-entitled bill, disagreed to by the House, and requests a further conference with the House on the disagreeing votes of the two Houses thereon.

And appoints Mr. ELLENDER, Mr. RUSSEL, Mr. MCCLELLAN, Mr. STENNIS, Mr. SYMINGTON, Mr. YOUNG of North Dakota, Mrs. SMITH, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Secretary be directed to request the House of Representatives to return to the Senate the bill (H.R. 14984) entitled "An act to provide for the disposition of