fighter-bomber. Above and beyond normal divisional requirements, major reserves of heavy equipment are also being prepositioned.

Not unexpectedly, the Peking government is responding to this never-ending Soviet military buildup on the frontier in a quiet new way. The former defense in depth, with the lightest of screening forces forward, is clearly being abandoned. Strong Chinese forces are being moved up towards the frontier itself.

Whatever Moscow may decide in the end, in sum, the Soviets are most actively continuing their long, methodical preparations to attack China. Peking, in turn, is taking these preparations even more seriously than before—which is saying a great, great deal.

Without bearing these grim facts continuously in mind, President Nixon's diplomatic successes of the last twelve months cannot even be dimly understood. It was the Soviet threat on the frontier that caused the Chinese to invite the President to Peking. It was the journey to Peking which made it possible for the President to make another triumphant visit, this time to Moscow, against the reasonably lurid backdrop of Haiphong harbor.

By the same token, these same most unpalatable facts should be the main consideration in the combined Senate debate about the SALT agreement and about President Nixon's request for more funds for the U.S. strategic forces. Even Sen. J. W. Fulbright has a duty, after all, to answer the key question hanging over this debate.

The key question is why the Soviets paid such a high price to welcome President Nixon—and no one should forget that the price was inordinately high, because of the port blockade and bombing in North Vietnam! The answer to that question lies in China. When the President and his party were in Moscow, the Soviet leaders and negotiators were downright obsessive on the topic of China.

Nor is that the end of this grim story. In one of his astonishing press conferences in Russia—the climatic one in Kiev—Dr. Henry A. Kissinger said forthrightly that he was not "rejecting the possibility" that the various agreements at Moscow were "intended" by the Soviets "as a tactical device to lull certain people."

Since returning from Moscow, both the President and Dr. Kissinger have gone even further on the same line. "Gaining a free hand to deal with China" has in truth been described as the primary Soviet aim. In other words, the Moscow summit has to be seen, at least in part, as the principal episode in a vast Soviet tranquilization plan. In addition, this plan has of course included the Soviet actions in Western Europe and the Soviet inaction in the Middle East.

It has to be faced, further, that the way the Soviets are preparing to "deal with China" is by naked military force. What men and nations prepare to do, may not always get done in the end. But anyone is a fool who says, "it will never be done," even though the preparations are plainly being made at enormous cost.

There are some other facts to face, too. The Soviets cannot undertake the nuclear castration of China, and then just stop there. If they destroy China's nuclear power before it grows too big to suit them, that act alone will transform the world we live in. Other, equally brutal Soviet moves, in the vulnerable and vital Persian Gulf, for example, will surely have to be expected if all the rules of the game are so abruptly and crudely changed.

This is why Dr. Kissinger and Prime Minister Chou En-lai have undoubtedly been discussing how to deter the Soviets from doing what they are preparing to do. This is also why the current mood of the U.S. Senate verges on actual imbecility. There will be no better way to encourage the Soviets to be resolutely brutal, than to reject the President's proposals for modernizing our own strategic forces.

That is the sort of thing the Soviets always understand, and always slow down for, just as the Soviets have unfailingly reacted by a grab for new advantages whenever the U.S. has recklessly begun disarming. Rightly handled, in fact, what has happened can prove the door to a much better world. But wrongly handled, it can lead to a radically novel situation of the direst danger.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

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 1,600 American prisoners of war and their families.

How long?

SENATE—*Monday, June 26, 1972*

The Senate met at 10 a.m. and was called to order by Hon. ADLAI E. STEVENSON, III, a Senator from the State of Illinois.

PRAYER

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

Almighty God, whose spirit follows all our days and invests them with meaning, help us to begin this new week with a determination to work at the things which count most in advancing Thy kingdom. Give us a holy determination to surmount that which divides, distracts, or frustrates the nobler heights to which life may ascend. Deliver us from all that is petty or mean or hurtful. Guide the President and all our leaders that with one accord and in one spirit we may labor together to promote the common good. Accept the consecration of ourselves which we offer in Thy service this day. May we labor with the radiant faith and glowing idealism which is the gift of our heritage.

In the Redeemer's name, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 26, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 23, 1972, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

WAIVER OF THE CALL OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rules VII and VIII, be dispensed with.

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

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 856 and 862.

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

DENNIS KEITH STANLEY

The Senate proceeded to consider the bill (S. 910) for the relief of Dennis Keith Stanley, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 5, after the word "of", where it appears the first time, strike out "$270.27" and insert "$199.29"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Dennis Keith Stanley of Springfield, Oregon, is relieved of all liability for repayment to the United States of the sum of $199.29, representing the amount (1) of a lump-sum payment for accumulated, unused leave the said Dennis Keith Stanley was erroneously paid by the United States Marine Corps upon his discharge from active duty with the United States Marine Corps, and (2) pay and allowances received by the said Dennis Keith Stanley for those days on which he was on leave and which were, at the time of such discharge, in excess of the days of leave to which he was entitled. In the audit and settlement of accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Dennis Keith Stanley, the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–896), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of S. 910, as amended, is to relieve Dennis Keith Stanley of Springfield, Oreg., of all liability for repayment to the United States of the sum of $199.29 which represents the amount of erroneous payment to him at the time of his discharge from active duty in the U.S. Marine Corps.

STATEMENT

The facts of this case as contained in the report of the Department of the Navy are as follows:

Navy Department records indicate that Cpl. Dennis K. Stanley was discharged from the U.S. Marine Corps on February 12, 1969. His pay account was reviewed at the Marine Corps Finance Center, Kansas City, Mo., after his discharge, and this initial review indicated that he had been overpaid $270.27 incident to his active service. Later, a more comprehensive audit of his pay and related personnel records was conducted which revealed a number of pay discrepancies in his account. The audit revealed the following erroneous transactions:

Charges:	
Erroneous payment on discharge for 19 days, accrued unused leave	$175.50
Failure to deduct 9 days pay and allowance while in an excess leave status	130.32
Arithmetical error	.67
Insufficient deduction for FICA taxes	1.10
Total charges	307.59
Credit:	
Underpaid basic pay for period 11 June 1968 through 12 February 1969	108.30
Net overpayment	199.29

The errors which led to Corporal Stanley's indebtedness to the United States are attributable to the actions of Government officials and are not a result of fault on his part. The nature of the errors is such that Corporal Stanley could not reasonably have been expected to detect them. The fact that he was underpaid with respect to basic pay for a lengthy period of time points convincingly to a lack of full awareness on his part of his entitlements. Since the administrative errors which have caused Corporal Stanley's indebtedness were caused by officials of the Government and since the records of the Navy Department substantiate the conclusion that Corporal Stanley acted in good faith, the Department of the Navy supports enactment of S. 910.

Based on the foregoing facts, the committee believes that legislative relief is appropriate and recommends that S. 910 be favorably considered.

MAJ. MICHAEL M. MILLS, U.S. AIR FORCE

The bill (H.R. 6666) for the relief of Maj. Michael M. Mills, U.S. Air Force, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–902), 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 the proposed legislation is to pay Maj. Michael M. Mills, U.S. Air Force, $1,620 in full satisfaction of his claims for an erroneous discontinuance by the Air Force of his allotment to the Miami National Bank, Miami, Fla., in 1967.

STATEMENT

The facts of the case as contained in the House report are as follows:

The Department of the Air Force in its report to the committee on the bill stated it would have no objection to the bill with the amendment recommended by the committee reducing the payment to $1,620, representing the out-of-pocket loss Major Mills actually incurred as a result of the discontinuance of the allotment.

The allotment referred to in the bill was authorized by Major Mills early in 1963. The allotment was in the amount of $30 a month and was to be sent to the Miami National Bank, Miami, Fla., to be credited to the account of Lehigh Acres, a real estate firm, under his account number.

Beginning March 1, 1963, AFAFC sent a check in the amount of $30 to the Miami bank. When he transferred from McGuire Air Force Base, N.J., to Vietnam, Major Mills authorized a $700 allotment to be sent to the Winters National Bank, Dayton, Ohio, effective May 1967. The officer has advised the sponsor of the bill that he had been informed by finance personnel that the bank allotment of $30 would not bar the additional allotment. Upon receipt of this authorization, AFAFC returned it to the personnel officer in Vietnam who, under existing procedures, was to notify Major Mills that this allotment had been rejected since he had one allotment in effect to a bank. However, the sponsor has advised the committee that Major Mills was not given this notification. The immediate return of the authorization for the $700 per month allotment was interpreted by AFAFC to mean that this allotment should be placed in effect and the allotment to the Miami bank discontinued. It was also assumed deductions from Major Mills' pay for the $30 allotment were discontinued. Accordingly, AFAFC discontinued sending a check each month to the Dayton bank.

In April 1968, AFAFC made a comparison of allotment deductions being made from Major Mills' pay account with the allotments which were being paid. This comparison showed that $30 was being deducted from his pay in addition to the deductions for allotments that were actually being paid. Action was taken to discontinue the $30 deductions and the amount which had been deducted for which allotments were not paid was refunded to him.

In January 1969, Major Mills filed a claim against the Air Force for $3,390. In his claim, he stated the allotment to the Miami bank was initiated to make payment on two real estate lots purchased on contract in December 1962. Since deductions were being made from his pay for this allotment, he believed the payments on the contract was being made. He stated that the first he knew that the allotment had been discontinued was in May 1968, when the real estate company advised him, in reply to his notification of a change of address, that his account had been closed in January 1968, because of his failure to make monthly payment on his contract. The company also advised him that prior to closing his account it had attempted to notify him but in the absence of a correct address had been unable to do so. The company also reported that the lots he had purchased had been resold for $3,390; however, the amount he had paid on the principal ($875) could be applied against the purchase price of two other lots. He did not accept this offer inasmuch as he was stationed in Okinawa and could not examine the lots.

In its report to the committee, the Air Force stated that the claims officer at Kadena Air Base, Okinawa, estimated that, as a result of the discontinuance of his allotment to the Miami bank, Major Mills had suffered a net loss of $2,020. This amount was computed by deducting the amount Major Mills had actually paid on the lots ($1,620) from the initial purchase price ($2,990) to establish the amount ($1,370) he owed on the date the allotment was discontinued. This amount was then deducted from the amount ($3,390) for which the lots were resold. However, it should be noted that, in his computations, the claims officer did not take into consideration that although Major Mills paid $1,620 to the real estate company only $875 was applied to the principal and the remaining $745 was interest on the loan. On July 25, 1969, Pacific Air Force headquarters notified Major Mills that his claim had been disapproved because it was not cognizable under the Federal Torts Claims Act (28 U.S.C. 2671–2680). He was also advised of his right to file a suit in a U.S. district court.

The Air Force stated that under these circumstances, there are no administrative procedures under which Major Mills' claim against the United States may be paid. While under normal peace-time conditions, it would be reasonable to assume that a purchaser of

lots would have the responsibility of verifying the fact that periodic payments were received and correctly credited to the account to satisfy the obligation for the purchase of the lots, the unusual circumstances of this case made this all but impossible for a man assigned to service in Vietnam. In fact, the confusion concerning allotments appears to have a direct relation to that service. Furthermore, as is noted in the Air Force report, the fact that the Air Force failed to suspend deductions for the allotment from the man's pay until a considerable period had passed also would have served to indicate to the individual that the allotment was being made as he had originally directed. Accordingly, the committee has concluded that relief should be extended to this individual in the reduced amount suggested by the Air Force. The Air Force pointed out that the out-of-pocket loss suffered by Major Mills was equal to $1,620 which is the full amount he paid prior to the discontinuance of the allotment. It is recommended that the bill with this amendment be considered favorably.

In agreement with the views of the House of Representatives, the committee recommends the bill favorably.

EXECUTIVE SESSION

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

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

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

MISSISSIPPI RIVER COMMISSION

The second assistant legislative clerk read the nomination of Rear Adm. Allen L. Powell, Director, National Ocean Survey, National Oceanic and Atmospheric Administration, for appointment as member of the Mississippi River Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

AMBASSADORS

The second assistant legislative clerk proceeded to read sundry nominations of Ambassadors.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

INTERNATIONAL MONETARY FUND, INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, INTER-AMERICAN DEVELOPMENT BANK, AND ASIAN DEVELOPMENT BANK

The second assistant legislative clerk read the nomination of George P. Schultz, of Illinois, for appointment to the offices indicated: U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; a Governor of the Inter-American Development Bank for a term of 5 years; and U.S. Governor of the Asian Development Bank.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

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

FLOOD DEVASTATION IN PENNSYLVANIA

Mr. SCOTT. Mr. President, the Commonwealth of Pennsylvania has, as a result of the devastating flood, sustained the worst damage from a natural disaster in its entire history.

From a discussion with Gov. Milton J. Shapp and as a result of the visit to the Commonwealth by President Nixon and General Lincoln, of the Office of Emergency Preparedness, it would appear on the basis of incomplete information that damage to highways and bridges alone is in the neighborhood of $550 million; that the latest count is that 126 bridges are out in Pennsylvania; that as of noon yesterday, damage to schools is in the area of $40 million to $50 million, with no reports yet in from colleges and universities; that whole cities are inundated and have suffered extraordinarily heavy damage; that the downtown district of Wilkes-Barre, Pa., is entirely under water; that the principal industry of Bloomsburg, the Bigelow Carpet Co. is half under water; that the Bethlehem Steel plant is totally under water; that 150 to 200 major factories have been disabled in the State; and that more than 50 sewage systems are out.

It is estimated that somewhere between 40,500 to 50,000 houses have been damaged in Pennsylvania.

The Office of Emergency Preparedness has assured the Commonwealth that it will furnish all assistance within its power, subject to its authorizations and the funds available. That may not and probably will not be nearly enough. The water is stagnant there. Unlike damage in other areas, the water remains. It has not flowed off. It has not acted as a flash flood would in most cases. When water stays 5 or 6 days in a community, it means the virtual destruction of that part of the community so inundated.

Mr. President, it may well be necessary for us to ask for an emergency authorization and appropriation providing for a substantial sum to aid the Commonwealth of Pennsylvania to recover from this terrible disaster.

I have discussed with the Governor the advisability of meeting with the Pennsylvania congressional delegation, probably tomorrow, and if it is necessary to ask for emergency funds, we will appeal to our colleagues in both bodies for sympathetic understanding, and expeditious action on this request.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routing morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there morning business?

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

INVESTIGATION OF LITTON INDUSTRIES

Mr. PROXMIRE. Mr. President, I have asked the Securities and Exchange Commission, the General Accounting Office, and the Navy to investigate the financial capability of Litton Industries to complete performance of its Government contracts. I have also asked Navy Secretary John W. Warner, in a letter I am releasing today, to reject proposals made by Litton that the Navy pay inflated and unsubstantiated claims and take other actions in order to help the company solve its financial difficulties.

It is becoming increasingly clear that Litton is unable to perform any of its major shipbuilding contracts without running up huge cost overruns. Litton's $450 million worth of shipbuilding claims against the Navy must be seen as an attempt to shift the costs of its own inadequacies to the American taxpayer.

Litton executives, from the president on down, have been meeting almost daily with Navy officials in an effort to obtain a bailout from its financial plight.

In my letter to Secretary Warner, I said:

I urge you, Mr. Secretary, not to allow Litton to become the Navy's Lockheed. A decision to allow this company to ignore its contractual obligations to the Navy will have serious consequences and will become a most unfortunate precedent. If my information and interpretation of Litton's financial situation is correct, even a $40 million settlement of Litton's inflated East Bank claims might only be the down payment on future similar unwarranted demands. The only way to assure that the public interest will be served in the settlement of claims is for the proper officials to negotiate them strictly on their merits. If an agreement cannot be reached on a claim, it should be referred to the Armed Services Board of Contract Appeals. For high officials of the Navy to be "horsetrading" claims with corporate presidents and vice presidents is both demeaning to the Navy and improper, in my judgment.

Because of Litton's cash shortages, the huge cost overruns, schedule delays, and technical difficulties encountered on its

shipbuilding programs, a shadow has been cast over two of the largest ship contracts awarded in recent years.

Litton is now 2 years behind schedule on the LHA contract and there is a serious question as to whether Litton is capable of building even the first LHA ship.

LHA contract has already been delayed with adverse effects to the DD–963 destroyer program and Litton may also be unable to deliver on that contract.

Litton has given the Navy grounds for declaring the LHA contract in default and continued failure to take corrective action on the Navy's part could increase the cost to the taxpayer by hundreds of millions of dollars.

If the Navy does not pay the unsubstantiated portion of Litton's claims, the company could face a financial crisis of major proportions in the near future.

For these reasons, I have asked the Securities and Exchange Commission to tell me whether Litton's annual reports correctly state the company's earnings. If the shipbuilding claims have been reported as earnings but are rejected by the Navy, Litton may not have the financial capability to carry out its contractual commitments.

I have also asked the Commission to state whether Litton's reporting methods comply with SEC rules and regulations, and whether the SEC requires public disclosure of expected large overruns or underruns of defense contracts by defense contractors.

I have asked the General Accounting Office to conduct an independent investigation of Litton's financial capability to carry out its Government contracts.

I ask unanimous consent, to insert in the RECORD copies of my letters to the Securities and Exchange Commission, the General Accounting Office, and the Department of the Navy.

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

JUNE 19, 1972.

Hon. WILLIAM J. CASEY,
Commissioner, Securities and Exchange Commission, Washington, D.C.

DEAR MR. COMMISSIONER: As you know the Joint Economic Committee has held several hearings on weapons acquisition programs of the Department of Defense. One aspect of these hearings involves large claims by Navy shipbuilders. Currently these claims total about $1 billion and involve some of the Nation's largest companies.

Litton Industries has the largest dollar amount of claims against the Navy; these total about $450 million. Some Litton claims are several years old. Navy witnesses have testified that Litton's claims appear exaggerated and Litton's actual entitlement is substantially less than the amounts of its claims. Reports by the General Accounting Office indicate that some of the claims have been overstated.

Recently Litton announced it was taking a $25 million write-off against FY 1972 operations for expected loses on the LHA Navy shipbuilding contract. According to the press, Litton stated that the company doesn't expect a further write-off this year, but indicates that the negotiations with the Navy are continuing. But looking at Litton's published financial statements in the light of its recent release, it appears that for several years the company has been reporting profits based on the anticipation of obtaining substantial sums from its claims against the Navy. If these claims are in fact overstated, Litton's profits for the past several years may also have been overstated. At least it appears that Litton's profits or losses are subject to considerable uncertainty until these claims are settled, and have been for some time. Yet there are no footnotes or other explanations in Litton's published reports—specifically in its FY 1971 annual report and interim reports of October 31, 1971, and January 31, 1972—to indicate that this is the case. In fact, the Litton FY 1971 annual report states:

"The outlook for Defense and Marine Systems is good. Our present backlog spans several years of activity providing a basis for continuing growth of sales and profits independent of the general economy."

The Accountants Report for that year—by Touche, Ross and Company—also fails to note that Litton had several large claims against the Navy in process or under negotiations, the outcome of which could substantially alter Litton's financial results. These reports, therefore, appear very misleading.

I would like to know:

Has Litton in fact reported earnings based on its expected recovery of large claims against the Government? If so, can you tell me to what extent Litton's earnings have been overstated for the past several years—say 1968–1971—if such claims are not honored by the Navy? It appears to me that if substantial portions of the alleged claims are not paid by the Navy, Litton may not have the financial capability to carry out its contractual commitments.

What are the Securities and Exchange Commission rules concerning the company's obligations for public disclosure of information in a situation such as this? If, in fact, Litton was including anticipated claims settlements as valid receivables from the Government, would it be violating any SEC rules? Has Litton violated any Securities and Exchange Commission rules by its failure to reflect uncertainty in its published reports as to the ultimate settlement of its claims against the Government.

Do other publicly owned defense contractors follow similar practices? If so it seems to me that defense contractors can manipulate earnings to show whatever they want to show just by the size of their claims against the Government.

At what point does the Securities and Exchange Commission require disclosure of expected large over-runs or under-runs of defense contracts by defense contractors.

I would appreciate obtaining answers to my questions by June 30, 1972.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Priorities and Economy in Government.

JUNE 22, 1972.

Hon. JOHN W. WARNER,
Secretary, Department of the Navy, Washington, D.C.

DEAR MR. SECRETARY: I have become increasingly concerned over the Navy's problems with the Ingalls Shipbuilding Division of Litton Industries. As you know, Litton is responsible for the largest single amount of outstanding shipbuilding claims now pending against the Navy, totaling about $450 million. In addition to the huge cost overruns represented by these claims, Litton has fallen far behind the performance schedule on the LHA and is experiencing serious technical difficulties on this and other government programs.

I now have reason to believe that because of cash shortages, Litton is confronted with a financial crisis of major proportions. I am informed that in order to extricate itself from its financial problems, the company is attempting to persuade the Navy to pay millions of dollars of worthless and inflated claims. Or, alternatively, to restructure the LHA contract or take other steps to solve Litton's shipbuilding problems, including a Navy takeover of the Litton shipyards at Pascagoula.

According to my information, Litton has told the Navy that it wants at least $40 million for two of its larger claims to be paid no later than July 31, 1972. This date coincides with the end of the company's fiscal year when it will be required to demonstrate its financial solvency to its auditors and creditors. You may already be aware of Litton's precarious financial condition. After the first nine months of its current fiscal year, Litton showed a loss of $11.1 million. In addition, a preliminary review of Litton's financial statements for the past several years, suggests that the company has been reporting earnings based on anticipated settlements of claims pending against the Navy. If this is correct, and Litton's claims are in fact exaggerated, the company will soon have a lot of explaining to do. Such a method of reporting profits would be highly irregular if not improper because of the uncertainty surrounding claims against the Government, especially Litton's claims. I have already written to the Securities and Exchange Commission requesting an investigation of this matter. A copy of my letter of June 19, 1972, to Commissioner William J. Casey is attached for your information.

One can easily understand why Litton so desperately needs large amounts of cash and why it is making such a great effort to extract favorable settlements of its shipbuilding claims. There is considerable evidence, however, that at least part of Litton's claims are inflated and insupportable. The two claims I mentioned above, for example, total $82 million. These claims involve work at Litton's East Bank Shipyard on nuclear submarines and ammunition ships. The Navy apparently considers both claims grossly overstated as it offered to pay Litton approximately $12 million for both claims as recently as a month ago. I am informed that a review and investigation of these claims by the appropriate authorities in the Navy shows that these claims cannot be substantiated for more than the amount the Navy offered to pay.

As you know, there are about $180 million worth of claims arising out of the East Bank Shipyard, including the above two. The largest claim in the East Bank Shipyard is for $95 million for the alleged "ripple effect" on Litton's business produced by change orders to a number of submarines built at this yard several years ago. NAVSHIPS, according to my information, considers this claim totally unjustified.

The largest Litton claim, valued at $270 million based on the LHA contract, arises out of the West Bank Shipyard. This is a relatively new claim and has not yet been fully evaluated. There are other problems with the LHA contract. As you know, the original amount of this contract was about $1 billion for nine LHA ships. The current estimate to complete the work on the five ships comprising the present program is $1,441,000,000. The unit cost of this contract has risen from about $113 million to $288 million per ship. In addition to this huge over-run, the program is now estimated to be about two years behind schedule. In my judgment, the schedule delay constitutes grounds for declaring the contractor in default of his contract, and I am at a loss to understand why the Navy has not issued a 10-day cure notice. The continued failure on the part of the Navy to take action could be construed as a constructive change and could result in the loss of millions of dollars for the Government.

The delays in the LHA program have already impacted on tht DD–963 destroyer program which Litton is also supposed to be performing in the West Bank Shipyard. Although it is true that a keel-laying ceremony was conducted recently for the first DD–963,

I am informed that the delays and technical problems in the West Bank Shipyard are so serious that Litton has proposed to the Navy that it be permitted to construct several of the DD–963's in its older East Bank Shipyard, where nuclear submarine construction is now in progress. As you know, one of the major reasons for awarding the DD–963 contract to Litton was in anticipation of the efficiency of operations in the new and modernized West Bank Shipyard. So far as I can tell, none of the benefits expected from the West Bank Shipyard have yet been realized. Moving the destroyer program into the East Bank would not only cast doubt on the decision to award this contract to Litton, it could have a detrimental impact on the nuclear submarine construction in the East Bank Shipyard.

It occurs to me that the only way the Navy may be able to obtain the DD–963 destroyers would be to further reduce or terminate the LHA program so that work on the DD–963 can go forward. I plan to communicate with you further on this matter.

It is not surprising that officials of Litton, including the President, the Executive Vice President, a Senior Vice President, and a Vice President, have made recent visits to high officials in the Department of the Navy circumventing the officials charged with the responsibility for negotiating claims settlements in attempts to resolve its difficulties.

In view of the distributing facts, I would like the Navy to respond to the following questions:

1. Does the Navy plan to pay unsupported and unsubstantiated shipbuilding claims to Litton or to take other steps calculated to bail out the company from its financial difficulties?

2. What is the Navy's assessment of Litton's financial capability to complete performance on its Navy contracts? Has the Navy done a cash flow study of Litton?

3. Why hasn't the Navy declared the Litton LHA contract in default?

I urge you, Mr. Secretary, not to allow Litton to become the Navy's Lockheed. A decision to allow this company to ignore its contractual obligations to the Navy will have serious consequences and will become a most unfortunate precedent. If my information and interpretation of Litton's financial situation is correct, even a $40 million settlement of Litton's inflated East Bank claims might only be the down payment on future similar unwarranted demands. The only way to assure that the public interest will be served in the settlement of claims is for the proper officials to negotiate them strictly on their merits. If an agreement cannot be reached on a claim, it should be referred to the Armed Services Board of Contract Appeals. For high officials of the Navy to be "horsetrading" claims with corporate presidents and vice presidents is both demeaning to the Navy and improper, in my judgment.

I have asked the General Accounting Office to conduct an independent investigation of Litton's financial capability to perform its contracts, and I hope you will fully cooperate with it.

Your early reply to this letter will be appreciated.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Priorities and Economy in Government.

JUNE 22, 1972.

Hon. ELMER STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR ELMER: Recently I have written to the Chairman of the Securities and Exchange Commission and the Secretary of the Navy requesting answers to questions concerning Litton Industries. Copies of those letters are enclosed for your information.

There is a growing amount of evidence raising questions about Litton's corporate finances. If my information is correct, Litton in addition to suffering a loss on the first nine months' business of the current fiscal year, has been reporting as earnings the full amount of pending claims on Navy shipbuilding contracts.

As you know, shipbuilding claims in the past, including claims of Litton Industries, have often been grossly overstated. If Litton's shipbuilding claims are in fact exaggerated, the company's true financial condition may be at sharp variance from the picture portrayed by its public reports.

This letter is to formally request that the General Accounting Office conduct an independent investigation of Litton's financial capability to carry out its government contracts. Because of requests now pending before Congress affecting some of these contracts, I would hope that your investigation can be begun immediately and completed by July 31, 1972. I am sure you are aware of the seriousness of the questions I have raised and the need to answer them at the earliest possible time.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Priorities and Economy in Government.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON PLANNED ADJUSTMENTS IN NASA SPACE FLIGHT OPERATIONS PROGRAM

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on planned adjustments in the NASA Space Flight Operations program (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

REPORT ON ORDERLY LIQUIDATION OF STOCKS OF AGRICULTURAL COMMODITIES

A letter from the Acting Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on Orderly Liquidation of Stocks of Agricultural Commodities Held by the Commodity Credit Corporation and the Expansion of Markets for Surplus Agricultural Commodities (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF RECEIPTS AND DISBURSEMENTS PERTAINING TO THE DISPOSAL OF SURPLUS MILITARY SUPPLIES

A letter from the Deputy Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, for the third quarter of 1972 (with an accompanying report); to the Committee on Appropriations.

REPORT ON FACILITIES PROJECT PROPOSED TO BE UNDERTAKEN FOR THE NAVAL RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, of a facilities project proposed to be undertaken for the Naval Reserve, at the Naval Air Station, South Weymouth, Mass.; to the Committee on Armed Services.

REPORT ON UH–1H HELICOPTER AND T–53 ENGINE ASSEMBLY PROGRAM

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report on the UH–1H helicopter and T–53 engine assembly program (with an accompanying report); to the Committee on Foreign Relations.

REPORT ENTITLED "NATIONAL COUNCIL ON RADIATION PROTECTION AND MEASUREMENTS—REPORT ON EXAMINATION OF ACCOUNTS"

A letter from the firm of LeBoeuf, Lamb, Leiby & MacRae, Washington, D.C., transmitting, pursuant to law, a report entitled "National Council on Radiation Protection and Measurements—Report on Examination of Accounts, December 31, 1971" (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.R. 15418. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–921).

REPORT ENTITLED "JUVENILE DELINQUENCY"—REPORT OF A COMMITTEE (S. REPT. NO. 92–922)

Mr. BAYH, from the Committee on the Judiciary, pursuant to S. Res. 32, 92d Congress, first session, submitted a report entitled "Juvenile Delinquency," which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BENNETT:

S. 3746. A bill for the relief of Charles Eugene Fickas, Marjorie Jean Fickas, Charles Bradley Fickas, and Steven Fickas. Referred to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 3747. A bill to help relieve the burden of high property taxes by allowing each homeowner a credit against his Federal income tax for property taxes paid for the support of public schools. Referred to the Committee on Finance.

By Mr. BAYH:

S. 3748. A bill to protect the public interest in fair and impartial execution of the antitrust laws of the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. ELLENDER:

S. 3749. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GOLDWATER:

S. 3747. A bill to help relieve the burden of high property taxes by allowing each homeowner a credit against his Federal income tax for property taxes paid for the support of public schools. Referred to the Committee on Finance.

A TAX CREDIT FOR PUBLIC SCHOOL EDUCATION

Mr. GOLDWATER. Mr. President, there is a growing campaign at all levels of government to grant a measure of tax relief to parents who send their children to private elementary and secondary schools. Today I propose that this campaign be broadened to include relief for the many additional millions of average citizens who support the public school system in America.

Mr. President, the proposal is a simple one. It would create a special tax credit of $150 that would be available to every homeowner in the United States who pays a tax on his residential property, whether it is paid to his local government, to a school district, or to a State. In other words, every taxpayer who pays a school tax on his residence, or as part of his real estate tax, shall, after having calculated the amount of Federal income tax which he must pay, be permitted to subtract from his Federal tax bill the full amount of his school tax up to $150.

Mr. President, let me emphasize that my proposal would retain the existing Federal deduction granted on account of State and local school taxes. But in addition, it would permit each homeowner to take a $150 credit against what he owes the Federal Government. This approach will direct the savings to the lower and average income persons who can enjoy the full benefit of the credit, in contrast with the tax deduction which provides the greatest savings only to persons with the highest incomes. Of course, if any taxpayers' credit would be more than the actual Federal income tax he owes, the taxpayer is allowed to take a credit against that amount of tax which he owes, and no more.

Mr. President, I am certain that everyone is aware that the local and State property tax is still the primary source of financing for public education. It provides over half of the funds spent annually on public school support, while only 7 percent comes from the highly publicized Federal aid to education programs. The percentage of these taxes levied by local school districts has remained at a stable level for the past 20 years. In 1950–51, local property taxes provided 57 percent of the money spent by public schools. In the 1970–71 school year, these local taxes still provided 52.8 percent of all school revenues.

Mr. President, not only has the local share of public school expenses remained at a high level, but 37 States still levy some kind of State property tax that produces nearly a billion dollars annually. Furthermore, as I shall discuss later, four recent court decisions might act as a catalyst toward a much greater State role in funding education through property taxation at the State level.

On top of these developments, expenditures for public schools have increased at an average of 10.5 percent each school year over the past decade. In fact, in the 1961–62 school year, when I first introduced a tax credit proposal similar to the one I am offering today, the total expenditure for public elementary and secondary education was $14.7 billion, but in the school year 1971–72 this will have risen to a total of $39.6 billion. So there is no relief in sight for the taxpayers who must meet this heavy bill.

Mr. President, it was recently estimated by Secretary of Health, Education, and Welfare Richardson that at least $11 billion of public school financing is currently raised by local property taxes on strictly residential property. It is this category of American homeowner who is finding himself hard pressed to meet the combined burden of Federal, State, and local income and sales taxes in addition to his ever-rising property tax, not to mention the taxes on electricity, gas, telephones, and other basic necessities of life which he must pay. These taxes hit especially hard at retired persons who in their older age are living on fixed and small incomes, but they are also severely felt by the vast majority of salaried taxpayers who are unable to take advantage of special business tax credits or to reduce their taxable incomes with a wide range of expense deductions.

Mr. President, property is no longer an index of a man's wealth. The take from the property tax now hits individuals of all income brackets. In the most recent year for which statistics are available, the 1968 tax year, 23.7 million taxpayers took a deduction on their Federal income tax returns on account of real estate property tax payments. Almost 3 million, or 12 percent, of these taxpayers had adjusted gross incomes of less than $5,000. The greatest number of taxpayers using the real property deduction were in the range of $5,000 to $10,000 income. There were 8.5 million of these taxpayers. Another 7.4 million of these taxpayers had between $10,000 to $15,000 of adjusted gross income. In all, 48 percent, or almost half, of the taxpayers who itemized real property tax payments had an annual income of below $10,000, and 79 percent of all taxpayers who claimed real property tax payments reported incomes of less than $15,000.

On these facts, Mr. President, it is evident that the enactment of a property tax credit such as I propose would not be a boon to the wealthy, but would be of serious financial help to the average citizen. Not only is the great bulk of homeowners who feel the bite of property taxes made up of middle and lower-income persons, but my proposal would almost wipe out the burden of the school tax paid by the lowest income groups since the $150 tax credit, together with the existing tax deduction provision, will nearly equal the amount of their average property tax payment.

In addition, Mr. President, I wish to emphasize that my proposal would not overlook the education tax burden that is shared by Americans who live year around in mobile homes. It is high time that we in Government took note of the fact that over 7 million Americans are now living in mobile homes and that half of the one-family homes being built in the United States today are mobile homes. In 1971 alone, over half a million mobile homes were manufactured, which was a 24 percent increase over the production a year earlier.

In my own State of Arizona, there were 17,380 mobile homes shipped to dealers in 1971, a 99-percent boost over 1970. Think of it, Mr. President, these figures indicate that there were nearly 20,000 newly established households in the State of Arizona in 1971 represented by purchasers of mobile homes. This figure includes 7,231 families who live in mobile homes produced in Arizona itself, where the production of such homes rose by a whopping 379 percent over 1970.

This gives all of us some indication of why we had better begin to take account of the interests of the many millions of Americans who are now turning toward mobile homes as their family households. I know from my own observations in Arizona that this includes a sizeable group of younger Americans, such as college students and returning veterans, as well as retired citizens.

Accordingly, I have provided in the legislation I am introducing today that taxpayers who own and use mobile homes as their residence shall be entitled to the same tax credit as the one given to the owners of standard homes. To nail this feature down, the bill expressly states that any State and local taxes or license fees under whatever name that are imposed on residential mobile homes and serve the same purpose of supporting public education as regular property taxes do, shall be treated as a real property tax for purposes of entitlement to the tax credit established in my bill.

This is a good place to mention, Mr. President, that my proposal would allow a credit for that portion of a homeowner's property tax which is imposed for the support of public elementary and secondary education and no more. It is the financing of public education with its skyrocketing increases in costs that has caused the heavy burden suffered by homeowners, and a reduction in the impact of this tax take will substantially assist the financial picture of the average citizen. It is the burden of meeting the enormous problem of school financing that I am attacking today, and not the portion of property taxes that are used for street lighting, public safety, sewers, and the like.

Mr. President, before I conclude, I wish to make one observation about the recent decisions by State and Federal courts in California, Minnesota, Texas, and New Jersey relative to property taxes. These cases do not mean that the property tax is unconstitutional, even if their holdings are eventually upheld by the U.S. Supreme Court. The local property tax itself might remain a powerful source of school revenues under any new State school financing plan so long as the method chosen to distribute its revenues eliminates the discrimination among different school districts in the State. Also, it appears likely that a statewide real property tax

might be substituted for the locally raised tax.

In other words, I think it is far too early to predict the demise of either local or State real property taxes and feel that these court decisions should not stand as any barrier against providing American taxpayers immediately with relief from the burden of the high taxes they are now paying. If the grand day should ever occur when some State financial wizards discover a way of meeting the operating expenses of their public school systems without relying on property taxation at all, then the tax credit feature that I have proposed today can simply go unused; but until that bright day falls on the horizon, I think our homeowners who are still paying their tax bills each year will find it a little easier to make their way in these expensive times if we enact the tax credit I have proposed.

Mr. President, I ask unanimous consent that a copy of the bill, entitled the "Residential Property Tax Relief Act of 1972," be printed in the RECORD.

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

S. 3747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Residential Property Tax Relief Act of 1972."

SEC. 2. (a) Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 42 as section 43, and by inserting after section 41 the following new section:

"SEC. 42. RESIDENTIAL PROPERTY TAXES PAID FOR SUPPORT OF PUBLIC EDUCATION.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the State and local residential property taxes paid or accrued during the taxable year which are imposed for the support of public elementary and secondary education, but only to the extent that such taxes do not exceed the lesser of—

"(1) $150 ($75, in the case of a married individual filing a separate return), or

"(2) the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under the preceding sections of this part (other than sections 31 and 39).

"(b) Income Tax Benefits Not to Exceed Amount of Residential Property Taxes Paid for Support of Public Education.—If the amount allowable (but for this subsection) as a credit under subsection (a) for any taxable year, when added to the amount by which the tax under this chapter for the taxable year is less by reason of the deduction allowed under section 164 for State and local residential property taxes for which credit is otherwise allowable under subsection (a), exceeds the total amount of State and local residential property taxes paid or accrued during the taxable year which are imposed for the support of public elementary and secondary education, the amount allowable as a credit under subsection (a) shall be reduced by an amount equal to such excess.

"(c) State and Local Residential Property Taxes.—For purposes of this section, the term 'State and local residential property taxes' means—

"(1) State and local real property taxes (within the meaning of section 164) on property which is comprised primarily of one or more dwelling units and the land on which the dwelling unit or units are situated, and

"(2) State and local taxes (other than real property taxes) or license fees on mobile homes.

"(d) Determination of Amount of Residential Property Tax Paid for Support of Public Education.—For purposes of subsection (a), the amount of any State or local residential property tax which is imposed for the support of public elementary and secondary education shall be—

"(1) with respect to any residential property tax imposed solely for such support, the amount of such tax; and

"(2) with respect to any residential property tax imposed in part for such support, the portion of such tax—

"(A) designated in the bill for such tax submitted to the taxpayer by the taxing jurisdiction imposing such tax; or

"(B) determined from information set forth in such bill or from information furnished to the taxpayer by such taxing jurisdiction,

as the amount of such tax which is imposed for the support of public elementary and secondary education.

"(e) SPECIAL RULES.—

"(1) TAXES CONSTRUCTIVELY PAID.—Under regulations prescribed by the Secretary or his delegate, the provisions of subsections (d), (e), and (f) of section 164 shall apply to real property taxes with respect to which credit is allowable under subsection (a).

"(2) MOBILE HOMES.—No credit shall be allowed under subsection (a) for any residential property tax on a mobile home, unless such mobile home is used by the taxpayer as his principal residence.

"(3) TRUSTS.—No credit shall be allowed under subsection (a) to a trust."

(b) The table of sections for such part IV is amended by striking out the last item and inserting in lieu thereof the following:

"SEC. 42. Residential property taxes paid for support of public education.

"SEC. 43. Overpayments of tax."

SEC. 3. The amendments made by this Act shall apply to taxable year beginning after December 31, 1971.

By Mr. BAYH:

S. 3748. A bill to protect the public interest in fair and impartial execution of the antitrust laws of the United States and for other purposes. Referred to the Committee on the Judiciary.

THE ANTITRUST SETTLEMENT ACT OF 1972

Mr. BAYH. Mr. President, I introduce for appropriate reference "The Antitrust Settlement Act of 1972." This bill will reform the process by which antitrust cases are settled in two important respects. First, it will provide a meaningful way for interested citizens to make their views known before an antitrust case is settled. Second, it will require the Department of Justice to explain to the court and to the public the reasons it has agreed to the proposed settlement.

One of the many lessons which can be learned from the extensive Judiciary Committee hearings into the manner in which the Justice Department reached a settlement of its antitrust suit against ITT is that there is currently no effective mechanism for insuring that the public interest is protected in negotiated antitrust settlements. For this reason, the public is rightfully skeptical about the nature of the relationship between government and large private economic interests.

Few political realities are more evident today than the need to increase public confidence in the integrity of government. This legislation is a means of accomplishing that goal in an area where public confidence is especially low at the present time. How we react to this and other measures, which combine public involvement and full disclosure, will ultimately determine whether our system of government can fulfill its high goals. Democracy simply will not succeed if government insists on being aloof from the people from which its power flows.

The vast majority of antitrust cases are settled by agreement between the Department of Justice and the alleged violator without a full trial of the issues. Yet under present regulations, individual citizens have precious little opportunity to bring to the attention of the court and the Department their views of the terms of the settlement. Today, after secret negotiations between the Department and the antitrust defendant are concluded, the Department simply sits back and allows the public to comment for 30 days. There are no requirements that the Department publicize the terms of the proposed settlement, or seriously consider the comments that it receives. The bill I introduce today will change that.

The Antitrust Settlement Act of 1972 will require that the terms of every antitrust settlement be broadly publicized, and that relevant documents be made available to the public around the country. This will insure that concerned citizens know that the Department has decided to forego a full trial of the case, and that these citizens have the information they need to make intelligent comments about that decision. Further, the bill will require that, the court to which the proposed settlement has been submitted withhold a decision on whether to accept the settlement for at least 60 days, during which time it and the Department will consider the comments the public submits.

There are two other important aspects of this bill, both of which are substantial and necessary changes from present practice. First, the court is directed to hold a hearing on the proposed settlement unless it finds that there is no substantial controversy about it. This will give the public a chance in every important case to bring its arguments directly to the judge, or if the court so directs, to a special master appointed to hold the hearing. Second, and perhaps most important of all, the bill requires the Attorney General to present to the court and to the public before the settlement becomes final a full statement of the reasons that he believes the proposed settlement to be consistent with the antitrust laws and to be in the best interests of the United States.

Mr. President, such a statement by the Attorney General is the best safeguard the public has to insure that antitrust settlements are really reached in the public interest. When the Department has good reasons for settling a case—and when it has thought those reasons through—it should have no objection to making its reasons public. And by mak-

ing them public the Department will avoid the cloud of suspicion that all too often surrounds antitrust settlements. If the Department has done its jobs conscientiously, there will be little or no administrative burden involved in submitting to the court and the public the statement of reasons this bill requires.

Our antitrust laws reflect our Nation's basic faith in the free enterprise system and our Nation's healthy skepticism of the concentration of power—political or economic—in the hands of the few. Antitrust actions by the Justice Department are the most important single means of enforcing these laws. I do not go so far as to say that antitrust regulation is too important to be left to the regulators. But I do think that the regulators and the courts will benefit from listening to the views of interested citizens. And, equally important, public confidence in the way that antitrust settlements are reached will increase markedly if the public has a meaningful way to participate in the process.

I ask unanimous consent, Mr. President, that two articles from the New York Times be printed in the RECORD. One describes the efforts of Federal Judge David N. Edlestein of New York, who issued an order requiring publicity of an antitrust case very similar to the kind of publicity this bill would require. The other is an excellent and important article entitled "Should The Public Play a Role in Antitrust Settlements?" I also ask unanimous consent that the text of the Antitrust Settlement Act of 1972 be printed in the RECORD.

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

ADVANCE PUBLICITY IN ANTITRUST CASE ORDERED BY JUDGE

(By Eileen Shanahan)

WASHINGTON, June 13.—In the first such order ever issued, a Federal judge is requiring the Government to publicize widely the terms of settlement of an antitrust case before the settlement becomes final.

The case involves two trade groups that were accused of having conspired to block the sale of foreign-made steam boilers in the United States by denying the foreign products the safety certifications that are required by law in many localities.

The idea behind the judge's order was that persons other than those directly involved in the case should have an opportunity to learn of the settlement and have time to file a protest if they found the terms of the settlement inadequate.

The order was issued yesterday by Daniel N. Edelstein, chief judge of the United States District Court for the Southern District of New York. Details of the settlement and of the judge's requirement for publicizing it were announced today.

In issuing the order, to which the parties in the case agreed, Judge Edelstein called it "a historic first."

The order requires that an advertisement, detailing the terms of the proposed settlement, be published in seven consecutive issues of the New York Times, as a paper of general circulation, and of The New York Law Journal, as a paper seen by lawyers.

The advertisement will specifically invite comments on the settlement from interested members of the public and tell them where they may obtain or inspect copies of the basic documents in the case.

Anyone who wishes to comment on the settlement has 60 days from today in which to do so.

Under ordinary procedures for settling antitrust cases, the settlements become final within 30 days after being filed with a court. Judge Edelstein proposed the extension of time.

PROCEDURES CRITICIZED

The judge's action, which did not appear to imply that he saw anything wrong with the settlement of this specific case, followed mounting criticism of the procedures for settling antitrust cases from antitrust lawyers and from such organizations as Ralph Nader's antitrust study group.

The criticism intensified following disclosure of the involvement of a White House staff member in the settlement last year of cases against the International Telephone and Telegraph Corporation.

The basic trust of the criticism has been that parties other than the defendants and the Justice Department should have a greater opportunity than they do now to challenge antitrust settlements that they believe are not in the public interest.

Up until the early nineteen-sixties, there was no opportunity for participation by third parties in antitrust settlements, which were announced and made final simultaneously.

Attorney General Robert F. Kennedy, heeding criticism that had been heaped on his predecessors, adopted the procedure of announcing settlements 30 days before they became final. Dissatisfied parties could then ask for changes in the settlements, and in a few cases they have been successful. But no procedures for publicizing the settlements, beyond issuance of a Justice Department press release, were employed.

The current case involves the American Society of Mechanical Engineers, Inc., and the National Board of Boiler and Pressure Vessels Inspectors.

According to the Justice Department's original complaint, which was filed in July, 1970, the two organizations conspired illegally to deny certain safety certifications and stamps to foreign-made boilers and pressure vessels. Forty-two states and many local governments require such certifications of boilers.

The complaint said that a majority of the members of the committees of the two organizations that dealt with the safety certifications were officers or employes of domestic manufacturers of boilers or pressure vessels or their suppliers or insurers.

As is true in all settlements of antitrust cases, the accused parties did not admit that they had engaged in the illegal conduct that was alleged. But they agreed to take a number of steps aimed at making such illegal behavior impossible in the future.

Among other things, they agreed to inaugurate within 90 days "a fair, reasonable and nondiscriminatory procedure enabling foreign manufacturers who meet the requirements" to receive safety certifications and stamps" on an equal basis with domestic manufacturers."

Provisions involving licensing of inspectors on a nondiscriminatory basis are also included in the settlement.

SHOULD THE PUBLIC PLAY A ROLE IN ANTITRUST SETTLEMENT?

By Eileen Shanahan

WASHINGTON.—"Just as war is too important to be handled exclusively by the military generals, big antitrust settlements are too important to be handled exclusively by the attorneys general—of either party."

In this fashion a noted antitrust lawyer opened a panel discussion last week on the necessity and wisdom of permitting persons other than the Government and the defendant corporations to have a say in the settlement of antitrust suits.

Coincidentally, the day before the panel took place, two events raised prospects of increasing public participation in antitrust settlements:

In Hartford Federal Judge Joseph Blumenfeld ruled that Ralph Nader and an associate should be allowed at least to make their formal argument that the Government should be required to explain further why it settled three antitrust cases against the International Telephone and Telegraph Corporation.

In New York Federal Judge David N. Edelstein told the Justice Department and two trade organizations against which it had brought suit that he would not accept their settlement of the case until it had been publicized in both general-circulation and legal periodicals. The public will have 60 days, under Judge Edelstein's order, in which it may protest the settlement.

The common thread that tied together the judge's actions and the lawyer's speech was, plainly, a fear that when the Government and an antitrust defendant negotiate a settlement, the Government may not always be acting in the public interests; that it may have some reason—justifiable or otherwise—for not driving the hardest possible bargain.

That is exactly what had been alleged in the long inquiry by the Senate Judiciary Committee into the I.T.T. settlement. The implication was that the White House had persuaded the Justice Department to go easy because the company had pledged a big contribution toward the Republican National Convention.

While much testimony rebutted that notion, one indisputable point was that the Justice Department gave one set of reasons at the time the settlement was announced and another set to the committee.

In the first instance, the Government argued that the settlement was good, really reducing the impact of I.T.T.'s mergers, even though the company was allowed to retain control of the vast and highly liquid Hartford Fire Insurance Company. In the hearings, and ever since, Justice Department officials have said they settled the case because they feared the harm to I.T.T., the stock market and possibly the entire economy, if the merger with Hartford were undone.

It was on this matter that Mr. Nader went to court. At the very least, he argued, the Government should be required to state to the court itself all of its reasons for the settlement and to explain why it had not stated them from the outset. Judge Blumenfeld agreed to consider the point, and added: "What troubles me is the suggestion that a fraud has been committed upon the court."

In asking for briefs over what the Government should be required to disclose about its motives for settlement, Judge Blumenfeld was still a long way from reopening the I.T.T. settlement.

But even if he requires only that the Government explain itself, he will have injected a new element into the settlement system. Explanations of motives have not been given in the past, and the Justice Department argued before Judge Blumenfeld that it would be harmful to disclose them and to ask a court to weigh "the Attorney General's balancing of the considerations leading to a settlement." The considerations would include an assessment of the likely success or failure of the Government's case and that assessment could provide ammunition for other antitrust defendants in future cases.

"Such a judicial inquiry would, in effect, require a trial on the entire range of factors bearing on settlement, the Justice brief said. "The hearing could be as complex as a trial on the merits and it would, in effect, involve a trial of the Attorney General's good faith and good judgment."

Those who have long worried about the secrecy surrounding the Government's de-

cisions to settle antitrust cases are willing to run whatever risks may come with disclosure.

Among the worriers is Victor H. Kramer, the lawyer who said that big antitrust settlements were too important to be handled exclusively by attorneys general.

Mr. Kramer, who heads a public-interest law group at the Georgetown University Law Center, had a long career in the Government and then in private practice. He outlined some situations in which he would like to see the traditional privacy of settlement negotiations interrupted.

One of these was relevant to the I.T.T. case: the settlement "did not undo the principal acquisition attacked" in the original law suit, that of the Hartford Fire Insurance Company, although it did undo other acquisitions and forbade I.T.T. from making certain types of future acquisitions.

In the case that was heard by Judge Edelstein in New York, the issue was not explanations of the Justice Department's actions. In fact, on its surface at least, the settlement seemed to have met the test enunciated by Mr. Kramer. The settlement appeared to cover most or all of the points raised in the original suit, which involved an alleged conspiracy to keep foreign-made boilers out of the United States by denying them essential safety certifications.

Judge Edelstein gave no indication in his statements in court that he found the settlement inadequate.

He will not discuss the case, because it is still before him, but someone who knows his thinking reports that he has long been disturbed by the antitrust-settlement process. In brief, the Government and the accused company negotiate, and the Government may consult other parties, if it chooses. Once an agreement is reached, it is entered with a Federal district judge and announced, with as much or as little detail as the Government and the company wish to give.

In the ordinary case, 30 days must elapse before the settlement becomes final, and those who think the settlement is defective may ask the court for permission to intervene. The Justice Department has always opposed such intervention by "third parties," but even so, a settlement has been changed occasionally.

Judge Edelstein, who was reported to have decided after reading about the I.T.T. case, that he should follow his long-held feelings and try to improve the prospects for "third-party" interventions, ordered a 60-day waiting period in a case involving the American Society of Mechanical Engineers and the National Board of Boiler and Pressure Inspectors.

He also ordered the terms of the settlement to be advertised for seven consecutive publishing days in The New York Times and The New York Law Journal, together with information on where the full text of the settlement and other documents in the case might be obtained, or inspected—in brief, from the Justice Department's Antitrust division in Washington or at the Federal Courthouse in Foley Square in New York.

Those who have sought greater public access to the antitrust settlement process are not sure that Judge Edelstein's order will change things much, even if it is widely imitated. They question whether affected parties will learn more about settlements through Judge Edelstein's method than they do now from the department's press release.

They are looking for greater reform—possibly including public participation in the negotiating process.

Many jeer at this idea. For example, Lloyd Cutler, a noted Washington lawyer who debated Mr. Kramer on the panel, which was sponsored by the Federal Bar Association and the Bureau of National Affairs, called the idea "essentially a plan to prevent any settlement from taking place."

Mr. Cutler also expressed the fear that any formal proceeding could take a long time, so long that constructive solutions to the problems would be delayed.

Possibly his most fundamental complaint went to the notion that there would often—or ever—be anything wrong with a settlement worked out between the Justice Department and the defendant company.

The notion that someone should be allowed to intervene in the settlement process "reflects excessive skepticism about the good faith of our fellow lawyers, in and out of Government, and excessive faith in the rectitude of the facts alleged in the complaint," he said.

A major debate over the issue is currently going on in law journals, producing a number of ideas of ways to protect the public interest when antitrust suits are settled. With the growth of public-interest law firms, additional courtroom challenges will obviously be brought.

S. 3748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this bill may be cited as "The Antitrust Settlement Act of 1972".

SEC. 2. (a) Before any court of the United States permits any proposed consent judgment or decree or other settlement of any suit, action or proceeding arising under the antitrust laws and brought by or on behalf of the United States to become final, it shall:

(1) direct the United States to publicize the terms of the proposed settlement

(A) by publishing for seven days over a period of two weeks in newspapers of general circulation of the district in which the case has been filed, in Washington, D.C., and in such other districts as the court may direct (i) a summary of the terms of the proposed consent judgment or decree or other settlement, (ii) a description of the case (including the alleged conditions which lead the Department of Justice to conclude that the antitrust laws had been violated), (iii) a list of the materials available under subsection (a)(1)(B) and the places where such material is available for public inspection, and (iv) an invitation to members of the public to send their comments on the terms of the proposed consent judgment or decree or other settlement to the Attorney General; and

(B) by making available to members of the public at United States Courthouses in every district mentioned in subsection (a)(1)(A), and in such other districts as the court may deem appropriate, copies of the proposed consent judgment or decree or other settlement and such other documents as the court deems necessary to permit meaningful comment by members of the public on the proposed settlement; and

(C) by taking such other steps as the court deems appropriate to ensure that members of the public have knowledge of the terms of the proposed consent judgment or decree or other settlement and an opportunity to comment thereon; and

(2) withhold decision on whether to permit the proposed consent judgment or decree or other settlement to become final for at least 60 days, or such other longer period as it deems necessary to allow the public adequate time to comment thereon and the United States and the court adequate time to consider such comments, *provided however* that the court shall not permit the proposed consent judgment or decree or other settlement to become final before the Attorney General has complied with the requirements of subsection (b) and a hearing has been held in compliance with subsection (c).

(b) The Attorney General or his designate shall (1) distribute to the court and to the defendant copies of any comments he receives on the terms of the proposed consent judgment or decree or other settlement, and (2) if no substantial changes of public interest are made in the proposed consent judgment or decree or other settlement, submit to the court, by such date as the court may direct after the expiration of any period under subsection (a)(2), a statement that he has taken into consideration the comments, if any, received from members of the public and that he believes the proposed consent judgment or decree or other settlement to be consistent with the antitrust laws and to be in the best interests of the United States, together with a full and complete articulation of the reasons for his belief, *provided* that if substantial changes of public interest are made in the proposed consent judgment or decree or other settlement the provisions of sections (a) and (b) of this section will be applicable as if the proposed consent judgment or decree or other settlement were being presented to the Court for the first time.

(c) The court shall order that a hearing be held on whether the proposed consent judgment or decree or other settlement should be allowed to become final, unless it finds after the Attorney General has complied with subsection (b) that there is no substantial controversy concerning the proposed consent judgment or decree or other settlement. The court may direct that such hearing be held before a special master appointed for that purpose.

(d)(1) The costs of any publicity ordered by a court pursuant to this section shall be borne equally by the United States and the defendant.

(2) The court, after deciding whether to allow the proposed consent judgment or decree or other settlement to become final, may award to any persons the actual, necessary and reasonable costs incurred by such person in preparing and presenting comments or preparing and presenting responses to comments (other than the report required of the Attorney General by subsection (b)(2)) pursuant to this Act, whenever the court finds it is in the public interest to make such an award.

(e) Nothing in this section shall limit in any way the power of the courts of the United States to make such other orders in connection with a proposed consent judgment or decree or other settlement of any suit, action or proceeding arising under the antitrust laws or any other laws as the court may lawfully make; nor shall anything in this section limit or expand in any way the power of the courts to accept or reject a proposed consent judgment or decree or other settlement of any suit, action or proceeding arising under the antitrust laws or any other laws; nor shall anything in this section limit or expand in any way the rights of any person to intervene in any suit, action or proceeding arising under the antitrust laws or any other laws.

By Mr. ELLENDER:

S. 3749. A bill to authorize the Secretary of Agriculture to encourage and assist the several State in carrying out a program of animal health research. Referred to the Committee on Agriculture and Forestry.

ANIMAL HEALTH RESEARCH ACT

Mr. ELLENDER. Mr. President, the United States enjoys one of the highest standards of animal health in the world with many diseases having been eradicated or controlled. Economic losses, however, currently are experienced due to serious chronic infections and parasitic, toxic, metabolic, nutritional, reproductive, degenerative and neoplastic diseases and disorders of animals. Total loss to the public, livestock and poultry industries was estimated in 1965 to be ap-

proximately $2.7 billion a year. The food loss for which these diseases are responsible is too great to be accepted.

We are not accustomed to thinking in terms of shortages of animal protein or of other foods, but which the world's growing population overtaking the food supply, we must develop newer technology to meet and stay ahead of demand. This means intensifying efforts to improve livestock and poultry production and it means providing the domesticated animal industry with better protection against disease.

Great strides have been taken in this country in the expansion of livestock production and many noteworthy improvements have been achieved in the breeding, nutrition, and management of herds and flocks. However, the presence of animal disease has been and continues to be the most important limiting factor to the continued expansion of the industry. In the report "A National Program of Research for Agriculture" it was stated that "infectious diseases represent the single greatest hazard to the production of an adequate and wholesome supply of animal protein." Ironically, the conditions which give rise to these disease dangers are more widespread today than ever before. Both livestock and poultry are now concentrated in larger and more intensively managed units. This system has the inherent risk of greater and more frequent exposure to the ever present sources of disease. The National Academy of Sciences has estimated the animal disease losses to be 15 to 20 percent per year in the United States and 30 to 40 percent in less developed countries of the world.

Members of the Council on Research of the American Veterinary Medical Association have expressed concern over the limited scope of research on livestock and poultry disease problems. They concluded that the present research effort is incompatible with future demands to meet the Nation's or the world's food needs and went on record recommending a substantial increase in the livestock disease research effort, and so they developed this bill which I am now introducing.

Veterinary medical research is conducted in all of the 18 schools of veterinary medicine and in 36 agricultural experiment stations in the United States and Puerto Rico which do not have schools. Associated with the latter group are 19 departments of veterinary science and 49 departments of animal science, animal pathology or the equivalent. These, plus the USDA laboratories constitute the principal institutions where veterinary research is conducted.

In fiscal year 1969, the State agricultural experiment stations expended approximately $15.3 million in support of research on livestock and poultry diseases and parasites. This amount included moneys from State and Federal appropriations and some support from industry. In addition, $926,241 of USDA federally appropriated funds were used to pay State experiment stations for performance of specific research contracts, grants and cooperative agreements. During the same period the U.S. Department of Agriculture Research Agencies spent approximately $16.6 million in support of livestock and poultry disease research and an additional $331,718 in support of contracts, grants, and cooperative agreements. If these estimates are correct, the total cost of research work on animal diseases and parasites is little more than 1 percent of the estimated annual losses. This is not an adequate program.

The proposed act would provide funding for the colleges of veterinary medicine and, in those States not having a school of veterinary medicine, the departments of veterinary science or animal pathology or similar units conducting animal health research in the State agricultural experiment stations. The basic distribution of funds to the institutions would be on a formula administered by the Secretary of Agriculture in consultation with an advisory board taking into account the livestock and poultry values and the research capacities in each State.

Authority also would be provided for the Secretary to support the funding of needed research facilities. The funds for facilities also would be apportioned among the research institutions in the several States, except that, to meet special needs, the Secretary could request additional funds for facilities at one or more of the eligible institutions, after consultation with the advisory board.

The advisory board, appointed by the Secretary, would be composed of members representing livestock and poultry associations, the schools of veterinary medicine, and the appropriate animal health research units of the agricultural experiment stations. The advisory board would recommend priorities for the conduct of animal health research and otherwise advise the Secretary in administering the provisions of the act.

I am concerned about certain definitions used in section 3 of this bill, especially that applied to eligible institutions. It seems to me that animal health research should be done wherever the talent exists and whenever a salutary effect on animal health can be achieved. It is vital to State, regional, and national interests that we do not exclude any capabilities or competencies in our effort to improve the health status of the livestock and poultry industries. This bill excludes animal health research in agricultural experiment stations in those States having a school of veterinary medicine. In the final analysis, my suggestion would be to include as eligible institutions both colleges of veterinary medicine and agricultural experiment stations. This in effect would qualify health research and would reduce duplicate efforts in terms of research administration as was done in the McIntire-Stennis Cooperative Forestry Act. However, to delay enacting such legislation would delay implementing essential animal disease programs and would add to the increased pressures being applied to the livestock and poultry industries of the Nation. I am confident that any inequities, whatever they be, can be resolved before this measure is reported to the Senate.

Too often we consider that animal disease losses are problems of livestock producers only. Disease losses necessarily must be reflected in the price of meat, milk, eggs, and wool. The price of pork is influenced by young pigs which die before they reach marketable age. Bovine mastitis reduces milk production and increases the market price of milk. Disease losses are a part of the cost of production and the public must pay for this as well as for the cost of feed and care of producing animals. The prices of livestock and animal products on the market are geared to average disease losses and this figure today is much greater than it should be. The producer who can manage to keep his losses low, profits by greater margins. The ones that have excessive losses eventually go out of business.

The Animal Health Research Act would make possible an expanded animal disease research program essential to achieving goals outlined in the National Program of Research for Agriculture. I am confident this bill will receive the most serious consideration in forthcoming attempts to correct the imbalanced funding on animal disease research. We must move toward early enactment of such legislation.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a list of veterinary medical colleges and State agricultural experiment stations which would be eligible to receive Animal Health Act funds.

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

ANIMAL HEALTH RESEARCH ACT

1. VETERINARY MEDICAL COLLEGES ELIGIBLE TO RECEIVE ANIMAL HEALTH RESEARCH ACT FUNDS

School of Veterinary Medicine, Auburn University, Auburn, Ala.
School of Veterinary Medicine, Tuskegee Institute, Tuskegee Institute, Ala.
School of Veterinary Medicine, University of California, Davis, Calif.
College of Veterinary Medicine, Colorado State University, Fort Collins, Colo.
School of Veterinary Medicine, University of Georgia, Athens, Ga.
College of Veterinary Medicine, University of Illinois, Urbana, Ill.
School of Veterinary Science and Medicine, Purdue University, Lafayette, Ind.
College of Veterinary Medicine, Iowa State University, Ames, Iowa.
College of Veterinary Medicine, Texas A&M University, College Station, Tex.
College of Veterinary Medicine, Kansas State University, Manhattan, Kans.
College of Veterinary Medicine, Michigan State University, East Lansing, Mich.
College of Veterinary Medicine, University of Minnesota, St. Paul, Minn.
School of Veterinary Medicine, University of Missouri, Columbia, Mo.
New York State Veterinary College, Cornell University, Ithaca, N.Y.
College of Veterinary Medicine, Ohio State University, Columbus, Ohio.
College of Veterinary Medicine, Oklahoma State University, Stillwater, Okla.
School of Veterinary Medicine, University of Pennsylvania, Philadelphia, Pa.
College of Veterinary Medicine, Washington State University, Pullman, Wash.

2. STATE AGRICULTURAL EXPERIMENT STATIONS ELIGIBLE TO RECEIVE ANIMAL HEALTH RESEARCH FUNDS

Institute of Agricultural Sciences, University of Alaska, College, Alaska.*
Arizona Agricultural Experiment Station, Tucson, Ariz.

Arkansas Agricultural Experiment Station, Fayetteville, Ark.
Connecticut Agricultural Experiment Station, New Haven, Conn.*
Connecticut Agricultural Experiment Station, Storrs, Conn.
Delaware Agricultural Experiment Station, Newark, Del.
Institute of Food and Agricultural Sciences, University of Florida, Gainesville, Fla.
Hawaii Agricultural Experiment Station, University of Hawaii, Honolulu, Hawaii.
Idaho Agricultural Experiment Station, Moscow, Idaho.
Kentucky Agricultural Experiment Station, Lexington, Ky.
Louisiana Agricultural Experiment Station, University Station, Baton Rouge, La.
Maine Agricultural Experiment Station, Orono, Maine.
Maryland Agricultural Experiment Station, College Park, Md.
Massachusetts Agricultural Experiment Station, Amherst, Mass.
Mississippi Agricultural and Forestry Experiment Station, State College, Miss.
Montana Agricultural Experiment Station, Bozeman, Mont.
Nebraska Agricultural Experiment Station, Lincoln, Nebr.
Nevada Agricultural Experiment Station, Reno, Nev.
New Hampshire Agricultural Experiment Station, Durham, N.H.
New Jersey Agricultural Experiment Station, New Brunswick, N.J.
New Mexico Agricultural Experiment Station, New Mexico State University, Las Cruces, N. Mex.
New York State Agricultural Experiment Station, Geneva, N.Y.*
North Carolina Agricultural Experiment Station, Raleigh, N.C.
North Dakota Agricultural Experiment Station, State University Station, Fargo, N. Dak.
Ohio Agricultural Research and Development Center, Wooster, Ohio.
Oregon Agricultural Experiment Station, Corvallis, Oreg.
Pennsylvania Agricultural Experiment Station, University Park, Pa.
Puerto Rico Agricultural Experiment Station, Rio Piedras, P.R.
Rhode Island Agricultural Experiment Station, Kingston, R.I.
South Carolina Agricultural Experiment Station, Clemson, S.C.
South Dakota Agricultural Experiment Station, Brookings, S. Dak.
Tennessee Agricultural Experiment Station, Knoxville, Tenn.
Utah Agricultural Experiment Station, Logan, Utah
Vermont Agricultural Experiment Station, Burlington, Vt.
Agricultural and Life Sciences Research Division, Virginia Polytechnic Institute, Blacksburg, Va.
West Virginia Agricultural Experiment Station, Morgantown, W. Va.
Wisconsin Agricultural Experiment Station, Madison, Wis.
Wyoming Agricultural Experiment Station, University Station, Laramie, Wyo.

3. STATE AGRICULTURAL EXPERIMENT STATIONS INELIGIBLE TO RECEIVE ANIMAL HEALTH RESEARCH ACT FUNDS

Alabama Agricultural Experiment Station, Auburn, Ala.
California Agricultural Experiment Station, Berkeley, Calif.
Colorado Agricultural Experiment Station, Fort Collins, Colo.
Georgia Agricultural Experiment Station, Athens, Ga.
Illinois Agricultural Experiment Station, Urbana, Ill.
Indiana Agricultural Experiment Station, Lafayette, Ind.
Iowa Agriculture and Home Economics Experiment Station, Ames, Iowa.
Kansas Agricultural Experiment Station, Manhattan, Kans.
Michigan Agricultural Experiment Station, East Lansing, Mich.
Minnesota Agricultural Experiment Station, St. Paul Campus, St. Paul, Minn.
Missouri Agricultural Experiment Station, Columbia, Mo.
New York Agricultural Experiment Station, Cornell Station, Ithaca, N.Y.
Oklahoma Agricultural Experiment Station, Stillwater, Okla.
Texas Agricultural Experiment Station, College Station, Tex.
Washington Agricultural Experiment Station, Pullman, Wash.

* Eligible Agricultural Experiment Station in which there apparently is not current animal health research.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3492

At the request of Mr. MATHIAS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 3492, the Omnibus Criminal Justice Reform Amendment of 1972.

S. 3700

At the request of Mr. RIBICOFF, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 3700, a bill to allow tuition tax credits to the parents of non-public-school students.

S. 3741

At the request of Mr. MATHIAS, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 3741, a bill to require full disclosure for Members of Congress.

SENATE RESOLUTION 327—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF "SOCIAL SECURITY AND WELFARE REFORM"

(Referred to the Committee on Rules and Administration.)

Mr. LONG submitted the following resolution:

S. RES. 327

Resolved, That there be printed for the use of the Committee on Finance two thousand additional copies of its Committee Print of the current Congress entitled "Social Security and Welfare Reform."

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENTS

AMENDMENTS NO. 1288 AND 1289

(Ordered to be printed and to lie on the table.)

Mr. PASTORE submitted two amendments intended to be proposed by him to the bill (H.R. 15417) making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

AMENDMENT NO. 1300

(Ordered to be printed and to lie on the table.)

Mr. SCOTT, for himself, Mr. SCHWEIKER, and Mr. MATHIAS, submitted an amendment intended to be proposed by them jointly to the bill (H.R. 15417), supra.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973—NOTICES OF MOTIONS TO SUSPEND THE RULE

AMENDMENT NO. 1290

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 20, after the figure on line 13 insert a comma and the following: "including not to exceed $50,000 for reconstruction of certain streets in Harpers Ferry, West Virginia".

Mr. BIBLE submitted the amendment (No. 1290) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1291

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, after line 5, insert the following: "that not to exceed $450,000 shall be for assistance to the Rocky Boy School District, Rocky Boy Indian Reservation, Montana;".

Mr. BIBLE submitted the amendment (No. 1291) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1292

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, after line 5, insert the following: "that not to exceed $320,000 shall be for assistance to the Lame Deer Public School District No. 6, Northern Cheyenne Reservation, Montana;".

Mr. BIBLE submitted the amendment (No. 1292) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1293

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice

in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, after line 5, insert the following: "that not to exceed $465,000 shall be for assistance to the Dunseith, North Dakota, Public School District No. 1;".

Mr. BIBLE submitted the amendment (No. 1293) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1294

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, line 19, after "$50,000,000" insert a colon and the following:

"*Provided*, That there shall be advanced from the Alaska Native Fund upon request of the board of directors of any Regional Corporation established pursuant to section 7 of said Act, $500,000 for any one Regional Corporation, which shall be reduced by any amount advanced to such Regional Corporation prior to July 1, 1972, and an additional $1,000,000 to be available for distribution by the Secretary among the Corporations, which the Secretary of the Interior shall determine to be necessary for the organization of such Regional Corporation and the Village Corporations within such region, and to identify land for such Corporations pursuant to said Act, and to repay loans and other obligations incurred prior to May 27, 1972, for such purposes: *Provided further*, That such advances shall not be subject to the provisions of section 7(j) of said Act, but shall be charged to and accounted for by such Regional and Village Corporations in computing the distributions pursuant to section 7(j) required after the first regular receipt of moneys from the Alaska Native Fund under section 6 of said Act: *Provided further*, That no part of the money so advanced shall be used for the organization of a Village Corporation that had less than twenty-five Native residents living within such village according to the 1970 census".

Mr. BIBLE submitted the amendment (No. 1294) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1295

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 20, line 23, after the word "expended" insert a colon and the following: "*Provided*, That $90,000 representing the National Park Service share for planning a modern sewage system and treatment plant, in cooperation with the towns of Harpers Ferry and Bolivar, West Virginia, to service said towns and Harpers Ferry National Historical Park shall not be available until such time as agreement relating to the procedures and funding for design, construction, and operation of the facility is consummated among the concerned agencies".

Mr. BIBLE submitted the amendment (No. 1295) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1296

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 20, line 23, after the word "expended" insert a colon and the following: "*Provided further*, That $550,000 shall be available to the National Park Service to complete the construction of two locomotives, a locomotive storage and display building, and for the restoration of historic trestles at Golden Spike National Historic Site notwithstanding the Act of July 30, 1965 (P.L. 89–102)".

Mr. BIBLE submitted the amendment (No. 1296) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1297

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 38, after line 26, insert the following:

"John F. Kennedy Center for the Performing Arts

"For expenses necesary for operating and maintaining the non-performing arts functions of the John F. Kennedy Center for the Performing Arts, $1,500,000, to be available for obligations incurred in fiscal year 1972."

Mr. BIBLE submitted the amendment (No. 1297) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1298

(Ordered to be printed and to lie on the table.)

Mr. GURNEY submitted an amendment intended to be proposed by him to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

EXTENSION OF LEVEL IN THE PUBLIC DEBT—AMENDMENT

AMENDMENT NO. 1299

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

MARINE MAMMAL PROTECTION ACT

AMENDMENT NO. 1275

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Oklahoma (Mr. HARRIS.)

The PRESIDING OFFICER. Without objection it is so ordered.

STATEMENT BY SENATOR HARRIS

On June 23 I introduced with the junior Senator from New Jersey (Mr. WILLIAMS), the senior Senator from New Jersey (Mr. CASE), the senior Senator from California (Mr. CRANSTON), the senior Senator from Illinois (Mr. PERCY), the junior Senator from Vermont (Mr. STAFFORD), the junior Senator from Illinois (Mr. STEVENSON), and the junior Senator from Ohio (Mr. TAFT) several amendments pertaining to the Marine Mammals Protection Act of 1972. It has come to my attention that through a clerical error included in the package was an amendment to transfer authority for implementation of the Act from the Secretary of Commerce to the Secretary of Interior.

I personnally support such an amendment which I understand will be offered during Senate debate on the Marine Mammals Protection Act. But the amendment, number 1275, should not have been included in the package.

For parliamentary reasons it is not possible for an amendment once introduced to be withdrawn. However, I wish to clarify now that the Senators listed as co-sponsors of the package do support amendments 1274, 1276, 1277, and 1278. My introduction of amendment number 1275 does not necessarily reflect their position on the issue of whether the Secretary of Commerce or the Secretary of Interior should be required to implement the proposed legislation.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1273

At the request of Mr. CASE, the Senator from Missouri (Mr. EAGLETON), the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of Amendment No. 1273, intended to be offered to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973.

ANNOUNCEMENT OF HEARING ON BILL TO AMEND THE ADMINISTRATIVE CONFERENCE ACT

Mr. KENNEDY. Mr. President, on Tuesday, June 27, 1972 at 2 p.m. in room 4232, New Senate Office Building, the Subcommittee on Administrative Practice and Procedure will hold a legislative hearing on S. 3671, a bill to amend the Administrative Conference Act. The bill would first, authorize the Conference to seek a level of funding to expand its activities; and second, permit it to enter into supporting research arrangements

and to receive grants from private nonprofit institutions. Witnesses will include Roger C. Cramton, chairman of the Administrative Conference of the United States, and Warner W. Gardner, a Washington attorney who is a member of the conference and chairman of its informal action committee.

NOTICE OF HEARING ON IMPACT OF SUPREME COURT WIRETAPPING DECISION

Mr. KENNEDY. Mr. President, the Senate Subcommittee on Administrative Practice and Procedure will hold a hearing on Thursday, June 29, 1972, on the interpretation, implementation, and implications of the Supreme Court's June 19 decision that the Attorney General must obtain court warrants before he can wiretap or bug for so-called "domestic security" information.

The Supreme Court has given the Amercan people new confidence that our liberty and freedom will be protected from Government interference. The Court has unanimously rejected the administration's claim that it could bug or wiretap anyone it wanted to, without any judicial authorization or controls. But the Court's ruling will turn out to be a cruel hoax on us all unless we can be sure that the Department of Justice intends to translate both the letter and the spirit of the decision into a real reduction in the amount of warrantless executive branch electronic spying on domestic groups and individuals. Thus it is vital that the public be told now how the Department interprets the Supreme Court's decision and what is being done to implement it. Among the questions which need answers are:

How many bugs and taps have been removed as a result of the decision?

Will the Department use the existing statutory procedures to obtain new warrants for "domestic security" intelligence or will it await the passage of new legislation specifically designed for such matters, as the Court suggests?

What level of foreign domination and control over a domestic group will be considered sufficient to bring the group into the area of foreign activities which the Court has not yet ruled upon, and what procedures will be followed in this area?

What will be done to notify those who have been unlawfully bugged and tapped since passage of the 1968 law so that their possible entitlement to damages can be determined?

The Department of Justice will be represented at the hearing by Deputy Assistant Attorney General for Internal Security, Kevin Maroney. Other witnesses invited include former Attorney General Ramsey Clark, former Assistant to the Solicitor General Nathan Lewin, and other experts. These witnesses will discuss both the Supreme Court opinion and the Department's interpretation of the opinion, as well as the practical impact of the decision on the Government's information-gathering functions, on the criminal justice system, and on citizen privacy.

Especially at a time when the arrest of the "Watergate 5" with bugging equipment in the offices of a political party has given Americans new concern about the sanctity of their homes and offices, it is vital that they be reassured that unauthorized eavesdropping will not be conducted by government agents. Of course, at this time it would be premature for the subcommittee to delve into the Watergate case itself. I would expect, however, that the professional staffs of the Criminal Division, the U.S. Attorney's Office, the FBI, and the Metropolitan Police have been authorized and directed to proceed independently of any political influence or control, to utilize every available resource, and to determine all the facts as to the ultimate responsibility for the alleged spying activities. In particular that investigation must necessarily determine the involvement of employees, consultants, or agents of the White House or White House-connected organizations—such as the Nixon Reelection Committee or the Republican National Committee—in the Watergate incident or related activities.

The Nation is also entitled to expect that, at the earliest possible moment, the Departemnt of Justice will give the American public as full and comprehensive a report as possible on these matters, consistent with the rights of those who may actually be indicted.

For certainly if there is no involvement of its staff or party, the administration should have no hesitation to reveal the facts fully. And if any of them is involved, then the public has a right to know, and to know immediately and completely, who and how and why.

The subcommittee's hearing is scheduled for 10 a.m. in room 6202, New Senate Office Building. To assist those who may be interested in the subject of warrantless electronic surveillance and who may wish to provide the subcommittee with their views of the implications of the Supreme Court decision, I ask unanimous consent that a copy of the Supreme Court's opinion in the case of the United States District Court, et al. (Keith) be printed in the RECORD at this point.

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

UNITED STATES v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN ET AL.

(Certiorari to the United States Court of Appeals for the Sixth Circuit; No. 70–153. Argued February 24, 1972—Decided June 19, 1972)

SYLLABUS

The United States charged three defendants with conspiring to destroy and one of them with destroying, Government property. In response to the defendants' pretrial motion for disclosure of electronic surveillance information, the Government filed an affidavit of the Attorney General stating that he had approved the wiretaps for the purpose of gather[ing] intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government." On the basis of the affidavit and surveillance logs (filed in a sealed exhibit), the Government claimed that the surveillances, though warrantless, were lawful as a reasonable exercise of presidential power to protect the national security. The District Court, holding the surveillances violative of the Fourth Amendment, issued an order for disclosure of the overheard conversations, which the Court of Appeals upheld. Title III of the Omnibus Crime Control and Safe Streets Act, which authorizes court-approved electronic surveillance for specified crimes, contains a provision in 18 U.S.C. § 2511(3) that nothing in that law limits the President's constitutional power to protect against the overthrow of the Government or against "any other clear and present danger to the structure or existence of the Government." The Government relies on § 2511(3) in support of its contention that "in excepting national security surveillances from the Act's warrant requirement, Congress recognized the President's authority to conduct such surveillances without prior judicial approval." *Held:*

1. Section 2511(3) is merely a disclaimer of congressional intent to define presidential powers in matters affecting national security, and is not a grant of authority to conduct warrantless national security surveillances. Pp. 4–10.

2. The Fourth Amendment (which shields private speech from unreasonable surveillance) requires prior judicial approval for the type of domestic security surveillance involved in this case. Pp. 16–23, 25.

(a) The Government's duty to safeguard domestic security must be weighed against the potential danger that unreasonable surveillances pose to individual privacy and free expression. Pp. 16–17.

(b) The freedoms of the Fourth Amendment cannot properly be guaranteed if domestic security surveillances are conducted solely within the discretion of the executive branch without the detached judgment of a neutral magistrate. Pp. 18–20.

(c) Resort to appropriate warrant procedure would not frustrate the legitimate purposes of domestic security searches. Pp. 20–23.

444 F. 651, affirmed.

POWELL, J., delivered the opinion of the Court, in which DOUGLAS, BRENNAN, MARSHALL, STEWART, and BLACKMUN, JJ., joined. DOUGLAS, J., filed a concurring opinion. BURGER, C. J., concurred in the result. WHITE, J., filed an opinion concurring in the judgment. REHNQUIST, J., took no part in the consideration or decision of the case.

Mr. JUSTICE POWELL delivered the opinion of the Court.

The issue before us is an important one for the people of our country and their Government. It involves the delicate question of the President's power, acting through the Attorney General, to authorize electronic surveillance in internal security matters without prior judicial approval. Successive Presidents for more than one-quarter of a century have authorized such surveillance in a varying degrees,[1] without guidance from the Congress or a definitive decision of this Court. This case brings the issue here for the first time. Its resolution is a matter of national concern, requiring sensitivity both to the Government's right to protect itself from unlawful subversion and attack and to the citizen's right to be secure in his privacy against unreasonable Government intrusion.

This case arises from a criminal proceeding in the United States District Court for the Eastern District of Michigan, in which the United States charged three defendants with conspiracy to destroy Government property in violation of 18 U.S.C. § 371. One of the defendants, Plamondon, was charged with the dynamite bombing of an office of the Central Intelligence Agency in Ann Arbor, Michigan.

During pretrial proceedings, the defendants moved to compel the United States to disclose certain electronic surveillance information and to conduct a hearing to determine whether this information "tainted" the evidence on which the indict-

Footnotes at end of article.

ment was based or which the Government intended to offer at trial. In response, the Government filed an affidavit of the Attorney General, acknowledging that its agents had overheard conversations in which Plamondon had participated. The affidavit also stated that the Attorney General approved the wiretaps "to gather intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government."[2] The affidavit, together with the logs of the surveillance, were field in a sealed exhibit for *in camera* inspection by the District Court.

On the basis of the Attorney General's affidavit and the sealed exhibit, the Government asserted that the surveillances were lawful, though conducted without prior judicial approval, as a reasonable exercise of the President's power (exercised through the Attorney General) to protect the national security. The District Court held that the surveillance violated the Fourth Amendment, and ordered the Government to make full disclosure to Plamondon of his overheard conversations. —— F. Supp. ——.

The Government then filed in the Court of Appeals for the Sixth Circuit a petition for a writ of mandamus to set aside the District Court order, which was stayed pending final disposition of the case. After concluding that it had jurisdiction,[3] that court held that the surveillances were unlawful and that the District Court had properly required disclosure of the overheard conversations, 444 F. 2d 651 (1971). We granted certiorari, 403 U.S. 930.

I

Title III of the Omnibus Crime Control and Safe Streets Act, 18 U. S. C. §§ 2510–2520, authorizes the use of electronic surveillance for classes of crimes carefully specified in 18 U. S. C. § 2516. Such surveillance is subject to prior court order. Section 2518 sets forth the detailed and particularized application necessary to obtain such an order as well as carefully circumscribed conditions for its use. The Act represents a comprehensive attempt by Congress to promote more effective control of crime while protecting the privacy of individual thought and expression. Much of Title III was drawn to meet the constitutional requirements for electronic surveillance enunciated by this Court in *Berger* v. *New York*, 388 U. S. 41 (1967), and *Katz* v. *United States*, 389 U. S. 347 (1967).

Together with the elaborate surveillance requirements in Title III, there is the following proviso, 18 U. S. C. § 2511 (3):

"Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1103; 47 U. S. C. § 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. *Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government.* The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial, hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power." (Emphasis supplied.)

The Government relies on § 2511(3). It argues that "in excepting national security surveillances from the Act's warrant requirement Congress recognized the President's authority to conduct such surveillances without prior judicial approval." Govt. Brief, pp. 7, 28. The section thus is viewed as a recognition or affirmance of a constitutional authority in the President to conduct warrantless domestic security surveillance such as that involved in this case.

We think the language of § 2511(3), as well as the legislative history of the statute, refutes this interpretation. The relevant language is that:

"Nothing contained in this chapter . . . shall limit the constitutional power of the President to take such measures as he deems necessary to protect . . ." against the dangers specified. At most, this is an implicit recognition that the President does have certain powers in the specified areas. Few would doubt this, as the section refers—among other things—to protection "against actual or potential attack or other hostile acts of a foreign power." But so far as the use of the President's electronic surveillance power is concerned, the language is essentially neutral.

Section 2511(3) certainly confers no power, as the language is wholly inappropriate for such a purpose. It merely provides that the Act shall not be interpreted to limit or disturb such power as the President may have under the Constitution. In short, Congress simply left presidential powers where it found them. This view is reinforced by the general context of Title III. Section 2511(1) broadly prohibits the use of electronic surveillance "except as otherwise specifically provided in this chapter." Subsection (2) thereof contains four specific exceptions. In each of the specified exceptions, the statutory language is as follows:

"It shall not be unlawful . . . to intercept" the particular type of communication described.[4]

The language of subsection (3), here involved, is to be contrasted with the language of the exceptions set forth in the preceding subsection. Rather than stating that warrantless presidential uses of electronic surveillance "shall not be unlawful" and thus employing the standard language of exception, subsection (3) merely disclaims any intention to "limit the constitutional power of the President."

The express grant of authority to conduct surveillances is found in § 2516, which authorizes the Attorney General to make application to a federal judge when surveillance may provide evidence of certain offenses. These offenses are described with meticulous care and specificity.

Where the Act authorizes surveillance, the procedure to be followed is specified in § 2518. Subsection (1) thereof requires application to a judge of competent jurisdiction for a prior order of approval, and states in detail the information required in such application.[5] Subsection (3) prescribes the necessary elements of probable cause which the judge must find before issuing an order authorizing an interception. Subsection (4) sets forth the required contents of such an order. Subsection (5) sets strict time limits on an order. Provision is made in subsection (7) for "an emergency situation" found to exist by the Attorney General (or by the principal prosecuting attorney of a State) "with respect to conspiratorial activities threatening the national security interest." In such a situation, emergency surveillance may be conducted "if an application for an order approving the interception is made . . . within 48 hours." If such an order is not obtained, or the application therefor is denied, the interception is deemed to be a violation of the Act.

In view of these and other interrelated provisions delineating permissible interceptions of particular criminal activity upon carefully specified conditions, it would have been incongruous for Congress to have legislated with respect to the important and complex area of national security in a single brief and nebulous paragraph. This would not comport with the sensitivity of the problem involved or with the extraordinary care Congress exercised in drafting other sections of the Act. We therefore think the conclusion inescapable that Congress only intended to make clear that the Act simply did not legislate with respect to national security surveillances.[6]

The legislative history of § 2511 (3) supports this interpretation. Most relevant is the colloquy between Senators Hart, Holland, and McClellan on the Senate floor:

"Mr. HOLLAND. . . . The section [2511(3)] from which the Senator [Hart] has read does not affirmatively give any power. . . . *We are not affirmatively conferring any power upon the President.* We are simply saying that nothing herein shall limit such power as the President has under the Constitution. . . . We certainly do not grant him a thing.

"There is nothing affirmative in this statement.

"Mr. MCCLELLAN. Mr. President, *we make it understood that we are not trying to take anything away from him.*

"Mr. HOLLAND. The Senator is correct.

"Mr. HART. Mr. President, there is no intention here to expand by this language a constitutional power. Clearly we could not do so.

"Mr. MCCLELLAN. Even though we intended, we could not do so.

"Mr. HART. . . . However, we agreed that this language should not be regarded as intending to grant any authority, including authority to put a bug on, that the President does not have now.

"In addition, Mr. President, *as I think our exchange makes clear, nothing in Section 2511(3) even attempts to define the limits of the President's national security power under present law, which I have always found extremely vague. . . . Section 2511(3) merely says that if the President has such a power, then its exercise is in no way affected by title III.* (Emphasis supplied.)[7]

One could hardly except a clearer expression of congressional neutrality. The debate above explicitly indicates that nothing in § 2511(3) was intended to *expand* or to *contract* or to *define* whatever presidential surveillance powers existed in matters affecting the national security. If we could accept the Government's characterization of § 2511(3) as a congressionally prescribed exception to the general requirement of a warrant, it would be necessary to consider the question of whether the surveillance in this case came within the exception and, if so, whether the statutory exception was itself constitutionally valid. But viewing § 2511(3) as a congressional disclaimer and expression of neutrality, we hold that the statute is not the measure of the executive authority asserted in this case. Rather, we must look to the constitutional powers of the President.

II

It is important at the outset to emphasize the limited nature of the question before the Court. This case raises no constitutional challenge to electronic surveillance as specifically authorized by Title III of the Omnibus Crime Control and Safe Streets Act of 1968. Nor is there any question or doubt as to the necessity of obtaining a warrant in the surveillance of crimes unrelated to the national security interest. *Katz* v. *United States*, 389 U.S. 347 (1967); *Berger* v. *New York*, 388 U.S. 41 (1967). Further, the instant case requires no judgment on the scope of the President's surveillance power with respect to the activities of foreign powers, within or without this country. The Attorney General's affidavit in this case states that the surveil-

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lances were "deemed necessary to protect the nation from attempts of *domestic organizations* to attack and subvert the existing structure of Government" (emphasis supplied). There is no evidence of any involvement, directly or indirectly, of a foreign power.[8]

Our present inquiry, though important, is therefore a narrow one. It addresses a question left open by *Katz, supra,* p. 358, n. 23:

"Whether safeguards other than prior authorization by a magistrate would satisfy the Fourth Amendment in a situation involving the national security . . . ."

The determination of this question requires the essential Fourth Amendment inquiry into the "reasonableness" of the search and seizure in question, and the way in which that "reasonableness" derives content and meaning through reference to the warrant clause. *Coolidge* v. *New Hampshire,* 403 U. S. 443, 473–484 (1971).

We begin the inquiry by noting that the President of the United States has the fundamental duty, under Art. II, § 1, of the Constitution, "to preserve, protect, and defend the Constitution of the United States." Implicit in that duty is the power to protect our Government against those who would subvert or overthrow it by unlawful means. In the discharge of this duty, the President—through the Attorney General—may find it necessary to employ electronic surveillance to obtain intelligence information on the plans of those who plot unlawful acts against the Government.[9] The use of such surveillance in internal security cases has been sanctioned more or less continuously by various Presidents and Attorneys General since July 1946.[10] Herbert Brownell, Attorney General under President Eisenhower, urged the use of electronic surveillance both in internal and international security matters on the grounds that those acting against the Government

"turn to the telephone to carry on their intrigue. The success of their plans frequently rests upon piecing together shreds of information received from many sources and many nests. The participants in the conspiracy are often dispersed and stationed in various strategic positions in government and industry throughout the country."[11]

Though the Government and respondents debate their seriousness and magnitude, threats and acts of sabotage against the Government exist in sufficient number to jusitfy investigative powers with respect to them.[12] The covertness and complexity of potential unlawful conduct against the Government and the necessary dependency of many conspirators upon the telephone make electronic surveillance an effective investigatory instrument in certain circumstances. The marked acceleration in technological developments and sophistication in their use have resulted in new techniques for the planning, commission and concealment of criminal activities. It would be contrary to the public interest for Government to deny to itself the prudent and lawful employment of those very techniques which are employed against the Government and its law abiding citizens.

It has been said that "the most basic function of any government is to provide for the security of the individual and of his property." *Miranda* v. *Arizona,* 384 U.S. 436, 539 (1966) (WHITE, J., dissenting). And unless Government safeguards its own capacity to function and to preserve the security of its people, society itself could become so disordered that all rights and liberties would be endangered. As Chief Justice Hughes reminded us in *Cox* v. *New Hampshire,* 312 U.S. 569, 574 (1940):

"Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses."

But a recognition of these elementary truths does not make the employment by Government of electronic surveillance a welcome development—even when employed with restraint and under judicial supervision. There is, understandably, a deep-seated uneasiness and apprehension that this capability will be used to intrude upon cherished privacy of law-abiding citizens.[13] We look to the Bill of Rights to safeguard this privacy. Though physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed, its broader spirit now shields private speech from unreasonable surveillance. *Katz* v. *United States, supra; Berger* v. *New York, supra; Silverman v. United States,* 365 U.S. 505 (1961). Our decision in *Katz* refused to lock the Fourth Amendment into instances of actual physical trespass. Rather, the Amendment governs "not only the seizure of tangible items, but extends as well to the recording of oral statements 'without any technical trespass under . . . local property law.' " *Katz, supra,* at 353. That decision implicitly recognized that the broad and unsuspected governmental incursions into conversational privacy which electronic surveillance entails[14] necessitate the application of Fourth Amendment safeguards.

National security cases, moreover, often reflect a convergence of First and Fourth Amendment values not present in cases of "ordinary" crime. Though the investigative duty of the executive may be stronger in such cases, so also is there greater jeopardy to constitutionally protected speech. "Historically the struggle for freedom of speech and press in England was bound up with the issue of the scope of the search and seizure power," *Marcus* v. *Search Warrant,* 367 U.S. 717, 724 (1961). History abundantly documents the tendency of Government—however benevolent and benign its motives—to view with suspicion those who most fervently dispute its policies. Fourth Amendment protections become the more necessary when the targets of official surveillance may be those suspected of unorthodoxy in their political beliefs. The danger to political dissent is acute where the Government attempts to act under so vague a concept as the power to protect "domestic security." Given the difficulty of defining the domestic security interest, the danger of abuse in acting to protect that interest becomes apparent. Senator Hart addressed this dilemma in the floor debate on § 2511(3):

"As I read it—and this is my fear—we are saying that the President, on his motion, could declare—name your favorite poison—draft dodgers, Black Muslims, the Ku Klux Klan, or civil rights activists to be a clear and present danger to the structure or existence of the Government."[15]

The price of lawful public dissent must not be a dread of subjection to an unchecked surveillance power. Nor must the fear of unauthorized official eavesdropping deter vigorous citizen dissent and discussion of Government action in private conversation. For private dissent, no less than open public discourse, is essential to our free society.

III

As the Fourth Amendment is not absolute in its terms, our task is to examine and balance the basic values at stake in this case: the duty of Government to protect the domestic security, and the potential danger posed by unreasonable surveillance to individual privacy and free expression. If the legitimate need of Government to safeguard domestic security requires the use of electronic surveillance, the question is whether the needs of citizens for privacy and free expression may not be better protected by requiring a warrant before such surveillance is undertaken. We must also ask whether a warrant requirement would unduly frustrate the efforts of Government to protect itself from acts of subversion and overthrow directed against it.

Though the Fourth Amendment speaks broadly of "unreasonable searches and seizures," the definition of "reasonableness" turns, at least in part, on the more specific commands of the warrant clause. Some have argued that "the relevant test is not whether it was reasonable to procure a search warrant, but whether the search was reasonable," *United States* v. *Rabinowitz,* 339 U.S. 56, 66 (1950).[16] This view, however, overlooks the second clause of the Amendment. The warrant clause of the Fourth Amendment is not dead language. Rather it has been

"a valued part of our constitutional law for decades, and it has determined the result in scores and scores of cases in the courts all over this country. It is not an inconvenience to be somehow 'weighed' against the claims of police efficiency. It is, or should be, an important working part of our machinery of government, operating as a matter of course to check the 'well-intentioned but mistakenly over-zealous executive officers' who are a part of any system of law enforcement." *Coolidge* v. *New Hampshire, supra,* at 491.

See also *United States* v. *Rabinowitz,* 339 U.S. 57, 68 (1950) (Frankfurter, J., dissenting); *Davis* v. *United States,* 328 U.S. 582, 604 (Frankfurter, J., dissenting).

Over two centuries ago, Lord Mansfield held that common law principles prohibited warrants that ordered the arrest of unnamed individuals whom the *officer* might conclude were guilty of seditious libel. "It is not fit," said Mansfield, "that the receiving or judging of the information ought to be left to the discretion of the officer. The magistrate ought to judge; and should give certain directions to the officer." *Leach* v. *Three of the King's Messengers,* How. St. Tr. 1001, 1027 (1765).

Lord Mansfield's formulation touches the very heart of the Fourth Amendment directive: that where practical, a governmental search and seizure should represent both the efforts of the officer to gather evidence of wrongful acts and the judgment of the magistrate that the collected evidence is sufficient to justify invasion of a citizen's private premises or conversation. Inherent in the concept of a warrant is its issuance by a "neutral and detached magistrate." *Coolidge* v. *New Hampshire, supra,* at 453; *Katz* v. *United States, supra,* at 356. The further requirement of "probable cause" instructs the magistrate that baseless searches shall not proceed.

These Fourth amendment freedoms cannot properly be guaranteed if domestic security surveillances may be conducted solely within the discretion of the executive branch. The Fourth Amendment does not contemplate the executive officers of Government as neutral and disinterested magistrates. Their duty and responsibility is to enforce the laws, to investigate and to prosecute. *Katz* v. *United States, supra,* at 359–360 (DOUGLAS, J., concurring). But those charged with this investigative and prosecutorial duty should not be the sole judges of when to utilize constitutionally sensitive means in pursuing their tasks. The historical judgment, which the Fourth Amendment accepts is that unreviewed executive discretion may yield too readily to pressures to obtain incriminating evidence and overlook potential invasions of privacy and protected speech.[17]

It may well be that, in the instant case, the Government's surveillance of Plamondon's conversations was a reasonable one which readily would have gained prior judicial approval. But this Court "has never sustained a search upon the sole ground

Footnotes at end of article.

that officers reasonably expected to find evidence of a particular crime and voluntarily confined their activities to the least intrusive means consistent with that end." *Katz, supra,* at 356–367. The Fourth Amendment contemplates a prior judicial judgment,[18] not the risk that executive discretion may be reasonably exercised. This judicial role accords with our basic constitutional doctrine that individual freedoms will best be preserved through a separation of powers and division of functions among the different branches and levels of Government. John M. Harlan, Thoughts at a Dedication: Keeping the Judicial Function in Balance, 49 A. B. A. J. 943–944 (1963). The independent check upon executive discretion is not satisfied, as the Government argues, by "extremely limited" post-surveillance judicial review.[19] Indeed, post-surveillance review would never reach the surveillances which failed to result in prosecutions. Prior review by a neutral and detached magistrate is the time tested means of effectuating Fourth Amendment rights. *Beck* v. *Ohio,* 379 U.S. 89, 96 (1964).

It is true that there have been some exceptions to the warrant requirement. *Chimel* v. *California,* 395 U.S. 752 (1969); *Terry* v. *Ohio,* 392 U.S. 1 (1968); *McDonald* v. *United States,* 335 U.S. 451 (1948); *Carroll* v. *United States,* 267 U.S. 132 (1925). But those exceptions are few in number and carefully delineated, *Katz, supra,* at 357; in general they serve the legitimate needs of law enforcement officers to protect their own well-being and preserve evidence from destruction. Even while carving out those exceptions, the Court has reaffirmed the principle that the "police must, whenever practicable, obtain advance judicial approval of searches and seizures through the warrant procedure," *Terry* v. *Ohio, supra,* at 20; *Chimel* v. *California, supra,* at 762.

The Government argues that the special circumstances applicable to domestic security surveillances necessitate a further exception to the warrant requirement. It is urged that the requirement of prior judicial review would obstruct the President in the discharge of his constitutional duty to protect domestic security. We are told further that these surveillances are directed primarily to the collecting and mantaining of intelligence with respect to subversive forces, and are not an attempt to gather evidence for specific criminal prosecutions. It is said that this type of surveillance should not be subject to traditional warrant requirements which were established to govern investigation of criminal activity, not on-going intelligence gathering. Govt. Brief, pp. 15–16, 23–24. Govt. Reply Brief, pp. 2–3.

The Government further insists that courts "as a practical matter would have neither the knowledge nor the techniques necessary to determine whether there was probable cause to believe that surveillance was necessary to protect national security." These security problems, the Government contends, involve "a large number of complex and subtle factors" beyond the competence of courts to evaluate. Govt. Reply Brief, p. 4.

As a final reason for exemption from a warrant requirement, the Government believes that disclosure to a magistrate of all or even a significant portion of the information involved in domestic security surveillances "would create serious potential dangers to the national security and to the lives of informants and agents . . . . Secrecy is the essential ingredient in intelligence gathering; requiring prior judicial authorization would create a greater 'danger of leaks . . ., because in addition to the judge, you have the clerk, the stenographer and some other official like a law assistant or bailiff who may be apprised of the nature' of the surveillance." Govt. Brief, pp. 24–25.

These contentions in behalf of a complete exemption from the warrant requirement, when urged on behalf of the President and the national security in its domestic implications, merit the most careful consideration. We certainly do not reject them lightly, especially at a time of worldwide ferment and when civil disorders in this country are more prevalent than in the less turbulent periods of our history. There is, no doubt, pragmatic force to the Government's position.

But we do not think a case has been made for the requested departure from Fourth Amendment standards. The circumstances described do not justify complete exemption of domestic security surveillance from prior judicial scrutiny. Official surveillance, whether its purpose be criminal investigation or on-going intelligence gathering, risks infringement of constitutionally protected privacy of speech. Security surveillances are especially sensitive because of the inherent vagueness of the domestic security concept the necessarily broad and continuing nature of intelligence gathering, and the temptation to utilize such surveillances to oversee political dissent. We recognize, as we have before, the constitutional basis of the President's domestic security role, but we think it must be exercised in a manner compatible with the Fourth Amendment. In this case we hold that this requires an appropriate prior warrant procedure.

We cannot accept the Government's argument that internal security matters are too subtle and complex for judicial evaluation. Courts regularly deal with the most difficult issues of our society. There is no reason to believe that federal judges will be insensitive to or uncomprehending of the issues involved in domestic security cases. Certainly courts can recognize that domestic security surveillance involves different considerations from the surveillance of ordinary crime. If the threat is too subtle or complex for our senior law enforcement officers to convey its significance to a court, one may question whether there is probable cause for surveillance.

Nor do we believe prior judicial approval will fracture the secrecy essential to official intelligence gathering. The investigation of criminal activity has long involved imparting sensitive information to judicial officers who have respected the confidentialities involved. Judges may be counted upon to be especially conscious of security requirements in national security cases. Title III of the Omnibus Crime Control and Safe Streets Act already has imposed this responsibility on the judiciary in connection with such crimes as espionage, sabotage and treason, § 2516 (1) (a) (c), each of which may involve domestic as well as foreign security threats. Moreover, a warrant application involves no public or adversary proceedings: it is an *ex parte* request before a magistrate or judge. Whatever security dangers clerical and secretarial personnel may pose can be minimized by proper administrative measures, possibly to the point of allowing the Government itself to provide the necessary clerical assistance.

Thus, we conclude that the Government's concerns do not justify departure in this case from the customary Fourth Amendment requirement of judicial approval prior to initiation of a search or surveillance. Although some added burden will be imposed upon the Attorney General, this inconvenience is justified in a free society to protect constitutional values. Nor do we think the Government's domestic surveillance powers will be impaired to any significant degree. A prior warrant establishes presumptive validity of the surveillance and will minimize the burden of justification in post-surveillance judicial review. By no means of least importance will be the reassurance of the public generally that indiscriminate wiretapping and bugging of law-abiding citizens cannot occur.

IV

We emphasize, before concluding this opinion, the scope of our decision. As stated at the outset, this case involves only the domestic aspects of national security. We have not addressed, and express no opinion as to, the issues which may be involved with respect to activities of foreign powers or their agents.[20] Nor does our decision rest on the language of § 2511(c) or any other section of Title III of the Omnibus Crime Control and Safe Streets Act of 1968. That Act does not attempt to define or delineate the powers of the President to meet domestic threats to the national security.

Moreover, we do not hold that the same type of standards and procedures prescribed by Title III are necessarily applicable to this case. We recognize that domestic security surveillance may involve different policy and practical considerations from the surveillance of "ordinary crime." The gathering of security intelligence is often long range and involves the interrelation of various sources and types of information. The exact targets of such surveillance may be more difficult to identify than in surveillance operations against many types of crime specified in Title III. Often, too, the emphasis of domestic intelligence gathering is on the prevention of unlawful activity or the enhancement of the Government's preparedness for some possible future crisis or emergency. Thus, the focus of domestic surveillance may be less precise than that directed against more conventional types of crime.

Given these potential distinctions between Title III criminal surveillance and those involving the domestic security, Congress may wish to consider protective standards for the latter which differ from those already prescribed for specified crimes in Title III. Different standards may be compatible with the Fourth Amendment if they are reasonable both in relation to the legitimate need of Government for intelligence information and the protected rights of our citizens. For the warrant application may vary according to the governmental interest to be enforced and the nature of citizen rights deserving protection. As the Court said in *Camara* v. *Municipal Court,* 387 U.S. 523, 534–535 (1967):

"In cases in which the Fourth Amendment requires that a warrant to search be obtained, 'probable cause' is the standard by which a particular decision to search is tested against the constitutional mandate of reasonableness. . . . In determining whether a particular inspection is reasonable—and thus in determining whether there is probable cause to issue a warrant for that inspection—the need for the inspection must be weighed in terms of these reasonable goals of law enforcement." It may be that Congress, for example, would judge that the application and affidavit showing probable cause need not follow the exact requirements of § 2518 but should allege other circumstances more appropriate to domestic security cases; that the request for prior court authorization could, in sensitive cases, be made to any member of a specially designated court (*e.g.,* the District Court or Court of Appeals for the District of Columbia); and that the time and reporting requirements need not be so strict as those in § 2518.

The above paragraph does not, of course, attempt to guide the congressional judgment but rather to delineate the present scope of our own opinion. We do not attempt to detail the precise standards for domestic security warrants any more than our decision in *Katz* sought to set the refined requirements for the specified criminal surveillances which now constitute Title III. We do hold, however, that prior judicial approval is required for the type of domestic security surveillance involved in this case and that such approval may be made in accord-

ance with such reasonable standards as the Congress may prescribe.

V

As the surveillance of Plamondon's conversations was unlawful, because conducted without prior judicial approval, the courts below correctly held that *Alderman* v. *United States*, 394 U.S. 168 (1969), is controlling and that it requires disclosure to the accused of his own impermissibly intercepted conversations. As stated in *Alderman*, "the trial court can and should, where appropriate, place a defendant and his counsel under enforceable orders against unwarranted disclosure of the materials which they may be entitled to inspect." 394 U.S. 185.[11]

The judgment of the Court of Appeals is hereby

Affirmed.

The CHIEF JUSTICE concurs in the result.

Mr. JUSTICE REHNQUIST took no part in the consideration or decision of this case.

FOOTNOTES

[1] See n. 10, *infra*.

[2] The Attorney General's affidavit reads as follows:

"JOHN N. MITCHELL being duly sworn deposes and says:

"1. I am the Attorney General of the United States.

"2. This affidavit is submitted in connection with the Government's opposition to the disclosure to the defendant Plamondon of information concerning the overhearing of his conversations which occurred during the course of electronic surveillances which the Government contends were legal.

"3. The defendant Plamondon has participated in conversations which were overheard by Government agents who were monitoring wiretaps which were being employed to gather intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government. The records of the Department of Justice reflect the installation of these wiretaps had been expressly approved by the Attorney General.

"4. Submitted with this affidavit is a sealed exhibit containing the records of the intercepted conversations, a description of the premises that were the subjects of the surveillances, and copies of the memoranda reflecting the Attorney General's express approval of the installation of the surveillances.

"5. I certify that it would prejudice the national interest to disclose the particular facts concerning these surveillances other than to the court *in camera*. Accordingly, the sealed exhibit referred to herein is being submitted solely for the court's *in camera* inspection and a copy of the sealed exhibit is not being furnished to the defendants. I would request the court, at the conclusion of its hearing on this matter, to place the sealed exhibit in a sealed envelope and return it to the Department of Justice where it will be retained under seal so that it may be submitted to any appellate court that may review this matter."

[3] Jurisdiction was challenged before the Court of Appeals on the ground that the District Court's order was interlocutory and not appealable under 28 U.S.C. § 1291. On this issue, the Court correctly held that it did have jurisdiction, relying upon the All Writs Statute, 28 U.S.C. § 1651, and cases cited in its opinion, 444 F. 2d, at 655–656. No attack was made in this Court as to the appropriateness of the writ of mandamus procedure.

[4] These exceptions relate to certain activities of communication common carriers and the Federal Communications Commission, and to specified situations where a party to the communication has consented to the interception.

[5] 18 U.S.C. § 2518, subsection (1) reads as follows:

"§22518. Procedure for interception of wire or oral communications

"(1) Each application for an order authorizing or approving the interception of a wire or oral communication shall be made in writing upon oath or affirmation to a judge of competent jurisdiction and shall state the applicant's authority to make such application. Each application shall include the following information:

"(a) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

"(b) a full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including (i) details as to the particular offense that has been, is being, or is about to be committed, (ii) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (iii) a particular description of the type of communications sought to be intercepted, (iv) the identity of the person, if known, committing the offense and whose communications are to be intercepted;

"(c) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

"(d) a statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

"(e) a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and

"(f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results."

[6] The final sentence of § 2511(3) states that the contents of an interception "by authority of the President in the exercise of the foregoing powers may be received in evidence . . . only where such interception was reasonable. . . ." This sentence seems intended to assure that when the President conducts lawful surveillance—pursuant to whatever power he may possess—the evidence is admissible.

[7] Cong. Rec. Vol. 114, pt. 11, p. 14751, May 23, 1968. Senator McClellan was the sponsor of the bill. The above exchange constitutes the only time that § 2511(3) was expressly debated on the Senate or House floor. The Report of the Senate Judiciary Committee is not so explicit as the exchange on the floor, but it appears to recognize that under § 2511 (3) the national security power of the President—whatever it may be—"is not to be deemed disturbed." S. Rep. No. 1097, 90th Cong., 2d Sess., 94 (1968). See also The "National Security Wiretap": President Prerogative or Judicial Responsibility where the author concludes that in § 2511(3) "Congress took what amounted to a position of neutral noninterference on the question of the constitutionality of warrantless national security wiretaps authorized by the President." 45 S. Cal. L. Rev.—(1972).

[8] Section 2511(3) refers to "the constitutional power of the President" in two types of situations: (i) where necessary to protect against attack, other hostile acts or intelligence activities of a "foreign power"; or (ii) where necessary to protect against the overthrow of the Government or other clear and present danger to the structure or existence of the Government. Although both of the specified situations are sometimes referred to as "national security" threats, the term "national security" is used only in the first sentence of § 2511(3) with respect to the activities of foreign powers. This case involves only the second sentence of § 2511(3), with the threat emanating—according to the Attorney General's affidavit—from "domestic organizations." Although we attempt no precise definition, we use the term "domestic organization" in this opinion to mean a group or organization (whether formally or informally constituted) composed of citizens of the United States and which has no significant connection with a foreign power, its agents or agencies. No doubt there are cases where it will be difficult to distinguish between "domestic" and "foreign" unlawful activities directed against the Government of the United States where there is collaboration in varying degrees between domestic groups or organizations and agents or agencies of foreign powers. But this is not such a case.

[9] Enactment of Title III reflects congressional recognition of the importance of such surveillance in combatting various types of crime. Frank S. Hogan, District Attorney for New York County for over 25 years, described telephone interception, pursuant to court order, as "the single most valuable weapon in law enforcement's fight against organized crime." Cong. Rec. Vol. 117, pt. 11, p. 14051. The "Crime" Commission appointed by President Johnson noted that "the great majority of law enforcement officials believe that the evidence necessary to bring criminal sanctions to bear consistently on the higher echelons of organized crime will not be obtained without the aid of electronic surveillance techniques. They maintain these techniques are indispensable to develop adequate strategic intelligence concerning organized crime, to set up specific investigations, to develop witnesses, to corroborate their testimony, and to serve as substitutes for them—each a necessary step in the evidence-gathering process in organized crime investigations and prosecutions." Report by the President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, p. 201 (1967).

[10] In that month Attorney General Tom Clark advised President Truman of the necessity of using wiretaps "in cases vitally affecting the domestic security." In May 1940 President Roosevelt had authorized Attorney General Jackson to utilize wiretapping in matters "involving the defense of the nation," but it is questionable whether this language was meant to apply to solely domestic subversion.

The nature and extent of wiretapping apparently varied under different administrations and Attorneys General, but except for the sharp curtailment under Attorney General Ramsey Clark in the latter years of the Johnson administration, electronic surveillance has been used both against organized crime and in domestic security cases at least since the 1946 memorandum from Clark to Truman. Govt. Brief, pp. 16–18; Resp. Brief pp. 51–56; Cong. Rec. Vol. 117, pt. 11, pp. 14051–14052.

[11] Brownell, The Public Security and Wire Tapping, 39 Cornell L. Q. 195, 202 (1954). See also Rogers, The Case For Wire Tapping, 63 Yale L. J. 792 (1954).

[12] The Government asserts that there were

1,562 bombing incidents in the United States from January 1, 1971, to July 1, 1971, most of which involved Government related facilities. Respondents dispute these statistics as incorporating many frivolous incidents as well as bombings against nongovernmental facilities. The precise level of this activity, however, is not relevant to the disposition of this case. Govt. Brief, p. 18; Resp. Brief, p. 26–29; Govt. Reply Brief, p. 13.

[13] Professor Alan Westin has written on the likely course of future conflict between the value of privacy and the "new technology" of law enforcement. Much of the book details techniques of physical and electronic surveillance and such possible threats to personal privacy as psychological and personality testing and electronic information storage and retrieval. Not all of the contemporary threats to privacy emanate directly from the pressures of crime control. A. Westin, Privacy and Freedom (1967).

[14] Though the total number of intercepts authorized by state and federal judges pursuant to Tit. III of the 1968 Omnibus Crime Control and Safe Streets Act was 597 in 1970, each surveillance may involve interception of hundreds of different conversations. The average intercept in 1970 involved 44 people and 655 conversations, of which 295 or 45% were incriminating. Cong. Rec. Vol. 117, pt. 11, p. 14052.

[15] Cong. Rec. Vol. 114, pt. 11, p. 14750, May 23, 1968. The subsequent assurances, quoted in part I of the opinion, that § 2511 (3) implied no statutory grant, contraction, or definition of presidential power eased the Senator's misgivings.

[16] This view has not been accepted. In *Chimel* v. *California*, 395 U.S. 752 (1969), the Court considered the Government's contention that the search be judged on a general "reasonableness" standard without reference to the warrant clause. The Court concluded that argument was "founded on little more than a subjective view regarding the acceptability of certain sorts of police conduct, and not on considerations relevant to Fourth Amendment interests. Under such an unconfined analysis, Fourth Amendment protection in this area would approach the evaporation point." *Chimel, supra*, at 764–765.

[17] Lesson, The History and Development of the Fourth Amendment to the United States Constitution, 79–105 (1937).

[18] We use the word "judicial" to connote the traditional Fourth Amendment requirement of a neutral and detached magistrate.

[19] The Government argues that domestic security wiretaps should be upheld by courts in post surveillance review "unless it appears that the Attorney General's determination that the proposed surveillance relates to a national security matter is arbitrary and capricious, *i.e.*, that it constitutes a clear abuse of the broad discretion that the Attorney General has to obtain all information that will be helpful to the President in protecting the Government . . ." against the various unlawful acts in § 2511(3). Govt. Brief, p. 22.

[20] See n. 8, *supra*. For the view that warrantless surveillance, though impermissible in domestic security cases, may be constitutional where foreign powers are involved, see *United States* v. *Smith*, — F. Supp. — (1971); and American Bar Association Criminal Justice Project, Standards Relating to Electronic Surveillance, Feb. 1971, pp. 11, 120, 121. See also *United States* v. *Clay*, 430 F. 2d 165 (1970).

[21] We think it unnecessary at this time and on the facts of this case to consider the arguments advanced by the Government for a reexamination of the basis and scope of the Court's decision in *Alderman*.

MR. JUSTICE DOUGLAS, concurring.

While I join in the opinion of the Court, I add these words in support of it.

This is an important phase in the campaign of the police and intelligence agencies to obtain exemptions from the Warrant Clause of the Fourth Amendment. For, due to the clandestine nature of electronic eavesdropping, the need is acute for placing on the Government the heavy burden to show that "exigencies of the situation [make its] course imperative." [1] Other abuses such as the search incident to arrest, have been partly deterred by the threat of damage actions against offending officers,[2] the risk of adverse publicity, or the possibility of reform through the political process. These latter safeguards, however, are ineffective against lawless wiretapping and "bugging" of which their victims are totally unaware. Moreover, even the risk of exclusion of tainted evidence would here appear to be of negligible deterrent value inasmuch as the United States frankly concedes that the primary purpose of these searches is to fortify its intelligence collage rather than to accumulate evidence to support indictments and convictions. If the Warrant Clause were held inapplicable here, then the federal intelligence machine would literally enjoy unchecked discretion.

Here federal agents wish to rummage for months on end through every conversation, no matter how intimate or personal, carried over selected telephone lines simply to seize those few utterances which may add to their sense of the pulse of a domestic underground.

We are told that one national security wiretap lasted for 14 months and monitored over 900 conversations. Senator Edward Kennedy found recently that "warrantless devices accounted for an average of 78 to 209 days of listening per device, as compared with a 13-day per device average for those devices installed under court order." [3] He concluded that the Government's revelations posed "the frightening possibility that the conversations of untold thousands of citizens of this country are being monitored on secret devices which no judge has authorized and which may remain in operation for months and perhaps years at a time." [4] Even the most innocent and random caller who uses or telephones into a tapped line can become a flagged number in the Government's data bank. See *Laird* v. *Tatum*, 1971 Term, No. 71–288.

Such gross invasions of privacy epitomize the very evil to which the Warrant Clause was directed. This Court has been the unfortunate witness of the hazards of police intrusions which did not receive prior sanction by independent magistrates. For example, in *Weeks* v. *United States, supra; Mapp* v. *Ohio*, 367 U.S. 643; and *Chimel* v. *California, supra*, entire homes were ransacked pursuant to warrentless searches. Indeed, in *Kremen* v. *United States*, 353 U.S. 346, the *entire contents* of a cabin, totalling more than 800 items (such as "1 Dish Rag") [5] were seized incident to an arrest of its occupant and were taken to San Francisco for study by FBI agents. In a similar case, *Von Cleef* v. *New Jersey*, 395 U.S. 814, police, without a warrant, searched an arrestee's house for three hours, eventually seizing "several thousand articles, including books, magazines, catalogues, mailing lists, private correspondence (both open and unopened), photographs, drawings, and film." *Id.*, 815. In *Silverthorne Lumber Co.* v. *United States*, 251 U.S. 385, federal agents "without a shadow of authority" raided the offices of one of the petitioners (the proprietors of which had earlier been jailed) and "made a clean sweep of all the books, papers, and documents found there." Justice Holmes, for the Court, termed this tactic an "outrage." *Id.*, 385, 390, 391. In *Stanford* v. *Texas*, 379 U.S. 476, state police seized more than 2,000 items of literature, including the writings of Mr. Justice Black, pursuant to a general search warrant issued to inspect an alleged subversive's home.

That "domestic security" is said to be involved here does not draw this case outside the mainstream of Fourth Amendment law. Rather, the recurring desire of reigning officials to employ dragnet techniques to intimidate their critics lies at the core of that prohibition. For it was such excesses as the use of general warrants and the writs of assistance that led to the ratification of the Fourth Amendment. In *Entick* v. *Carrington*, 19 How. St. Tr. 1029, decided in 1765, one finds a striking parallel to the executive warrants utilized here. The Secretary of State had issued general executive warrants to his messengers authorizing them to roam about and to seize libel and libellants of the sovereign. Entick, a critic of the Crown, was the victim of one such general search during which his seditious publications were impounded. He brought a successful damage action for trespass against the messengers. The verdict was sustained on appeal Lord Camden wrote that if such sweeping tactics were validated then "the secret cabinets and bureaus of every subject in this kingdom will be thrown open to the search and inspection of a messenger, whenever the secretary of state shall think fit to charge, or even to suspect, a person to be the author, printer, or publisher of a seditious libel." *Id.*, 1063. In a related and similar proceeding, *Wilkes* v. *Wood*, 9 How. St. Tr. 1153, 1167, a false imprisonment suit, the same judge who presided over Entick's appeal held for another victim of the same despotic practice, saying "to enter a man's house by virtue of a nameless warrant, in order to procure evidence, is worse than the Spanish Inquisition. . . ." As early as *Boyd* v. *United States*, 116 U.S. 616, 626, and as recently as *Stanford* v. *Texas, supra*, at 485–486; *Berger* v. *New York*, 388 U.S. 41, 50; and *Coolidge* v. *New Hampshire, supra*, at 455, n. 9, the tyrannical invasions described and assailed in Entick and Wilkes, practices which also were endured by the colonists,[6] have been recognized as the primary abuses which ensued the Warrant Clause a prominent place in our Bill of Rights. See J. Landynski, Search and Seizure and the Supreme Court 28–48 (1966). N. Lasson, The History And Development Of The Fourth Amendment To The United States Constitution 43–78 (1937); Note, Warrantless Searches In Light of *Chimel*: A Return To The Original Understanding, 11 Ariz. L. Rev. 455, 460–476 (1969).

As illustrated by a flood of cases before us this Term, *e. g.*, *Laird* v. *Tatum*, No. 71–288; *Gelbard* v. *United States*, No. 71–110; *United States* v. *Egan*, No. 71–263; *United States* v. *Caldwell*, No. 70–57; *United States* v. *Gravel*, No. 71–1026; *Kleindienst* v. *Mandel*, No. 71–16; we are currently in the throes of another national seizure of paranoia, resembling the hysteria which surrounded the Alien and Sedition Acts, the Palmer Raids, and the McCarthy era. Those who register dissent or who petition their governments for redress are subjected to scrutiny by grand juries,[7] by the FBI,[8] or even by the military.[9] Their associates are interrogated. Their homes are bugged and their telephones are wiretapped. They are befriended by secret government informers.[10] Their patriotism and loyalty are questioned.[11] Senator Sam Ervin, who has chaired hearings on military surveillance of civilian dissidents, warns that "it is not an exaggeration to talk in terms of hundreds of thousands of . . . dossiers." [12] Senator Kennedy, as mentioned *supra*, found "the frightening possibility that the conversations of untold thousands are being monitored on secret devices." More than our privacy is implicated. Also, at stake is the reach of the Government's power to intimidate its critics.

When the Executive attempts to excuse these tactics as essential to its defense

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Footnotes at end of article.

against internal subversion, we are obliged to remind it, without apology, of this Court's long commitment to the preservation of the Bill of Rights from the corrosive environment of precisely such expedients.[13] As Justice Brandeis said, concurring in *Whitney* v. *California*, "those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty." Chief Justice Warren put it this way in *United States* v. *Robel*, 389 U.S. 258, 264: "[T]he concept of 'national defense' cannot be deemed an end in itself, justifying any . . . power designed to protect such a goal. Implicit in the term 'national defense' is the notion of defending those values and ideas which set this nation apart. . . . It would be indeed ironic if, in the name of national defense, we would sanction the subversion of . . . those liberties . . . which make the defense of the Nation worthwhile."

The Warrant Clause has stood as a barrier against intrusions by officialdom into the privacies of life. But if that barrier were lowered now to permit suspected subversives most intimate conversations to be pillaged then why could not their abodes or mail be secretly searched by the same authority? To defeat so terrifying a claim of inherent power we need only stand by the enduring values served by the Fourth Amendment. As we stated last Term in *Coolidge* v. *New Hampshire*, 403 U.S. 443, 455: "In times of unrest, whether caused by crime or racial conflict or fear of internal subversion, this basic law and values that it represents may appear unrealistic or 'extravagant' to some. But the values were those of authors of our fundamental constitutional concepts. In times not altogether unlike our own they won . . . a right of personal security against arbitrary intrusions . . . . If times have changed, reducing every man's scope to do as he pleases in an urban and industrial world, the changes have made the values served by the Fourth Amendment more, not less, important." We have as much or more to fear from the erosion of our sense of privacy and independence by the omnipresent electronic ear of the Government as we do from the likelihood that fomenters of domestic upheaval will modify our form of governing.[14]

FOOTNOTES

[1] *Coolidge* v. *New Hampshire*, 403 U.S. 443, 455; *McDonald* v. *United States*, 335 U.S. 451, 456; *Chimel* v. *California*, 395 U.S. 756; *United States* v. *Jeffers*, 342 U.S. 48, 51.

[2] See *Bivens* v. *Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388.

[3] Letter from Senator Edward Kennedy to Members of the Subcommittee on Administrative Procedure and Practice of the Senate Judiciary Committee, Dec. 17, 1971, p. 2. Senator Kennedy included in his letter a chart comparing court-ordered and department-ordered wiretapping and bugging by federal agencies. This chart is reproduced in the Appendix to this opinion. For a statistical breakdown by duration, location, and implementing agency, of the 1,042 wiretap orders issued in 1971 by state and federal judges, see Administrative Office of the United States Courts, Report on Applications for Orders Authorizing or Approving the Interception of Wire or Oral Communications (1972); The Washington Post, May 14, 1972, at A29, col. 8.

[4] Kennedy, *op. cit.*, 2–3. See also H. Schwartz, A Report on the Costs and Benefits of Electronic Surveillance (1971); Schwartz, The Legitimation of Electronic Eavesdropping: The Politics of "Law and Order," 67 Mich. L. Rev. 455 (1969).

[5] For a complete itemization of the objects seized, see the Appendix to *Kremen* v. *United States*, 353 U.S. 346, 349.

[6] On this side of the Atlantic, the validity of general search warrants centered around the writs of assistance which were used by customs officers for the detection of smuggled goods." N. Lasson, The History and Development Of The Fourth Amendment To The United States Constitution 51 (1937). In February 1761, all writs expired six months after the death of George II and Boston merchants petitioned the Superior Court in opposition to the granting of any new writs. The merchants were represented by James Otis, Jr., who later became a leader in the movement for independence.

"Otis completely electrified the large audience in the court room with his denunciation of England's whole policy toward the Colonies and with his arguments against general warrants. John Adams, then a young man less than twenty-six years of age and not yet admitted to the bar, was a spectator, and many years later described the scene in these oftquoted words: 'I do say in the most solemn manner, that Mr. Otis's oration against the Writs of Assistance breathed into this nation the breath of life.' He 'was a flame of fire! Every man of a crowded audience appeared to me to go away, as I did, ready to take arms against Writs of Assistance. Then and there was the first scene of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born. In 15 years, namely in 1776, he grew to manhood, and declared himself free.'" N. Lasson, *supra*, 58–59.

[7] See Donnor & Cerruti, The Grand Jury Network: How the Nixon Administration Has Secretly Perverted A Traditional Safeguard Of Individual Rights, 214 The Nation 5 (1972). See also *United States* v. *Caldwell*, 1971 Term, No. 70–57; *United States* v. *Gravel*, 1971 Term, No. 71–1026; *Parnas* v. *United States*, and *United States* v. *Egan*, 1971 Term, Nos. 71–110 and 71–263. And see N.Y. Times, July 15, 1971, at 6, col. 1 (grand jury investigation of N.Y. Times staff who published the Pentagon Papers).

[8] *E.g.*, N.Y. Times, April 12, 1970, at 1, col. 1 ("U.S. To Tighten Surveillance of Radicals"); N.Y. Times, Dec. 14, 1969, at 1, col. 1 ("F.B.I.'s Informants and Bugs Collect Data On Black Panthers"); The Washington Post, May 12, 1972, at D21, col. 5 ("When the FBI Calls, Everybody Talks"); The Washington Post, May 16, 1972, at B15, col. 5 ("Black Activists Are FBI Targets"); The Washington Post, May 17, 1972, at B13, col. 5 ("Bedroom Peeking Sharpens FBI Files"). And, concerning an FBI investigation of Daniel Schorr, a television correspondent critical of the Government, see N.Y. Times, Nov. 11, 1971, at 95, col. 4; and N.Y. Times, Nov. 12, 1971 at 13, col. 1. For the wiretapping and bugging of Dr. Martin Luther King by the FBI. See V. Navesky, Kennedy Justice 135–155 (1971). For the wiretapping of Mrs. Eleanor Roosevelt and John L. Lewis by the FBI see Theoharis & Meyer, The "National Security" Justification For Electronic Eavesdropping: An Elusive Exception, 14 Wayne L. Rev. 749, 760–761 (1968).

[9] See *Laird* v. *Tatum*, 1971 Term, No. 71–288; See also Federal Data Banks, Computers and the Bill of Rights, Hearings before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee, 92d Cong., 1st Sess. (1971); N.Y. Times, Feb. 29, 1972, at 1, col 4.

[10] "Informers have been used for national security reasons throughout the twentieth century. They were deployed to combat what were perceived to be an internal threat from radicals during the early 1920's. When fears began to focus on Communism, groups thought to have some connection with the Communist Party were heavily infiltrated. Infiltration of the Party itself was so intense that one former FBI agent estimated a ratio of one informant for every 5.7 members in 1962. More recently, attention has shifted to militant antiwar and civil rights groups. In part because of support for such groups among university students throughout the country, informers seem to have become ubiquitous on campus. Some insight into the scope of the current use of informers was provided by the Media Papers, FBI documents stolen in early 1971 from a Bureau office in Media, Pennsylvania. The papers disclose FBI attempts to infiltrate a conference of war resisters at Haverford College in August 1969, and a convention of the National Association of Black Students in June 1970. They also reveal FBI endeavors 'to recruit informers, ranging from bill collectors to apartment janitors, in an effort to develop constant surveillance in black communities and New Left organizations' [N.Y. Times, April 8, 1971, at 22, col. 1]. In Philadelphia's black community, for instance, a whole range of buildings including office of the Congress of Racial Equality, the Southern Christian Leadership Conference [and] the Black Coalition' [*ibid.*] was singled out for surveillance by building employees and other similar informers working for the FBI." Note, Developments In The Law—The National Security Interest and Civil Liberties, 85 Harv. L. Rev. 1130, 1272–1273 (1972). For accounts of the impersonation of journalists by police, FBI agents and soldiers in order to gain the confidences of dissidents, see Press Freedoms Under Pressure, Report of the Twentieth Century Fund Task Force on the Government and the Press 29–34, 86–97 (1972). For the revelation of Army infiltration of political organizations and spying on Senators, Governors and Congressmen, see Federal Data Banks, Computers and the Bill of Rights, Hearings before the Subcom. on Constitutional Rights of the Senate Comm. on the Judiciary, 92d Cong., 1st Sess. (1971) (discussed in my dissent from the denial of certiorari in *Williamson* v. *United States*, 405 U.S. ——). Among the Media Papers was the suggestion by the F.B.I. that investigation of dissidents be stepped up in order to "enhance the paranoia endemic in these circles and [to] further serve to get the point across that there is an FBI agent behind every mailbox." N.Y. Times, March 25, 1971, at 33, col. 1.

[11] *E. g.*, N. Y. Times, Feb. 8, 1972, at 1, col. 8 (Senate peace advocates said, by presidential adviser, to be aiding and abetting the enemy).

[12] *Amicus curiae* brief submitted by Senator Sam Ervin in *Laird* v. *Tatum*, 1971 Term, No. 71–288, at 8.

[13] *E. g.*, *New York Times Co. v. United States*, 403 U. S. 713; *Powell* v. *McCormick*, 395 U. S. 486; *United States* v. *Robel*, 389 U. S. 258, 264; *Aptheker* v. *Secretary of State*, 378 U. S. 500; *Baggett* v. *Bullitt*, 377 U. S. 372; *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U. S. 579; *Duncan* v. *Kahnamoky*, 327 U. S. 304; *White* v. *Steer*, 327 U. S. 304; *De Jonge* v. *Oregon*, 299 U. S. 353, 365; *Ex parte Milligan*, 4 Wall. 2; *Mitchell* v. *Harmony*, 13 How. 115. Note, the "National Security Wiretap": Presidential Prerogative or Judicial Responsibility, 45 So. Cal. L. Rev. 888, 907–912 (1972).

[14] I continue in my belief that it would be extremely difficult to write a search warrant specifically naming the particular conversations to be seized and therefore any such attempt would amount to a general warrant, the very abuse condemned by the Fourth Amendment. As I said in *Osborn* v. *United States*, 385 U. S. 323, 353: "Such devices lay down a dragnet which indiscriminately sweeps in all conversations within its scope, without regard to the nature of the conversations, or the participants. A warrant authorizing such devices is no different from the general warrants the Fourth Amendment was intended to prohibit."

APPENDIX TO OPINION OF DOUGLAS, J.—FEDERAL WIRETAPPING AND BUGGING 1969–70

Year	Court-ordered devices		Executive-ordered devices		
				Days in use	
	Number	Days in use	Number	Minimum (rounded)	Maximum (rounded)
1969	30	462	94	8,100	20,800
1970	180	2,363	113	8,100	22,600

Year	Ratio of days used Executive ordered: Court ordered		Average days in use per device		
			Court-ordered devices	Executive-ordered devices	
	Minimum	Maximum		Minimum	Maximum
1969	[1] 17.5	[1] 45.0	15.4	86.2	221.3
1970	3.4	9.6	13.1	71.7	200.0

[1] Ratios for 1969 are less meaningful than those for 1970, since court-ordered surveillance program was in its initial stage in 1969

Source:
(1) Letter from Assistant Attorney General Robert Mardian to Senator Edward M. Kennedy, Mar. 1, 1971. Source figures withheld at request of Justice Department.
(2) 1969 and 1970 Reports of Administrative Office of U.S. Courts.

UNITED STATES, PETITIONER, v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION, ET AL

[Supreme Court of the United States, No. 70–153, on Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit, June 19, 1972]

MR. JUSTICE WHITE, concurring in the judgment.

This case arises out of a two-count indictment charging conspiracy to injure and injury to Government property. Count I charged Robert Plamondon and two codefendants with conspiring with a fourth person to injure Government property with dynamite. Count II charged Plamondon alone with dynamiting and injuring Government property in Ann Arbor, Michigan. The defendants moved to compel the United States to disclose, among other things, any logs and records of electronic surveillance directed at them, at unindicted coconspirators, or at any premises of the defendants or coconspirators. They also moved for a hearing to determine whether any electronic surveillance disclosed had tainted the evidence on which the grand jury indictment was based and which the Government intended to use at trial. They asked for dismissal of the indictment if such taint were determined to exist. Opposing the motion, the United States submitted an affidavit of the Attorney General of the United States disclosing that "[t]he defendant Plamondon has participated in conversations which were overheard by Government agents who were monitoring wiretaps which were being employed to gather intelligence information deemed necessary to protect the Nation from attempts of domestic organizations to attack and subvert the existing structure of the Government," the wiretaps having been expressly approved by the Attorney General. The records of the intercepted conversations and copies of the memorandum reflecting the Attorney General's approval were submitted under seal and solely for the Court's *in camera* inspection.[1]

As characterized by the District Court, the position of the United States was that the electronic monitoring of Plamondon's conversations without judicial warrant was a lawful exercise of the power of the President to safeguard the national security. The District Court granted the motion of defendants, holding that the President had no constitutional power to employ electronic surveillance without warrant to gather information about domestic organizations. Absent probable cause and judicial authorization, the challenged wiretap infringed Plamondon's Fourth Amendment rights. The court ordered the Government to disclose to defendants the records of the monitored conversations and directed that a hearing be held to determine the existence of taint either in the indictment or in the evidence to be introduced at trial.

The Government's petition for mandamus to require the District Court to vacate its order was denied by the Court of Appeals. 444 F. 2d 651 (1971). That court held that the Fourth Amendment barred warrantless electronic surveillance of domestic organizations even if at the direction of the President. It agreed with the District Court that because the wiretaps involved were therefore constitutionally infirm, the United States must turn over to defendants the records of overheard conversations for the purpose of determining whether the Government's evidence was tainted.

I would affirm the Court of Appeals but on the statutory ground urged by respondent Keith (Brief, p. 115) without reaching or intimating any views with respect to the constitutional issue decided by both the District Court and the Court of Appeals.

Title III of the Omnibus Crime Control and Safe Streets Act of 1968, 82 Stat. 212, 18 U.S.C. §§ 2510–2520, forbids under pain of criminal penalties and civil actions for damages any wiretapping or eavesdropping not undertaken in accordance with specified procedures for obtaining judicial warrants authorizing the surveillance. Section 2511(1) establishes a general prohibition against electronic eavesdropping "except as otherwise specifically provided" in the statute. Later sections provide detailed procedures for judicial authorization of official interceptions of oral communications; when these procedures are followed the interception is not subject to the prohibitions of § 2511(1). Section 2511(2), however, specifies other situations in which the general prohibitions of § 2511(1) do not apply. In addition, § 2511 (3) provides that

"Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1103; 47 U.S.C. § 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any clear and present danger to the structure or existence of the Government. The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power."

It is this subsection that lies at the heart of this case.

The interception here was without judicial warrant, it was not covered by the provisions of § 2511 (2) and it is too clear for argument that it is illegal under § 2511 (1) unless it is saved by § 2511 (3). The majority asserts that § 2511 (3) is a "disclaimer" but not an "exception." But however it is labeled, it is apparent from the face of the section and its legislative history that if this interception is one of those described in § 2511 (3), it is not reached by the statutory ban on unwarranted electronic eavesdropping.[2]

The defendants in the District Court moved for the production of the logs of any electronic surveillance to which they might have been subjected. The Government responded that conversations of Plamondon had been intercepted but took the position that turnover of surveillance records was not necessary because the interception complied with the law. Clearly, for the Government to prevail it was necessary to demonstrate first that the interception involved was not subject to the statutory requirement of judicial approval for wiretapping because the surveillance was within the scope of § 2511 (3); and, secondly, if the Act did not forbid the warrantless wiretap, that the surveillance was consistent with the Fourth Amendment.

The United States has made no claim in this case that the statute may not constitutionally be applied to the surveillance at issue here.[3] Nor has it denied that to comply with the Act the surveillance must either be supported by a warrant or fall within the bounds of the exceptions provided by § 2511 (3). Nevertheless, as I read the opinions of the District Court and the Court of Appeals, neither court stopped to inquire whether the challenged interception was illegal under the statute but proceeded directly to the constitutional issue without adverting to the time-honored rule that courts should abjure constitutional issues except where necessary to decision of the case before them. *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 346–347 (1936) (concurring opinion). Because I conclude that on the record before us the surveillance undertaken by the Government in this case was illegal under the statute itself, I find it unnecessary, and therefore improper, to consider or decide the constitutional questions which the courts below improvidently reached.

The threshold statutory question is simply put: Was the electronic surveillance undertaken by the Government in this case a measure deemed necessary by the President to implement either the first or second branch of the exception carved out by § 2511(3) to the general requirement of a warrant?

The answer, it seems to me, must turn on the affidavit of the Attorney General offered by the United States in opposition to defendants' motion to disclose surveillance records. It is apparent that there is nothing whatsoever in this affidavit suggesting that the surveillance was undertaken within the first branch of the § 2511(3) exception, that is, to protect against foreign atack, to gather foreign intelligence or to protect national security information. The sole assertion was that the monitoring at issue was employed to gather intelligence information "deemed necessary to protect the Nation from attempts of domestic organizations to attack and subvert the existing structure of the Government." App. 20.

Footnotes at end of article.

Neither can I conclude from this characterization that the wiretap employed here fell within the exception recognized by the second sentence of § 2511(3); for it utterly fails to assume responsibility for the judgment that Congress demanded: that the surveillance was necessary to prevent overthrow by force or other unlawful means or that there was any other clear and present danger to the structure or existence of the Government. The affidavit speaks only of attempts to attack or subvert; it makes no reference to force or unlawfulness; it articulates no conclusion that the attempts involved any clear and present danger to the existence or structure of the Government.

The shortcomings of the affidavit when measured against § 2511(3) are patent. Indeed, the United States in oral argument conceded no less. The specific inquiry put to Government counsel was: "[D]o you think the affidavit, standing alone, satisfies the Safe Streets Act?" The Assistant Attorney General answered "No sir, we do not rely upon the affidavit itself. . . ." Tr. of Oral Arg., p. 15.[4]

Government counsel, however, seek to save their case by reference to the *in camera* exhibit submitted to the District Court to supplement the Attorney General's affidavit.[5] It is said that the exhibit includes the request for wiretap approval submitted to the Attorney General, that the request asserted the need to avert a clear and present danger to the structure and existence of the Government, and that the Attorney General endorsed his approval on the request.[6] But I am unconvinced the mere endorsement of the Attorney General on the request for approval submitted to him must be taken as the Attorney General's own opinion that the wiretap was necessary to avert a clear and present danger to the existence or structure of the Government when in an affidavit later filed in court and specifically characterizing the purposes of the interception and at least impliedly the grounds for his prior approval, the Attorney General said only that the tap was undertaken to secure intelligence thought necessary to protect against attempts to attack and subvert the structure of Government. If the Attorney General's approval of the interception is to be given a judicially cognizable meaning different from the meaning he seems to have ascribed to it in his affidavit filed in court, there obviously must be further proceedings in the District Court.

Moreover, I am reluctant myself to proceed in the first instance to examine the *in camera* material and either sustain or reject the surveillance as a necessary measure to avert the dangers referred to in § 2511 (3). What Congress excepted from the warrant requirement was a surveillance which *the President* would assume responsibility for deeming an essential measure to protect against clear and present danger. No judge can satisfy this congressional requirement.

Without the necessary threshold determination, the interception is, in my opinion, contrary to the terms of the statute and subject therefore to the prohibition contained in § 2515 against the use of the fruits of the warrantless electronic surveillance as evidence at any trial.[7]

There remain two additional interrelated reasons for not reaching the constitutional issue. First, even if it were determined that the Attorney General purported to authorize an electronic surveillance for purposes exempt from the general provisions of the Act there would remain the issue whether his discretion was properly authorized. The United States concedes that the act of the Attorney General authorizing a warrantless wiretap is subject to judicial review to some extent. Brief for the United States, pp. 21–23, and it seems improvident to proceed to constitutional questions until it is determined that the Act itself does not bar the interception here in question

Second, and again on the assumption that the surveillance here involved fell within the exception provided by § 2511(3), no constitutional issue need be reached in this case if the fruits of the wiretap were inadmissible on statutory grounds in the criminal proceedings pending against respondent Plamondon. Section 2511(3) itself states that "[t]he contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding *only* where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power." (Emphasis added.) There has been no determination by the District Court that it would be reasonable to use the fruits of the wiretap against Plamondon or that it would be necessary to do so to implement the purposes for which the tap was authorized.

My own conclusion, again, is that as long as nonconstitutional, statutory grounds for excluding the evidence or its fruits have not been disposed of it is improvident to reach the constitutional issue.

I would thus affirm the judgment of the Court of Appeals unless the Court is prepared to reconsider the necessity for an adversary, rather than an *in camera*, hearing with respect to taint. If *in camera* proceedings are sufficient and no taint is discerned by the judge, this case is over, whatever legality of the tap.

FOOTNOTES

[1] The Attorney General's affidavit concluded:

"I certify that it would prejudice the national interest to disclose the particular facts concerning these surveillances other than to the court *in camera*. Accordingly, the sealed exhibit referred to herein is being submitted solely for the court's *in camera* inspection and a copy of the sealed exhibit is not being furnished to the defendants. I would request the court, at the conclusion of its hearing on this matter, to place the sealed exhibit in a sealed envelope and return it to the Department of Justice where it will be retained under seal so that it may be submitted to any appellate court that may review this matter." App. 20–21.

[2] I cannot agree with the majority's analysis of the import of § 2511 (3). Surely, Congress meant at least that if a court determined that in the specified circumstances the President could constitutionally intercept communications without a warrant, the general ban of § 2511 (1) would not apply. But the limitation on the applicability of § 2511 (1) was not open-ended; it was confined to those situations which § 2511 (3) specifically described. Thus, even assuming the constitutionality of a warrantless surveillance authorized by the President to uncover private or official graft forbidden by federal statute, the interception would be illegal under § 2511 (1) because it is not the type of presidential action saved by the Act by the provision of § 2511 (3). As stated in the text and footnote 3, the United States does not claim that Congress is powerless to require warrants for surveillances which the President otherwise would not be barred by the Fourth Amendment from undertaking without a warrant.

[3] See the Transcript of Oral Argument in this Court, pp. 13–14:

"Q. . . . I take it from your answer that Congress could forbid the President from doing what you suggest he has the power to do in this case?

"Mr. Mardian [Assistant Attorney General]: That issue is not before this Court——

"Q. Well, I would—my next question will suggest that it is. Would you say, though, that Congress could forbid the President?

"Mr. Mardian: I think under the rule announced by this court in *Colony Catering* that within certain limits the Congress could severely restrict the power of the President in this area.

"Q. Well, let's assume Congress says, then, that the Attorney General, or the President may authorize the Attorney General in specific situations to carry out electronic surveillance if the Attorney General certifies that there is a clear and present danger to the security of the United States?

"Mr. Mardian: I think that Congress has already provided that, and——

"Q. Well, would you say that Congress would have the power to limit surveillances to situations where those conditions were satisfied?

"Mr. Mardian: Yes, I would—I would concur in that, Your Honor."

A colloquy appearing in the debates on the bill, appearing at Cong. Rec. Vol. 114, Pt. 11, pp. 14,750–14,751, indicates that some Senators considered § 2511 (3) as merely stating an intention not to interfere with the constitutional powers which the President might otherwise have to engage in warrantless electronic surveillance. But the Department of Justice, it was said, participated in the drafting of § 2511 (3) and there is no indication in the legislative history that there was any claim or thought that the supposed powers of the President reached beyond those described in the section. In any case, it seems clear that the congressional policy of noninterference was limited to the terms of § 2511 (3).

[4] See also Transcript of Oral Argument, p. 17:

"Q. [I]f all the *in camera* document contained was what the affidavit contained, it would not comply with the Safe Streets Act?

"Mr. Mardian: I would concur in that, Your Honor."

[5] The Government appears to have shifted ground in this respect. In its initial brief to this Court, the Government quoted the Attorney General's affidavit and then said, without qualification, "These were the grounds upon which the Attorney General authorized the surveillance in the present case." Brief for the United States, p. 21. Moreover, counsel for the Government stated at oral argument "that the *in camera* submission was not intended as a justification for the authorization, but simply [as] a proof of the fact that the authorization had been granted by the Attorney General of the United States, over his own signature." Tr. of Oral Arg., pp. 6–7.

Later at oral argument, however, the Government said: "[T]he affidavit was never intended as the basis for justifying the surveillance in question . . . . The justification, and again I suggest that it is only a partial justification, is contained in the *in camera* exhibit which was submitted to Judge Keith . . . . We do not rely upon the affidavit itself but the *in camera* exhibit." Tr. of Oral Arg., at pp. 14–15. And in its reply brief, the Government says flatly: "These [*in camera*] documents, and not the affidavit, are the proper basis for determining the ground upon which the Attorney General acted." Reply Brief for the United States, p. 9.

[6] Procedures in practice at the time of the request here in issue apparently resulted in the Attorney General merely countersigning a request which asserted a need for a wiretap. We are told that under present procedures the Attorney General makes an express written finding of clear and present danger to the structure and existence of the Government before he authorizes a tap. Tr. of Oral Arg., pp. 17–18.

[7] "Whenever any wire or oral communication has been intercepted, no part of the con-

tents of such communication and no evidence derived therefore may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, or a political subdivision thereof if the disclosure of that information would be in violation of this chapter." 18 U.S.C. § 2515.

ADDITIONAL STATEMENTS

ACCOMPLISHMENTS AT STOCKHOLM CONFERENCE ON HUMAN ENVIRONMENT

Mr. BAKER. Mr. President, in a speech I delivered on the floor of the Senate last week, I listed what I considered to be the 12 most significant accomplishments of the United Nations Conference on the Human Environment, just concluded in Stockholm. Many of those accomplishments, after consideration by the U.N. General Assembly this fall, will require action by the Senate in the form of treaty ratification or appropriations.

In anticipation of this fact, several Senators—Mr. ALLOT, Mr. BUCKLEY, Mr. CASE, Mr. MAGNUSON, Mr. MOSS, Mr. NELSON, Mr. PELL, and Mr. WILLIAMS—were asked to attend as advisers and delegates for the United States at the Conference. Although all of the Members of the Senate who participated at Stockholm deserve the praise of their colleagues, I want to mention specifically and commend the fine job done by Senators CASE and MAGNUSON, who were selected as the leaders of the senatorial delegation. Their expertise in the areas of foreign relations and international commerce, in addition to their keen sense of environmental awareness, was of immeasurable value to the entire U.S. delegation in its efforts to bring about a successful Conference.

When the Senate begins its consideration of many of the measures adopted at Stockholm, I look forward to the same type of leadership from Senators CASE and MAGNUSON at home, that they exhibited so well abroad, and I hope that together we might gain the support of the Senate for the spirit of action to respect, preserve, and protect the environment, the spirit which was begun at Stockholm.

OBSERVATIONS OF TOM DOWLING ON THE CURT FLOOD CASE

Mr. ERVIN. Mr. President, the noted sportswriter Tom Dowling had some interesting observations on the recent decision of the Supreme Court in the Curt Flood case. These observations appeared in the Washington Evening Star for June 22 and June 25, 1972.

I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Washington Star, June 22, 1972]

FLOOD VERSUS KUHN: NOT THE COURT'S FINEST HOUR

(By Tom Dowling)

When the players themselves sound glum and apologetic for the game they've just played, you have to figure the sport involved is baseball. And sure enough that's the way the Supreme Court sounded in its 5–3 decision Monday siding with baseball in the Curt Flood case. It was the third time this century the court has had its fling with the National Pastime and it has yet to get the hang of the game.

Essentially, the issue before the court was whether baseball's reserve clause violates antitrust law because it imposes restraint of trade by denying ball players the right to sell their services on the open market.

An ancillary consideration was why baseball should be the sole American professional sport to be granted the special privilege of antitrust immunity as a result of the High Court's decision in Federal Baseball Club of 1922 and Toolson of 1953.

ASTOUNDING RULING

Monday's ruling was astounding on several counts.

In the first instance, all knowledgeable observers, including baseball's own lawyers, assumed that the court had agreed to hear Flood vs. Kuhn last October because it had distinct reservations over the wisdom of its earlier decisions conferring antitrust immunity on a game that becomes more and more business oriented with each passing year.

Secondly, there is no clear evidence that the present court is markedly less vigilant in upholding antitrust statutes than its predecessor, the Warren Court. Finally, the five justices who voted to reaffirm baseball's unique status were at best tepid in defense of their votes.

Writing for the majority—though two of his colleagues pointedly snubbed two-fifths of his opinion—Justice Harry Blackmun termed baseball's reserve clause exemption "an exception and an anomaly . . . an aberration." In a concurring opinion, Chief Justice Burger's most ringing defense of his own position was to note he had "grave reservations as to its correctness."

CHARITABLE INTERPRETATION

You would think that with friends like this the reserve clause hardly requires an enemy. Yet the indefensible carried the day, the unlikely and the illogical retains its age-old privileged sway. The obvious and disquieting explanation for baseball's triumph is that the court did not regard the clear if lucrative servitude of ballplayers as a very serious public issue.

In substance, Burger's opinion argues that the reserve clause is an awkward but hallowed custom best left to Congress to rectify.

Blackmun, on the other hand, asserts that Congress "positive inaction" over baseball's anomalous antitrust position implies legislative satisfaction with the status quo. This is surely one of the most charitable possible interpretations to account for Congress characteristically dropsical inactivity, a torpor that extends to almost every issue of public policy. Indeed, by a 5–2 majority the court repudiated Blackmun's thesis on this point. In sum, both the Blackmun and Burger opinion are copouts.

This is all the more disappointing since the chief institutional difference between the Supreme Court and the Congress is that the former is alive and working, while the latter has long ago forfeited any public confidence in its capacity to take decisive action.

While it is possible to make a persuasive case that inequities and even chaos might result should baseball be shorn of its reserve clause, the fact is that such consequences are no concern of the Supreme Court, which commands considerable respect for rigorously deciding matters on the basis of the law. Sadly enough, by its own acknowledgement the court eschewed that responsibility with Curt Flood. True, he is only an individual, but then the rights of a single man are the special majesty of the law.

CONSIDERABLE CONFUSION

Because the court's deliberations are held in secrecy it is impossible to determine exactly how the Flood decision was reached. However, some details have come to light, which may help explain why Flood vs. Kuhn was not the High Court's finest hour, was indeed a matter of considerable confusion.

Justice Lewis Powell, who heard the oral arguments last March, promptly disqualified himself from the case, apparently because he owns 880 shares of Anheuser-Busch stock, worth approximately $44,000 at the time Powell was appointed to the court. Since Gussie Busch owned not only the Budweiser brewery but also the St. Louis Cardinals, Powell clearly felt that his active participation in the Flood case would raise a possible conflict of interest.

That left eight votes. Informed sources close to the court say that the eight justices originally were split in conference 5–3, with Chief Burger on Flood's side and Justice Thurgood Marshall on baseball's side. This is entirely plausible since the Star has learned that Justice Potter Stewart assigned the majority opinion to Blackmun. This could only happen in the event the Chief Justice and the next two justices senior to Stewart, William Douglas and William Brennan, were in the minority, as was, in fact, the case.

So, after the opinion for the majority had been given to Blackmun, either Burger or Marshall switched his position on the case. That change would have meant a 4–4 deadlock, which in turn would mean that the court could render no decision whatsoever in the case. Given the considerable publicity surrounding Flood vs. Kuhn, such a standoff doubtless would prove embarrassing to the court. After all, why go to the lengths of reopening baseball's antitrust immunity only to leave the matter up in the air? For if the court failed to speak to Flood vs. Kuhn, another baseball player could test the legality of the reserve clause again in the courts.

RULING INSURED

The cost of the Flood litigation was around $100,000. This is a fair sum of money for the Major League Baseball Players Association to spend on still another suit against baseball with the possibility that the issue ultimately would return to the Supreme Court only to be left dangling again in irresolution.

Therefore, whichever justice—Burger or Marshall—abandoned the majority to create the 4–4 standoff, the remaining one then reportedly defected from the minority side to create the final 5–3 vote. Internal evidence would suggest that Burger, who as Chief Justice has a special concern if not proclivity for preserving the court's public image of efficiency, was the last switch, thus insuring a ruling even if it were of an intellectually disagreeable nature.

Such switches are by no means an uncommon practice at the court, where decisions frequently are the result of consensus politicking and independent re-examination of views. Yet, these reported shifts certainly imply a confused, even a Byzantine approach to the relatively cut and dried antitrust issue involved in Flood vs. Kuhn.

Perhaps the explanation lies in the almost mythical grip of baseball on the national consciences, especially among the generation now old enough to sit on the Supreme Court. How else can you view Monday's curious decision with its extralegal, sentimental qualities?

More on that Sunday.

[From the Washington Star, June 25, 1972]

QUAINT OPINION FROM THE COURT

(By Tom Dowling)

"The Supreme Court follows the election returns," drawled Mr. Dooley to Mr. Hennessy in 1901, when major league baseball was king. Nowadays, when the whole face of America

has altered, it seems that the Supreme Court only follows the baseball standings—circa 1901.

Why, even Mr. Hennessy could tell that the court's 5–3 ruling last week against Curt Flood's challenge to the reserve clause says one thing with any particular clarity: We don't want to put any new-fangled asterisks in the baseball record book, whatever the rights of the case.

Baseball takes its special character from its turn of the century roll-call of mythic heroes, of big strapping farmboys abandoning their ploughs in the fields to journey to the burgeoning cities beyond the Appalachians—Pittsburgh, Cleveland, Cincinnati, St. Louis, Detroit, Chicago. The future was out West and, sure enough, St. Louis, the gateway city, had two ball clubs, as many as patrician Boston and merchantile Philadelphia.

Like the railroads, baseball was one of the sinews reminding us how the nation was tied together in the days of manifest destiny. And, if, like the railroads, baseball is now only a waning shadow of its former self no one wants to be reminded of that painful fact.

THE BIZZARRE PART

How else to account for the backward-looking majority opinion of Justice Harry Blackmun in the Flood case? Blackmun's opinion is divided into five parts, the first of which—judicially speaking, at least—is perhaps the most bizarre literally effort ever handed to the Supreme Court printers.

It is, in fact nothing less that a breathless hymnal to major league baseball—lyrical, devout, bombastic, yet oddly touching in its awkwardly Whitmanesque power to summon up the breadth of a vanished era.

Here is a small flavor of Blackmun's rhapsodical pre-Grantland Rice prose: "It is a century and a quarter since the New York Nine defeated the Knickerbockers 23–1 on Hoboken's Elysian Fields June 19, 1846, with Alexander Jay Cartwright as the instigator and the umpire. . . . And one recalls the appropriate reference to the 'World Series' attributed to Ring Lardner Sr., Ernest L. Thayer's 'Casey at the Bat,' the ring of 'Tinker to Evers to Chance,' and all the other happenings, habits and superstitions about and around baseball that made it the 'national pastime'. . . ."

Blackmun at his rhetorical peak gushes forth a list of no fewer than 88 heroic baseball players "celebrated for one reason or another, that have sparked the diamond and its environs and that have provided tinder for recaptured thrills, for reminiscence and comparisons and for conversation and anticipation in-season and off-season."

THE ANCIENT NAMES

The first names roll by as in some rich processional pageant of a cozier era: Ty, Goose, King, Big Dan, Wahoo Sam, Wee Willie, Iron Man, Three Finger, Smoky Joe, Chief, Dazzy, Cap, Nap, Stuffy, Zack, Eppa, Pie, Rube, Old Hoss, Rabbit and Lefty.

Yes, Good God, yes, this game is touched with a grandiose and venerable zaniness, a next-door-neighbor intimacy when baseball teams were special, made up of big-hearted men-children just like the butcher's boy, the carpenter's apprentice up the street, each with his own vivid moniker and derring-do you could never forget.

There is surely a place for mythic recollections. But in a Supreme Court opinion on antitrust law? It is hard to grasp why such romantic sentiments have anything to do with Curt Flood who came to the Supreme Court for equitable redress, not to hear rhapsodical encomiums on Cap Anson and Rabbit Maranville.

In that sense, it is noteworthy that Chief Justice Warren Burger and Justice Byron White, while joining in the 5–3 majority against Flood, specifically disassociated themselves from Blackmun's celebration of baseball. You have to speculate that Burger and White felt a trifle squeamish that a colleague assigned to deliver the majority opinion on a landmark baseball decision would begin with a preamble that even Commissioner Bowie Kuhn would be inclined to tone down for credibility's sake. Judicial impartiality blurs somewhat when the author wears his heart on his sleeve.

TOO LITTLE HEART

Yet, if Blackmun displayed too much heart for baseball's past the others who joined in the majority vote showed perhaps too little heart to face the issue of baseball's present.

It is hard to foresee any legislative response to the High Court's invitation to Congress to deal with the reserve system. What seems a more probable ramification is that the more hard-nosed baseball owners, a working majority already, will see the decision as a vindication of their point of view.

Bowie Kuhn has already issued a conciliatory sounding statement on the impact of the ruling on owner-player relations. But that does not mean that the owners, who have the real power, are going to take a moderately compromising tack with the Players Association over modifying the reserve clause. That would require considerably more foresight and even-handedness than the owners have ever demonstrated.

Indeed, with the fear of legal reprisal now removed by the Supreme Court, the owners may seek to further consolidate their gains by seeking to crush, or at least humble, the players' association during the next round of baseball negotiations. That could mean a baseball strike next year that would make this year's walkout seem a mere friendly misunderstanding.

Such a bitter labor-management showdown wouldn't have much to do with the baseball lore Harry Blackmun finds so appealing. But then today's game doesn't have much to do with the sport he and the court majority remember, either.

ROBERT E. LEE

Mr. BOGGS. Mr. President, last Friday the Senate passed H.R. 10595, which would change the official name of the Custis-Lee Mansion in Arlington National Cemetery to "Arlington House, the Robert E. Lee Memorial." I support this change for both its historical accuracy and the tribute it pays to this great American.

This legislation restores the house's original name, Arlington House. But it also takes note of the house's greatest historical value, the fact that it served as the home of Gen. Robert E. Lee for 3 years prior to the beginning of the War Between the States.

I am personally a great admirer of General Lee. I believe his life and career are examples of the highest qualities of statesmanship, and I am pleased that his name will be linked permanently with this landmark visited every year by millions of Americans.

General Lee was the founding father of the first chapter of Kappa Alpha Order at Washington College—now Washington and Lee—during his tenure as the school's president following the War Between the States. I was privileged to become a member of Kappa Alpha when I was a student at the University of Delaware, and I am proud of the association with the memory of Robert E. Lee which that membership has brought me.

THE PRESIDENT QUITS ON WELFARE REFORM

Mr. RIBICOFF. Mr. President, as yesterday's Washington Post editorial and today's New York Times editorial accurately indicate, President Nixon has made it clear that he does not wish to enact a welfare reform bill.

I am deeply disappointed that President Nixon does not wish to work with those of us in Congress seeking meaningful welfare reform. In the past the President has asked to be judged by his deeds, not his words. He has failed his own test—delivering words on welfare reform but little else. As a result of his lack of commitment to secure passage of reform legislation, the prospects for reforming our Nation's welfare mess are growing dimmer.

For some time it has been evident that the only possibility for enactment of worthwhile legislation lies in accommodation between those of us supporting improvements to H.R. 1 and the President.

I fail to understand how the President can say that moving in the direction of compromise is wrong on the merits. The fact is that in the past he has supported virtually every element of the proposed compromise bill.

In 1969 and 1970, President Nixon's welfare reform guaranteed benefits no lower than under the present system. Now he rejects that principle.

He agreed to optional work registration for mothers with preschool children. Now he rejects that principle.

He agreed to require State supplementation of families headed by unemployed males. Now he rejects that principle.

He agreed to job suitability provisions, eligibility based on current need, simplified, efficient administrative requirements. Now he rejects these principles.

In short, by rejecting an accommodation with those of us seeking meaningful reform, he is turning his back on all the principles he has supported in the past. He is left with H.R. 1—a regressive, inhumane, and unacceptable welfare bill. It should be obvious to him by now that there are no supporters for H.R. 1 as it passed the House. Not one Republican member of the Senate Finance Committee supported it. Instead, they supported a subpoverty make-work program, which is completely incompatible with the concepts of the family assistance plan.

A large group of Republicans and Democrats remain committed to passage of worthwhile welfare legislation. Without the President's support, however, welfare reform is dead.

I ask unanimous consent that the Washington Post and the New York Times editorials be printed in the RECORD.

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

[From the Washington Post, June 25, 1972]

PRESIDENTIAL POLITICS AND WELFARE REFORM

With his latest statement on welfare reform, President Nixon has finally made his

game plan on this issue quite clear and it looks from here to be significantly more disastrous than the play he gave to the Redskins last December and substantially less well intentioned. Along with revenue sharing, some executive reorganization and one or two other legislative items, welfare reform was trumpeted as part of the President's New American Revolution. Then came the economic crisis last summer and with a grand gesture, he deferred this part of the Revolution to a later date. That gave some people a bit of pause about the seriousness of his intentions, but with many others, we gritted our teeth, waited for the rest of the story and hoped for the best.

The course of welfare reform has been tortuous and hazardous. First, the House took the President's proposals, added some harsh measures with the President's assent and sent the bill over to the tender hands of the Senate Finance Committee. Whereas the House-passed measure (H.R. 1) would have simply insured that a large number of the people now receiving benefits would receive less in the way of payments and food stamps, the bill fashioned by the Senate Finance Committee is draconian by comparison. The House passed bill at least had the virtue of embodying the humane principle of a cash floor under income. The Senate Committee, on the other hand, designed a weird forced make-work program which would trap both the government and welfare recipients into an untenable and costly relationship which would also endanger some of the fundamental freedoms of those in the program.

Senator Ribicoff, meanwhile attempted to fashion a bill which would retain the humane aspects of H.R. 1 while ensuring that no recipients would be hurt by the "reforms." While the Ribicoff plan picked up substantial support in the Senate, the argument that it was too costly threatened to impede its headway there. A compromise, embodying the Ribicoff safeguards, but which would cost the taxpayers less has been worked out and has the support of 19 Republican senators as well as the President's own Secretary of Health, Education and Welfare. Sophisticated nose counters believe that the original supporters of the Ribicoff measure plus those who could support the compromise promised a Senate majority for a rational and humane welfare reform measure.

The time thus had come for the President to move past rhetoric and to turn his cards up. Now, apparently, he has done that by telling us that he cannot support the compromise, because, among other reasons, he believes it "would not be in the interests of the welfare recipients themselves." Aside from being dead wrong on the facts—the Senate compromise would enhance benefits rather than cut them as would H.R. 1, which the President supports—the President has probably dealt a lethal blow to the meaningful welfare reform that he once assured us that he wanted. By undercutting the moderate Senate majority for the compromise plan, Mr. Nixon has either killed welfare reform entirely or given us the horrendous possibility of something that is a cross between H.R. 1 and the Senate Finance Committee bill.

In a word, then, Mr. Nixon's game plan seems to be to dump the whole thing—and blame it on Congress in the fall campaign. And that is a point to remember. For all the political rhetoric, it now seems clear that it is the coach himself and no one else who will be responsible for the death of any hope for real welfare reform.

[From the New York Times, June 25, 1972]

THE WELFARE SWAMP

President Nixon has made no contribution toward enactment of welfare reform by undercutting the efforts of a Senate coalition headed by Senator Ribicoff to correct defects in the bill already passed by the House.

From the time when the President first advanced his proposal for putting a Federal floor under family income nearly three years ago, the basic idea seemed to us an innovative and imaginative approach to solving the present catastrophic welfare program. Chairman Mills of the House Ways and Means Committee, after a long period of soul searching, twice succeeded in persuading the House to go along with this effort to erase the demeaning line between the working poor and those wholly dependent on public support.

In the Senate, however, the measure has been hammered into unrecognizability by the conservative majority in the Senate Finance Committee. It is about to report out an abomination that would make the existing welfare system even more degrading, costly and chaotic. Meanwhile, the ranks of Senators who ought to be stanch supporters of the original concept of welfare reform have been split by a wrecking campaign initiated by ultramilitants among welfare recipients, dissatisfied with any measure that fails to double or treble the already high cost of the House bill.

Senator Ribicoff has sought to repair the damage through months of conferences with Secretary Richardson of the Department of Health, Education and Welfare and other high Administration officials. Out of these talks came a compromise that would have vastly improved the House bill without departure from the principles originally enunciated by the President.

In essence, the compromise would raise the Federal income guarantee for a family of four from the House level of $2,400 a year to $2,600, a decidedly modest liberalization. Even more important, it would insure that adoption of the reform program would not mean a reduction in benefits for families now on the rolls. The plan also would entail more realistic provisions for moving welfare recipients into jobs and establish Federal administration of benefit payments.

This is a program that deserves Senate approval, but it is unlikely to prevail unless the President, modifying his present declared intention to stick with the House version, swings to active support of the Ribicoff compromise. The alternative is less likely to be passage of the House bill than the killing for this Congress of any real move to dredge the swamp that is welfare.

UNITED AIRLINES AND TRANSPORTATION FOR THE ELDERLY AND HANDICAPPED

Mr. DOLE. Mr. President, the elderly citizens of our Nation face many pervasive and complex problems, and the 1971 White House Conference on Aging identified transportation as one of the most pressing. In its report the conference stated: For many of the elderly, the lack of transportation itself is the problem; for others it is the lack of money for bus fares; the lack of available services to places they want and need to reach; the design and service features of our transportation systems.

Several modes of transportation are available to the elderly, chiefly automobiles, cabs, buses, and airlines. Many elderly citizens do have the financial resources to purchase or do own a car, but they are not able to drive themselves because they are physically handicapped. Cab service is expensive and often unreliable; bus service is often inconvenient for the elderly since the waiting periods are often lengthy—especially for intra-urban travel—the fares are high, and the buses are often overcrowded.

The commercial airlines are one form of transportation which is utilized by elderly citizens for long distance travel, and the Nation's airlines offer many valuable free services to the disabled and the elderly. Airlines frequently provide escorts from the ticket area to the plane, arrangements can be made for early boarding of flights to avoid the crush and confusion of regular boarding operations, specific meals can be ordered to meet dietary requirements, airline personnel will often notify an elderly person's relatives or friends when and where the passenger will arrive, and wheelchairs are available in most terminal buildings. One carrier which offers such services and has an outstanding record in serving the elderly and the handicapped is United Air Lines. On Monday, June 12, the Federal Aviation Administration presented United Air Lines with a distinguished service award for its leadership in establishing methods and procedures to accommodate disabled and nonambulatory passengers.

John H. Shaffer, Administrator of the FAA, recently visited United's executive offices in Chicago to present this citation to Mr. Edward E. Carlson, president of United, and while there he also presented a silver medal to Mr. Robert G. Sampson, vice president, property central division, who is himself handicapped.

The citation to Mr. Carlson read:

The distinguished service award goes to United Air Lines whose pioneering efforts in providing airline service tailored to the special needs of physically handicapped and elderly persons has immeasurably enhanced their ability to use and enjoy the benefits of air transportation. This airline's leadership in establishing methods and procedures to accommodate disabled and nonambulatory passengers is a corporate responsibility and compassion and deserves the gratitude of the entire aviation community.

Mr. President, I would hope that the beneficial services offered by United Air Lines to elderly and handicapped passengers will soon be offered not only by all airlines, but by other modes of transportation, as well.

CLINTON R. GUTERMUTH, A FRIEND OF WILDLIFE

Mr. CHURCH. Mr. President, at a time of growing appreciation of our interdependence on wildlife, we owe a particular debt of gratitude to those who seek to promote and protect our wildlife. The national interest in wildlife has, to some extent been recent, and those who pioneered this awakening to the value of wildlife deserve the special thanks of all Americans.

One such individual is Clinton Raymond Gutermuth, known to his many friends as "Pink" Gutermuth. His long and distinguished record as a conservationist and expert in wildlife management is nationally and even internationally known. As vice president of the Wildlife Management Institute for 26 years and as a member of the boards of directors of countless conservation organizations, "Pink" Gutermuth has made his mark as one who treasures our national and wildlife values.

This spring the University of Idaho se-

lected Clinton R. Gutermuth to receive an honorary doctor of science degree. This award, signifying the recognition of both his contribution to wildlife and conservation on the national level and of his special contribution to the organization of the Idaho Cooperative Wildlife Research Unit, was given at graduation ceremonies at the university in Moscow, Idaho, on May 21, 1972.

I and other Idahoans owe a debt of thanks to Charles R. Gutermuth for his exemplary career in conservation and wildlife management. I know that Senators will want to join me in extending congratulations to "Pink" Gutermuth on the occasion of this award.

I ask unanimous consent that the citation conferred with the honorary doctor of science degree upon Charles R. Gutermuth be printed in the RECORD for the information of the Senate and those who are interested in wildlife and conservation.

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

Clinton Raymond Gutermuth—Your contributions to conservation, wildlife management, and the education of the general public in these areas make us proud to welcome you to our fellowship of honorary alumni. A graduate of the American Institute of Banking, Notre Dame University in 1927, you, early in your career, opted to leave banking and commerce in favor of the interests of conservation in its broadest and best sense. From 1934 to 1942 as Director of Education and Director of Fish and Game for the State of Indiana, you establish a national and international reputation which led to your appointment in 1942 as Executive Secretary of the American Wildlife Institute. In 1946 you moved to the vice-presidency of the Wildlife Management Institute, a post which you held for 26 years until your retirement in 1971. A member or officer of countless boards of directors of various conservation agencies throughout the world, we in Idaho are in your debt for your special attention and help in the organization of the Idaho Cooperative Wildlife Research Unit and for your continuing attention to its needs and to its promotion. A frequent visitor to this campus and to this state, you had a major role in the 1952 study of Idaho's fish and game management program. This survey led directly to substantial improvement in the operation of the state's Fish and Game Commission and Department. Author, astute manager, educator, great good friend of all the world and its natural populations, your public honors are legion. To them the University of Idaho is proud to add its honorary degree Doctor of Science. This degree, by virtue of the authority vested in me by the Regents, I do now confer, together with all of its rights, privileges, and responsibilities.

A RECOMMITMENT TO HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, Senators are well aware of the practical implications of the Genocide Convention. A rational examination of the treaty reveals that it does not attempt to interfere with the domestic jurisdiction of sovereign nations, and would not jeopardize the constitutional rights of U.S. citizens.

I shall address myself, however, to the moral and philosophical questions which have been raised by this modest proposal. Supporters and opponents alike have been moved to consider this treaty as a statement on man's responsibility to his fellow man, on the responsibilities of governments to their citizens. I commend such lofty thinking; it is heartening to know that there are those who recognize the ever-increasing need for respect and cooperation among the world's people. As the earth becomes more crowded, the behavior of individuals and of nations must be based on ever higher and more humane standards.

President Kennedy eloquently expressed his awareness of this need when he said:

The day-to-day unfolding of events makes it ever clearer that our own welfare is interrelated with the rights and freedoms assured the people of other nations . . . There is no society so advanced that it no longer needs periodic recommitment to human rights. The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny.

Mr. President, we have an opportunity to recommit ourselves to that basic belief in the sanctity of human life upon which our Nation was founded; we have an obligation to reaffirm our opposition to that desecration of human life which we have so often fought. I urge Senators to take advantage of this opportunity, to accept this obligation, and move for the immediate ratification of the Genocide Treaty.

STATEMENT OF SENATOR HARRIS BEFORE DEMOCRATIC PARTY PLATFORM COMMITTEE

Mr. HARRIS. Mr. President, yesterday I testified before the Platform Committee of the Democratic Party. Believing that the issues I raised then are relevant to the decisions confronting the Senate, as well, I ask unanimous consent that my statement be printed in the RECORD.

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

THE CHOICE: GREATER INDIVIDUAL POWER OR GREATER CORPORATE AND GOVERNMENTAL POWER

Mr. Chairman: A few times in history—very few—party platforms have made a difference. Most often, they have re-worded the good intentions of four years before.

1968 was different in a key respect: the struggle over the issue of the Vietnam war—though the final platform provision had little meaning—nevertheless focused the attention of the nation and ourselves on the immorality and impracticality of our involvement in that war, made us see that the Democratic Party was fundamentally undemocratic, made us excrutiatingly aware that America was living on a level far below its ideals.

1972 could be a memorable year, as well. We might begin to put America back together again—across race, age, sex and regional lines—around fundamental issues and principles.

Re-read Jackson's words when he voted the bank renewal bill, Cleveland's message to Congress in 1888, the best of the Bryan's campaign oratory and Franklin Roosevelt's acceptance speech of 1936. These men spoke bluntly, and they sided with the people.

That is the lesson of the 1972 primaries. The centrists did not win. The people did not rally to the campaigns of the Muskies, the Humphreys, the Jacksons. The big winners in 1972 were George McGovern and George Wallace—a strange result to those accustomed to the old terms of "liberal" and "conservative." But in terms of power, in terms of the overriding sense of powerlessness which most Americans feel, the meaning of the McGovern and Wallace candidacies comes into focus. People want change. They do not like the way things are. They are dissatisfied with those who hold power and the way they use it.

George McGovern understood this best and offered the best alternatives—and his campaign succeeded best.

Foolish in the extreme are those—some are McGovern's friends who do not yet understand why this gentle man stirs up such enthusiasm; some are his enemies who still cannot figure out what it is he has—foolish are those who now counsel that McGovern's campaign must abandon its most appealing aspects—its honesty, its directness, its fundamental issues—and become centrist. Nonsense! For God's sake, a centrist is what we have in the White House right now—and look where that's gotten us!

Those who counselled the candidates of 1972 to avoid the American shame of race to speak only in vagueness, to look away from the deprivations of the poor and the privileges of the rich—these counsellors counselled their candidates to defeat.

Pandering to the baser fears and prejudices which lurk within us all is not what Presidents are for. Nor is finding out where the middle ground is and getting there as fast as one can. Presidents and presidential candidates—and political parties—have a higher duty, a duty to lead, to search out and gather up and shout forth a better vision of ourselves.

No Party can turn its back on black people or the problems of the central cities, no Party can refuse to stand up for the poor and hungry, no Party can fail to seek redress of inordinate imbalances in economic and political power without calling into serious question its reason for existing as a political party.

The success of the McGovern campaign should not surprise those who really believe in America and its people. While it may not be technically true, as Thomas Jefferson said, that "one man with courage is a majority," that man or woman will eventually *win over* the majority if right. To question that is to question whether our system will really work and whether people really are smart enough and decent enough to govern themselves.

I believe they are. And it is our job to give them a choice. If we do that, 1972 will come to be looked upon as the pivotal year in the long history of our nation.

The choice is between greater individual power or greater corporate and governmental power. The 1972 election should be decided on this issue.

Where is our sense of common struggle and shared ideals? Both the "hard hat" and the student look to us for that answer.

What does it mean to be an American in the last third of the 20th century? Both the jobless black teenage drop-out from a criminally ineffective school system and the white pulpwood cutter in Alabama who cannot feed his family want to know.

They know the *symptoms*—and so do we: rising alcoholism, increasing use of narcotics, alarming crime rates, growing violence and suicides and apathy. These *are* symptoms. They are not causes. They are symptoms—pathological symptoms—of a society in deep stress. The steelworker in Gary, the small farmer in Oklahoma, the Chicano mother in Los Angeles, the old person in Miami, the Native American in Arizona, the teacher in Cleveland, the garbage worker in New York—they all know what we *should* know. A little more housing, a little more food stamps, a

few more summer jobs—though we need them all—will not do.

Deep down, they all know that America ought to be a place where every person has a right—not a matter of charity, but a *right*—to a decent share in things, and that America ought to be a country where we practice, at home and around the world, the human ideals we profess. They know that America *should* be that kind of country, that it *isn't*, that it *can* be.

It can be, if we will help make it so. Even a campaign can make a difference.

But the people cannot be rallied to a mere restatement of traditional liberalism, nor to a quantitative call for adding on to old programs. Reform is too circumscribed to bring about fundamental change if we will not deal with fundamentals.

The 1972 platform of the Democratic Party should state bluntly and plainly that it is our aim—and should be the goal of our nation—to:

More fairly distribute income and wealth;

Deconcentrate economic and political power, and

Make real the inherent power and liberty of the people.

MORE FAIRLY DISTRIBUTE INCOME AND WEALTH

The social problems of America will not be solved by more handouts to the rich, but by more income for the people. People can buy health and housing and education with dignity, if they have money. Advice will not suffice.

Today, the richest *one-fifth* of our people have forty-one percent of the income, *after taxes*. That is more than the lower three-fifths combined, who have only thirty percent. The lower one-fifth of our people have only five percent of the income. This endemic maldistribution of income—with all of our New Deal programs—has gotten slightly worse, not better.

That is the kind of America we said we wanted. We are not an organized government in order to protect the rich and powerful; the rich and powerful can take care of themselves. We are an organized government so that everyone will have a fair share. We should say so, straight out, and then the people will make us do something about it.

The maldistribution of wealth is even worse. The richest *eight* percent of our people now own over sixty percent of all private assets. The upper *two* percent own nearly all of the personally-held income producing investments—eighty percent of corporate stock, ninety percent of corporate bonds and one hundred percent of municipal bonds.

The rule of prime-geniture, a system by which the king's oldest son became king, went out of vogue a long time ago, despite the fact that some people justified it on the grounds that, "We got a lot of bad kings that way, but it saves a lot of trouble". Yet, today's rich—the Mellons, the Rockefellers, the Fords and DuPonts—as well as the owners of great bolcks of General Motors stock and other fortunes—pass from one generation to another with little diminution more power over human lives than most of history's kings dared dream of.

With all these glaring disparities in the distribution of income and wealth in America, some liberal economists still position themselves along side President Nixon, urging that we must not lose the "cooperative spirit" in our economy, and that it would be better if we hush up about the inequities of the division and promote, instead, economic growth as the best way for "everyone" to gain.

Aside from the serious questions now rightly being raised about the awesome problems which go hand in hand with unlimited growth for private gain, poor people and working people, black people and other minorities, know their *relative* share is getting less, not more, and it was already an unfair share.

Enough of this saying that poor people in America are better off than poor people in Belgium! Enough of this saying that working people in America are better off than working people in Spain! Enough of this saying that black people in America are better off than black people in Africa!

Poor people and working people and black people and other minorities in America are not Belgians, nor Spaniards, nor Africans. They are American, and they have a right to judge their lives and their hopes by *American* standards.

The Democratic Party must say that everyone in America willing and able to work has a *right* to a job, and that those who cannot work or who cannot find work have a *right* to a decent income. Not only or just out of the goodness of our hearts, but because that is the only kind of system which will work.

The Democratic Party must say it is going to stop all this redistribution in the wrong direction—stop these farm and other subsidies to the rich.

Most basically, the Democratic Party must say that the government is going to have to start taxing on the basis of income and wealth, stop *all* the tax loopholes and restrict the transfer of inordinate wealth from one generation to another.

A comedian of some years ago regularly drew great laughs when he said that, if he were President, he would tax the poor, not the rich, because, he said, that would give the poor some incentive to *be* rich. That pretty well sums up our present tax policy and the Democratic Party must offer fundamental change in that system.

After all, if the way we finance government is unfair, what *is* fair?

DECONCENTRATE ECONOMIC AND POLITICAL POWER

The economic problems of America will not be solved by more government intervention, but by more economic liberty. As someone wisely said, the Nixon Administration may not be soft on Communism, but it's damn sure hard on capitalism.

Why not try a little free enterprise? It cannot be worse than what we have. Some of the socialist countries of eastern Europe are making steps in that direction. Why shouldn't we?

Despite government controls, prices continue to go up and joblessness remains tragically high in a country where there are plenty of things that need to be done. Even some liberals side with President Nixon and say that what we may need are even *more* government controls. The Chamber of Commerce and big industry support President Nixon's government controls. Where are the traditional defenders of free enterprise? Doesn't it seem strange that they are either quiet and docile in the face of these economic controls, or speak out in their support?

Not so strange. If one has the power and pretty much controls the government, he doesn't so much mind the government controlling him.

There are natural market forces which hold down prices and unemployment. The government must step in where they do not work or to hold them within human bounds, but our government increasingly has intervened on the side *against* natural market pressures.

The big rich and corporate farmers are not more efficient at farming. They are more efficient at farming the government.

The small farmer being forced off his land knows something is wrong when the big conglomerates like Tenneco and other huge landholders unfairly compete with him with the *help* of government irrigation water and tax, farm payment and labor law subsidies.

The homeowner knows something is wrong when utility rates go up and up while service gets worse and worse and the big bankers and insurance companies and oil companies, which monopolize our energy resources, grow richer and richer without competition or control.

The small landowner and the deep-mine coal worker out of work know something is wrong when huge land holders are allowed to devastate the mountains, destroy the streams and exploit the people through strip mining, making politicians dance to their tune.

The worker in the Vega plant in Lordstown, Ohio, who turns the same little screw 107 times an hour, having to hold up his hand to go to the toilet or having to slip around to take a smoke, knows something is wrong when he draws only one ninetieth the salary of Mr. Richard C. Gerstenberg, President of General Motors, with all of his plush offices, corporate jets and huge incentives.

That kind of system drives people mad, and it will not work. Why should we only advocate land reform in Vietnam and South America? What's wrong with a little land reform in America?

Why can't *workers* have the incentive of owning shares in their company and having some control over their work?

Those in power do not need *new* favors; they already have them. And the people of this country are becoming painfully aware that our scandalous system of campaign financing, and the tax laws that allow U.S. Steel to deduct as a business expense the cost of advertisement and lobbying to tell us about the beauties of strip mining, are not the earmarks of a system designed to diffuse economic and political power.

We have more and more developed into a system in which the interests of big industry and big government are virtually synonymous. The Kleindienst-ITT affair is not an isolated case. It evidences the *rule*, rather than the exception. It should not be remembered merely as a question of Mr. Kleindienst's fitness to be Attorney General. We are going to get a bad attorney general in any event under this Administration.

The lesson of the Kleindienst-ITT case is that inordinate corporate power, sought to be regulated to some degree by inordinate government power, is *not* our only alternative.

Look at a graph showing mergers—fewer firms and less competition—over the last years. The peak of mergers just before Theodore Roosevelt took office looks like Pike's Peak; then it goes down again. The peak of mergers just before Franklin D. Roosevelt took office looks like Mount Everest; then it goes down again. But the peak of mergers during the last two years hasn't been reached yet, and it already goes off the top of the chart!

The biggest 200 corporations in America now control sixty percent of all manufacturing, as compared with only forty-six percent at the end of World War II.

Thirty-five percent of all industry in America—and that includes steel, automobiles, soap, soup, aluminum, farm machinery, containers and oil and gas—are dominated by four or fewer firms which have seventy percent or more of sales. That is *some* kind of system, but it is *not* the free enterprise system.

Prices in America are twenty percent too high because of the lack of competition in these shared monopolies, quality is held down and technological developments are stifled. Thus, we can't compete with foreign industry in too many of these fields, so we export jobs.

We must break up these shared monopolies such as GM and make the market work. Bigness—particularly with recent technological developments—is not essential, and is not benign, no matter who controls it. Bigness tends to grind down individuals.

The case for government controls and

ownership is not well made. Government controls have not done so well with the Post Office, nor with foreign policy for that matter. Why not try a little old-fashioned American competition?

The Democratic Party must say: reverse government control; inordinate concentration of economic and political power—whether in government, in industry or in labor—is not the American way.

MAKE REAL THE INHERENT POWER AND LIBERTY OF THE PEOPLE

The problems of instability in our society will not be solved by more government control, but by more individual freedom. It has been wisely put: the cure for the problems of democracy is more democracy.

If people are searching—as they are—for the underlying worth and meaning in their own lives and in their society, it is no wonder.

We have a government which says that we must continue the draft so we can have a volunteer army, spend more for arms so we can agree on arms control, bomb for peace.

Our government refuses to justify its foreign and military policies on moral grounds, but, nevertheless, presumes to invade the individual privacy of its citizens to enforce its own ideals of morals.

So, it involves itself in the private sexual behavior of consenting adults, breaks in and criminalizes the possession of marijuana, injects itself into the conscience-matter between a woman and her doctor over the control of her own body.

Our government wants to know what private citizens are saying and doing, but will not talk straight and openly about what *it* is doing.

We have a government which asks us to pledge allegiance to "one nation, indivisible," but itself acts to hinder equality of opportunity in education, its most important service.

Our government announces that the Vietnam War is wrong and unwinnable, but continues to make pariahs of those who knew it first.

But it is said that these are issues the Democratic Party must not deal with, except obliquely and vaguely and indecisively.

I say that the Democratic Party and the nation *will* deal with these issues, whether we want to or not.

And it is better that we deal with them in the right context and see the underlying American principles involved. For the real issues are the issues of human liberty and the right to be free of improper government control.

These *are* real issues, involving real principles. If we will not lead on them and help the nation see them aright and work them through, who will?

Enough of these euphemisms—"no-knock", "preventive detention", "moratorium", or legitimate court orders—which mask such ugly concepts!

In times of stress and trouble, freedom's cause is not furthered by abandoning its tenets.

The Democratic Party must call our people back to their basic belief in the inherent power and liberty of the individual. If we will not do so, it may not be done.

Mr. Chairman, "populism" is a popularly heard term in our land again. Some think it a passing fad. Some hope it is.

But there is more to the New Populism than the name. And some who call themselves by that name shun both its burden and its promise.

The New Populism—and it doesn't matter what you call it—means that most Americans are commonly exploited, and that, if we get ourselves together, we are a popular majority and can take back our own government.

It promises a more stable, secure society of self-esteem—for the rich as well as for the poor and the not-so-rich. We all will be willing to pay and sacrifice for that promise if we can be assured that, unlike in the past, what we pay and what we give will really make a difference.

In calling America back to the greatness and goodness that is in us, we can help the people of our country find purpose and community in a common enterprise worth being a part of, because it is bigger than ourselves.

Demos means people, and it is the Democratic Party which can take up the peoples' cause again.

THE HALF-FOUGHT WAR AGAINST HUNGER

Mr. HOLLINGS. Mr. President, in recent days we have been reminded again of a familiar story: The story of a war half-fought—a war in which the full resources at our command have not been utilized—a war in which we settle for less than victory because of an unwillingness to see the battle through—a war in which politics has all too often intruded and interfered with a commonsense battle plan.

I speak not of Vietnam, Mr. President, but of a battle much closer to where we stand today. I speak of the war against hunger. Because once again this year, the witnesses tell Congress—and the newspapers tell the country—that the administration continues in its traditional apathy toward the feeding of America's hungry. Once again we hear of appropriated moneys going unspent, and we learn that not only does the administration phase back this year, but it plans to phase out still more of the proven programs which have made a real beginning in this war.

At this minute, less than half of those standing in need of food assistance are being helped by the food stamp program. Yet the Department of Agriculture has just announced that it is returning $400 million unspent funds to the Treasury—money that had been authorized and appropriated by the people's representatives in Congress. Millions more have gone unexpended in the school luncheon program, supplemental food assistance, and so on.

Mr. President, the Washington Evening Star of June 23, 1972, contains a sobering column entitled "Hunger War Undermined by Tightwad Agency," written by Mr. Carl T. Rowan. It details just where we stand in the effort to stamp out hunger, American-style. And it shows beyond shadow of doubt the conscious efforts being made by those in positions of high responsibility to welsh on the promise to end hunger.

It is sad but true that hunger still persists in America. The tragedy is that the situation is not necessary; on the contrary, we could eliminate hunger in short order if we put our best efforts to the task. And we could do so at far less cost than some of the welfare schemes which are being bandied about in the politics of this election year.

Mr. President, I ask unanimous consent that Mr. Rowan's excellent piece be printed in the RECORD. I urge the widest possible audience for this column. It is time we take off the gloves in the war against hunger. It is time to follow through on the commitment already made. It is time, in truth, to insist on total and unconditional victory. The outcome will affect us all—not only the 25 million Americans who stand in need of food assistance, but also the remaining 183 million who will reap the benefits—or the consequences—of the outcome.

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

[From the Washington Star, June 23, 1972]

HUNGER WAR UNDERMINED BY TIGHTWAD AGENCY

(By Carl T. Rowan)

It is hard to think of a more heartless scene than a child squirming in a classroom, unable to stay awake, or follow the teacher, because that child's stomach aches from hunger.

But a lot of children faced that plight this year because the Department of Agriculture squeezed some children out of eligibility for a free school lunch and declined to spend $82 million that Congress allocated for food for needy schoolchildren.

It is hard to think of a longer-lasting cruelty than to deprive poor, pregnant women of the special nutritious foods that make it possible for them to produce healthy babies. The hurt is long-lasting because ill-nourished mothers produce babies that may be premature, or weak in some respects, and such infants run a high risk of early death or mental retardation.

But a lot of pregnant women and young children who are especially vulnerable to malnutrition are not getting the supplemental foods that Congress says they should have. The Agriculture Department decided to spend in fiscal 1972 only $13 million of the $36 million Congress allocated for the Supplemental Foods program.

Of all the programs designed to aid America's 26 million poor people, the one hardest to begrudge is the food stamp program, which is the major bulwark against hunger for 11.5 million Americans.

But at a time when President Nixon was reiterating his pledge to end hunger in America for all time, was the Agriculture Department trying to extend the food stamp program to the 14.4 million poor people not yet aided by it? No, the department was pushing policies that limited participation and reduced benefits to many people already using the program—with the result that the department refused to spend $400 million that Congress allocated for food stamps for the poor.

These are facts reported by the Senate Select Committee on Nutrition and Human Needs, which claims that of seven food assistance programs, the department will turn back to the Treasury some $700 million this year.

The administration announced with pride recently that the budget deficit this year will be several billion dollars less than anticipated. That is supposed to be good news in an election year. The Agriculture Department obviously was playing the nice political game by squeezing almost a billion dollars out of the mouths of the aged, the poor, the helpless children who are the great victims of hunger.

It is an ironic coincidence that the select committee is chaired by Sen. George McGovern, now the leading candidate to oppose President Nixon for the presidency. McGovern has wasted no time lashing the administration for "pick-pocketing the poor." But many congressmen have made it clear that this issue transcends partisan politics.

Many Republican governors and congressmen were part of the nationwide protests that in January caused Agriculture Secretary Earl Butz to rescind regulations that

would have increased the cost of food stamps to a level where many poor would be driven out of the program.

Arthur Schiff, assistant administrator of New York City's Human Resources Administration, told the Senate committee that the people won that January battle with Butz but they are losing the war. He says that through the "interpretation" of regulations and the issuance of new food stamp tables the Agriculture Department is acomplishing piecemeal what a public outcry prevented it from doing in one fell swoop.

For example, even when the administration emphasizes "workfare" and "job incentives" for people on welfare, the Agriculture Department has come up with an interpretation that has had what McGovern calls "a devastating effect on food stamp recipients who participate in work, training or education programs intended to make them self-sufficient."

Previously, for example, money used by a mother for a babysitter, or for transportation to work, was not counted as money available for food. Now the department counts that money, meaning that some stamp recipients suddenly are paying $20 to $30 more a month while their income has not increased.

The hanky-panky in Agriculture is especially dismaying in view of the progress that was being made against hunger. In 1969 some 21 million children participated in the school lunch program, with only 3.8 million receiving lunches free or at substantially reduced prices. There are now 25 million children in the program, with 8 million receiving free or reduced-price lunches.

That kind of progress augurs well for a healthy, happy population, which must forever be our greatest national asset.

But the bureaucratic scrooges in the Agriculture Department have 700 million unspent dolars as proof that they can produce defeat just when victory seemed attainable in this grim war against hunger.

TORTURE IN BRAZIL

Mr. TUNNEY. Mr. President, tomorrow I will call up my amendment No. 1272 to S. 3390, the Foreign Assistance Act amendments, on behalf of Senators CRANSTON, HART, MCGOVERN, PROXMIRE, RIBICOFF, and myself. This amendment addresses itself to the urgent problem of the torture of political prisoners in Brazil.

In the meantime, I ask uanimous consent to have printed in the RECORD at this point several documents which I believe will help Senators to understand more fully the pressing need for our Government to respond to the problem of Brazilian torture of political prisoners.

These documents reflect the international outcry against these abuses to human dignity. They record the views of representatives of the International Commission of jurists, the National Council of Churches, the World Federation of Trade Unions, the Inter-American Commission on Human Rights, and others on this urgent matter.

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

FACT SHEET ON TORTURE IN BRAZIL

"Well known declarations from moderate and impartial sources concerning the inhuman treatment of political prisoners awakened the world's conscience as never before".

Mr. NIALL MAC DERMOTT,
Secretary General of the International Commission of Jurists—address to the U.N. Commission on Human Rights—plenary session of the Geneva meeting, March 1971.

"Brazil has become a virtual police state, and accounts of the most brutal and humiliating tortures have been filtering out of the country since the Fall of 1969".

Latin American Department of the National Council of Churches—June 5, 1970.

". . . it becomes a regular practice to detain and torture with no concrete accusation . . . it is a system of *repression* by *intimidation* whose realisation supposes a complete despise for human rights".

International Commission of Jurists, Statement on torture in Brazil. Press release July 22, 1970.

From 1969 until the present, but mainly in the last 15 months, an increasing number of political prisoners were listed as "killed while resisting arrest", or "while trying to escape", or "committed suicide" in prison. "The case of another prominent Brazilian—former congressman, Rubens Paiva, who disappeared—is an example. The police were finally moved to disclaim any knowledge of an arrest, although there were records of it." (*Washington Post*, Sept. 26, 1971)

"Torture . . . has become a political weapon . . . is systematically applied often even before the interrogation itself starts".

". . . Organs of repression often conduct round-ups on university campuses . . . factories or in the out back of the country . . . these suspects are systematically tortured in the hope that they will reveal a plan of action, a hiding place about which the torturers themselves have not the slightest idea".

International Commission of Jurists, Statement on torture in Brazil, Press release July 22, 1970.

"Documents, expert medical evidence, and statements examined by reporters indicate that torture techniques vary little.

1. The water torture: the head of the prisoner is . . . submersed . . .

2. The electric torture: the captive is hung by his feet and arms . . . from an iron bar. Electrodes are then applied to his genital organs, ears, . . . electric shocks . . . are then passed through the victim's body.

3. Blows: to strike them (the genital organs, kidneys, head, feet, and hands) with iron or lead clubs.

4. Rape of women prisoners frequently committed.

5. . . . Frequently a child is tortured in front of her mother . . .

6. . . . Dogs are specially trained to attack the delicate parts of the human body."

International Commission of Jurists, Statement on torture in Brazil, Press release July 22, 1970.

"A powerful group of Roman Catholic Church leaders (the southern region of National Conference of Brazilian Bishops) has accused Brazilian authorities of torturing political prisoners physically, mentally, and morally so that some of them are mutilated, broken in health or even die. The Church leaders said that they had urged the government to stop torture two years now. But they added that the Church now has evidence of a sufficient number of recent cases to know that substantially the situation has not changed since that time".

Washington Post, June 13, 1972.

There is no sign of reduction or restriction on the application of torture and the use of massive arrests in Brazil. Round-ups:

In the state of Bahia in May, 1971 (letter from 30

In the state of Bahia in September, 1971 (*Le Monde*, Sept. 18, 1971)

In the state of Sao Paulo in February, 1972 (*Le Monde*, June 2, 1972)

In the state of Maranhao in January, 1972 (letter to President Emilio Garrastazu Medici from the Division for Latin America, United States Catholic Conference, March 22, 1972)

In the state of Pernambuco in April, 1972 (from a pastoral letter from Archbishop Helder Camara, May 1, 1972)

These round-ups brought hundreds of Brazilian citizens to prison, and resulted in protests from church organizations.

"Very serious and sad incidents forced us again to write you . . .

As pastors, and assuming responsibility before God, before our own consciences, and before those who trust us, we declare that the rule of treatment of those arrestees involves unbelievable moral and physical torture. There has been increasing pressure against the Catholic Workers' Action: many members and one national director have been arrested."

DON HELDER CAMARA,
Archbishop of Olinda and Recife.

JOSE LAMARTINES SUARES,
Auxiliary Bishop,
Pastoral letter from May 1, 1972.

The denunciation of such procedures is very difficult inside the country because of both military censorship on the press and other media, and strict control of the Congress.

The reaction of the Brazilian people to the torture is one of horrified rejection, but also of terrorized silence. As the National Council of Brazilian of Bishops states: "It is exactly the absence of these freedoms and especially the habeas corpus that has created this climiate of insecurity" . . . "These are the insecurities of people who feel themselves threatened with prisoner maltreatment on mere suspicion or even by the state; the insecurity of entire families who find it impossible months to obtain information about missing members who have been arrested; the insecurity of the whole society which today is uncapable of confiding in those which have the responsibility for the protection of the people" (*Washington Post*, June 13, 1972.)

A STUDY OF THE SITUATION IN BRAZIL WHICH REVEALS A CONSISTENT PATTERN IN VIOLATION OF HUMAN RIGHTS, PRESENTED TO UNITED NATIONS COMMISSION ON HUMAN RIGHTS

1. Recent information about Brazil has been characterized by one common trend: allegations of the systematic violation of human rights by the Brazilian authorities. This concern has been voiced by a number of Brazilian and international institutions, as well as by outstanding personalities. They suggest that such persistent violations are being felt by all strata in Brazil. Increased protests are coming from all sectors of the population, including many who thus far hesitated to speak out.

2. The National Conference of Brazilian Bishops, in a statement issued in May 1970, denounced "trials conducted too slowly, arrests on the basis of mere suspicion, hasty and unproven charges, and investigations carried out while the defendants are detained in secret prisons and are often deprived of the fundamental right of defence." Still more recently, in February 1971, the Conference restated: "We must affirm that unfortunately tortures exist in our country."

3. The Brazilian Association of Lawyers has time and again protested against the ill-

treatment of political prisoners and their seriously restricted right of defence.

4. Trade union organizations have protested against the limitation of freedom of association and democratic liberties, and have expressed their concern about the violation of their right to organize and to express grievances in Brazil.

5. Reports have been received of widespread intimidation of suspects by their arrest, detention, and torture, either physical or psychological, by police and military organizations, these suspects being later released without any attempt to charge or try them for any offense—a procedure which is a complete abuse of the Rule of the Law and Human Rights.

6. In view of the apparent powerlessness of judicial institutions in Brazil, seen by some to be dangerously threatened by undue, interference by the executive power, a number of international organizations have felt it important to determine the validity of these allegations. In July 1970, the International Commission of Jurists requested the Brazilian government to grant facilities to the International Committee of the Red Cross and to Amnesty International to visit all places of imprisonment and detentions, and asked the Inter-American Commission on Human Rights to undertake an investigation into the treatment of political prisoners in Brazil, in order to ensure, at least, that the United Nations standard minimum prison rules are respected.

7. The Brazilian government has chosen to reply by denying the existence of political prisoners and the use of torture in the country, and by refusing to authorize the visit of any international organization, thus impeding any partial ascertainment of the validity of the allegations.

8. The allegations can no longer be ignored by the United Nations. In particular, the growing protest from important Brazilian and international ecclesiastical, trade unions, lawyers associations and other bodies, that the Universal Declaration of Human Rights, to which the Brazilian Government is a signatory, is being systematically violated through the torture of political prisoners.

9. For this reason, the international Organizations, listed in the annex to this document, have addressed a joint appeal to the Brazilian Government, urging it to accept an impartial investigation by a competent international commission. The full text of this appeal is attached.

10. They further urge the United Nations Commission on Human Rights to place the specific case of human rights violations in Brazil on its agenda. They are prepared to place at the disposal of the Commission extensive documentation of these allegations which, we are convinced, contain sufficient evidence to demand study and eventual action by the United Nations. Such a preliminary dossier has been presented to the Secretary-General, and we are at his disposal to provide such further information as he may deem useful and necessary.

World Federation of Trade Unions
Commission of the Churches on International Affairs of the World Council of Churches; International Commission on Jurists, Pax Romana.
March 1971.

ORGANIZATION OF AMERICAN STATES,
May 3, 1872.

RESOLUTION ON CASE 1684 (BRAZIL), APPROVED BY THE COMMISSION AT ITS THIRD MEETING HELD ON MAY 3, 1972

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Having seen the report prepared by the rapporteur and the Chairman of the Commission on case 1684 (doc. 6–28) concerning alleged violations of human rights in Brazil.

Whereas: Article 9, paragraph *b*) empowers it to "make recommendations to the governments of the member states in general, if it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic legislation and, in accordance with their constitutional precepts, appropriate measures to further the faithful observance of those rights."

Resolves: To approve the "Fourth Report on case 1684 (Brazil)" (doc. 6–28) concerning alleged violations of human rights in Brazil, prepared by the rapporteur, Dr. Durward V. Sandifer, and the Chairman of the Commission, Dr. Justino Jimenez de Arêchaga; and

Decides: 1. To declare that, because of the difficulties that have hindered the carrying out of the examination of this case, it has not been possible to obtain absolutely conclusive proof of the truth or untruth of the acts reported in the denunciations. However, the evidence collected in this case leads to the presuasive presumption that in Brazil serious cases of torture, abuse and maltreatment have occurred to persons of both sexes while they were deprived of their liberty.

2. To exercise the power granted to it by Article 9, paragraph *b*) of its Statute and recommend to the government that it carry out a thorough investigation, the results of which the Commission would like to be able to examine at its next regular session, in charge of independent judges, not subject to military or police influence, with a view of determining, with all the guarantees of due process,

(a) Whether acts of torture, abuse and maltreatment have been carried out against persons detained in any of the places of incarceration indicated in Chapter IV of this report; and

(b) Whether acts of torture, abuse and maltreatment of prisoners have been carried out by any of the military or police authorities whose names are included in Chapter IV of this report.

3. To request the Government of Brazil that, once the investigation is completed,

(a) It inform the Commission of the results (Statute, Article 9, paragraph *d*) and forward to it a copy of the basic parts of the report, and

(b) It punish, to the full extent of the law, those persons that the evidence proves to have been responsible for violations of human rights.

4. To forward to the Government of Brazil a copy of the report of the rapporteur and the Chairman of the Commission as well as this resolution; and to inform the claimants of the contents of this resolution.

STATEMENT ON POLITICAL REPRESSION AND TERROR IN BRAZIL (JUNE 5, 1970)

I. INTRODUCTION

The people of the United States are deeply involved in the economic, military, cultural, religious and political affairs of Brazil. That nation is the third largest recipient of U.S. economic assistance in the world. Over 600 U.S. industries operate in Brazil as well as hundreds of other U.S. based institutions and agencies. Approximately 2,100 U.S. Protestant personnel representing 120 denominations and mission sending agencies and 700 U.S. Roman Catholic personnel representing 38 religious orders and lay agencies live and work in Brazil.

In spite of the vast range of this involvement the people of the United States have not been apprised of the extensive information regarding the repression, terror and torture by which Brazil is governed today. The result is that both public and private funds appear to support and strengthen a military regime which, in the name of law and order and of anti-communism, crushes dissent and all advance toward a free and open society. Christian concern must center, in such a situation, upon the loss of human rights and the deprivation of that dignity which belongs to all men as creatures of God.

It is not the business of the North American churches to concern themselves with the affairs of every country around the world, but the cries of oppressed people must not be ignored and especially not when these cries come from people whose lives are affected by the policies of public and private institutions in our own country.

II. CONDITIONS IN BRAZIL

In 1964 Brazil suffered a "coup d'etat" at the hands of the Brazilian military. The U.S. Government immediately extended diplomatic recognition to the new regime and U.S. economic aid was sharply increased. Many United States Government officials have considered the military officers who took control of Brazil in 1964 to be progressive and dedicated to the economic development of their country and to the preservation of democratic institutions. Under this tutelage Brazil increased its Gross National Product by 3% in 1964 to over 4% in 1968. But this growth has been achieved at an extraordinarily high price in social and political control.

Brazil has become a virtual police state, and accounts of the most brutal and humiliating tortures have been filtering out of the country since the fall of 1969. Allegations of political torture are not entirely new. Many Brazilians say that such tortures began with the military take-over in 1964, although it was not until the fall of 1969 that these stories began to attract attention outside Brazil.

Virtually no sector of the Brazilian population has been immune from the repressive policies of the military government, though the blows have fallen hardest on students, professors, journalists, priests, nuns, ministers, politicians, lawyers, workers and artists. Anyone in Brazil today who publicly dissents from government policy is in danger of running afoul of the country's stringent laws of national security, and of arbitrary arrest and persecution. Furthermore, anyone suspected of anti-government actions, or of having information which might lead to the arrest of others is in danger of arrest for interrogations—including torture as a means of extracting information or confessions.

We recognize that the Brazilian government officially denies that political prisoners are tortured. But the reports have been too numerous, too widely documented and recognized by too many reliable sources to be discounted. All indications are that a quiet and efficient "reign of terror" against political dissent is currently continuing in Brazil. If torture is practiced in this hemisphere it is incumbent upon us as churchmen and citizens both to take note of this fact and actively seek to determine to what extent our own government or business community are in any way supporting repression and torture in that country.

III. LATIN AMERICA DEPARTMENT POSITION

The Latin America Department, Division of Overseas Ministries of the National Council of Churches of Christ, U.S.A. declares its solidarity with the Committee of International Affairs of the U.S. Catholic Conference in its Brazil Statement of May 26, 1970, and further registers its own position as follows:

1. As churchmen and citizens we condemn the torture of men and women anywhere, at any time and under any circumstances.

2. We call upon the Congress of the United States to schedule a Congressional Hearing

on the effects of U.S. Government policy in Brazil, examining especially the nature and dimension of U.S. aid to determine to what extent public funds are used to support political repression in Brazil.

3. We call upon the World Council of Churches to invite the Vatican to share in an investigation of possible abuses of civil liberty in Brazil, with special attention to alleged arrests and torture and reported acts of intimidation against persons and institutions, and to publicize the results of the investigation.

4. We urge the Commission on Human Rights of the United Nations and the Commission on Human Rights of the Organization of American States to initiate an investigation based on the numerous depositions and other evidence of torture in Brazil perpetrated upon students, professors, journalists, priests, nuns, ministers, politicians, lawyers, workers, artists, and others.

5. We take note of the fact that reports of political repression are coming from a country which is currently experiencing a period of rapid industrial growth stimulated by the direct investments of major North American and Western European corporations. As U.S. Churches begin a special year of study on Latin America and as concern for church-support for economic and social development in Latin America grows, we ask those churches, their judiciatories, boards and agencies to seek to determine to what extent U.S. economic investment (as it is taking place in Brazil) in any way contributes to or depends upon social and political repression.

LETTER FROM PRISONERS IN THE DOPS OF RECIFE

(DOPS is the acronym for the Brazilian Government organization known as the "Department of Public Order and Security").

We are young Brazilians. We are imprisoned in the DOPS of Recife, Pernambuco. We decided to make this (statement), aware of the risk that we are running.

Some of us were witnesses to the savage murder of Odijas Carvalho and we are exposed to the same fate. Odijas arrived in the DOPS on January 30, 1971. From 11:00 o'clock until 2:00 in the morning of the following day, without interruption, he was submitted to the most stupid tortures, consisting principally of being kicked and beaten in the head, the intestines, the kidneys and the testicles (which caused a paralization of his urinary system). At 2 o'clock in the morning he was taken to the cell and we could verify that his buttocks were like raw meat from the beating he had received. He was thrown into the cell but seconds later was taken out by Silvestre, an inspector of DOPS, and the tortures were continued until 4 o'clock. Odijas passed 5 days without eating and groaning with pain. On the fifth, at night he was taken to a hospital. On February 1 we were awaken by the cries of the wife of Odijas who, overtaken by a crisis of nerves, was weeping for the loss of her husband.* It was then that we were aware of the fact. The walls of his cell are still stained with blood. Even though tortured to death, Odijas maintained a position of firmness and bravery.

His torturers and murderers are persons whose names are well known but who continue unpunished. Miranda (involved in the murder of Father Henrique and in the attempt on the life of Candido Pinto), Fausto, Edmundo, Rocha, Carlos de Brito (bachelor of laws), Venicios, Silvestre de Olivera (inspector of DOPS) and others whose names we do not know, beside Eusebio Osvaldo.

Our situation is desperate. Our tortures continued during 4 days but they were interrupted by the death of Odijas. They will, however, return at any moment especially because of the fact that among us are witnesses of the cold blooded murder of Odijas.

The practice of tortures in our country has been a systematic practice and is a rule and not the exception. Right here among us there is a young man—Alberto Vinicios Mello do Nascimento—who was tortured for 16 days in Paraná and in São Paulo. He was submitted to beating, the parrot's perch, electric shocks in his genital organs, his anus, in his feet and his hands, his head and his buttocks. His leg was broken by blows from a policeman's stick and remained without a cast on it for 10 days. He was held incommunicado until February 11, 1971, although he was imprisoned on November 29, 1970.

As we make these charges, we know that reprisals may come, but we also know that the sacrifice of Odijas and our own will not be in vain, because the ideals of justice and liberty will not die with us.

We hope that our words may echo in the conscience of men who love justice and liberty and that something may be done.

DOPS, Recipe, March 2, 1971

The following prisoners sign:

Lilia Guedes
Maria Ivone Loureiro—wife of Odijas
Carlos Alberto Soares
Alberto Vinicios Mello Nascimento
Mario Miranda Albuquerque
Claudio Roberto Marques Gurgel
Rosa Maria Soares

Translator's note: 1. The entire document, including the names at the end, is printed in the same hand.

2. The document was received on film. The missionary who sent it said: "I can vouch personally for its authenticity."

* There is some evident confusion in identifying days, but the translation is exactly as stated in the document.

SENATOR KENNEDY'S SUMMING UP OF ADMINISTRATION INACTION ON AGING

Mr. CHURCH. Mr. President, the Senate Committee on Aging and individual members of that committee have recently expressed misgivings and impatience about the slow pace of the executive branch in implementing recommendations made at the White House Conference on Aging.

After all, that Conference took place nearly 7 months ago. Its 3,400 delegates were quite clear about the emergency nature of most of their recommendations. They wanted action, not another administration game plan.

Our major complaint, of course, is that the administration has no real plan, and apparently no intention to end poverty among 5 million older Americans. In the face of widespread congressional support for a 20-percent increase in social security benefits, for example, the administration has remained stolidly committed to a mere 5 percent. On many other fronts related to aging, the administration is providing only timid, standpat responses. It will occasionally go along with congressional initiatives, but more often it will oppose them or passively resist them.

It is still not too late for the administration to put together a comprehensive action program on aging, but it is getting late in the day. What we need now is a rising chorus of complaints, not only from older Americans but from Congress, as well.

One such statement was delivered a few days ago by the Senator from Massachusetts (Mr. KENNEDY) in an address to the National Council of Senior Citizens 11th Annual Convention.

A part of that address was a comparison of executive branch profligacy in matters it considers important—such as tax loopholes for special interests—and its niggardliness when it comes to security and satisfaction for older Americans.

Senator KENNEDY, drawing from his firsthand inquiries as chairman of the Senate subcommittee studying health problems throughout our Nation, also gave poignant commentary about costs and deficiencies of our medical care system.

His powerful speech should be shared. I ask unanimous consent that it be printed in the RECORD.

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

ADDRESS BY SENATOR EDWARD M. KENNEDY TO THE NATIONAL COUNCIL OF SENIOR CITIZENS' 11TH ANNUAL CONVENTION, WASHINGTON, D.C.

I appreciate the opportunity to be with you at this eleventh convention of the National Council of Senior Citizens. For it has been this group above all others, here in the national capitol, in state capitals and in local council chambers, which has raised its voice to demand equal rights for America's elderly.

And it has been this group which has raised its voice on behalf of equal rights for all Americans.

For you know as I do that the test of this land and the test of our people is whether we can say here in America as Cicero did long ago: "Herein is old age honest and honorable, in defending and maintaining itself, in saving itself free from bondage and servitude . . . even until the last hours of death."

But it is a goal still to be reached.

For as a nation, we have moved cautiously and timidly when the conditions of the elderly in this land require bold and creative action.

As a nation, we have been silent partners in the isolation of millions of older Americans from the mainstream of American life.

As a nation, we have closed our eyes to the plight of 20 million older Americans.

But no one has to tell this convention what the needs of the elderly are in this country.

No one has to tell this convention that 5 million elderly Americans live in poverty.

No one has to tell this convention that thousands of men and women between 60 and 64 were forced into early retirement last year.

No one has to tell this convention that elderly Americans live in inadequate housing, receive inadequate health care and live out their lives in fear rather than comfort.

You know the unmet needs too well.

If any documentation was needed, it was gathered in the White House Conference of 1961. The full shame of our neglect was unfolded and an agenda for change was set forth.

Although we can point to Medicare and Medicaid and the establishment of the first Administration on Aging as its legacy, the agenda in large measure remains unfulfilled.

And now six months have passed since the 1971 White House Conference on Aging issued its recommendations.

What we don't need now is any more studies or any more analyses or any more rhetoric. What we need is leadership and commitment to implement those recommendations.

And I ask this Administration and I ask this Congress, what is your response?

What is your response to the White House Conference?

The White House promised the Conference delegates that there would be a response to each of the recommendations. But that response is nowhere to be seen.

The White House promised the Senate and House Committees that there would be a response.

But we are still waiting and the elderly of America are still waiting.

When the oil companies want an answer, they come up to the Hill, and they get an answer.

When the banks want an answer, they make a phone call and they get an answer. When ITT wants an answer, they walk right in to the highest offices of this land, and they get their answer. I think twenty million older Americans also deserve an answer.

But if the Administration record thus far is any indication, the answer may be less than satisfactory. It took three years for the President to send Congress his message on the aging.

It took three years for the Administration to end its opposition to major funding increases needed for the Administration on Aging.

It took two years for the Administration to drop its opposition to nutrition for the elderly legislation.

And then, it was only when the White House Conferees came to Washington that it was possible to pass those measures.

I had introduced S. 1163 with twenty cosponsors. The Administration testified against it in both the House and the Senate. But with the delegates in town, the Administration dropped its public opposition and S. 1163 passed the Senate 88–0 on the opening day of the Conference.

This measure, signed into law in March, begins to meet the White House Conference recommendation on nutrition by providing a hot meal-a-day and out-reach services to low income isolated elderly persons.

There was a second immediate benefit from the White House Conference. For the past three years, the Administration has requested less each year than the Congress has appropriated the previous year for the Older Americans Act. Each year, the gap between what Congress had authorized and what the Administration requested grew larger and larger. But with the Conference delegates still in town, the Administration supported the amendment that I introduced to the Supplemental Appropriations bill which more than doubled the Older Americans Programs to its present $100 million level.

So, there were some immediate and direct benefits from the White House Conference.

Unfortunately, the impact was short-lived. For once the delegates packed their bags and traveled back to Boston or Boise or Kansas City, the needs of elderly Americans no longer were given top priority in Washington.

The passage of time means that a policy of neglect will continue.

The passage of time means that more older Americans will be forced into early retirement and poverty.

The passage of time means that more elderly persons will be shunted into institutions, shut up and closed off from the world around them.

If we are capable of providing services to the affluent and the comfortable, then we surely can find the means to enable elderly Americans to live out their lives in their own homes and among their own friends. And not only do we have that capability, but, if we are pledged to a just society, then we must begin, and begin now, to use that capability.

First, we must provide the nation's elderly with adequate income. One of every four Older Americans lives on an income beneath the poverty line, an increase of over 200,000 in the past three years.

Why is it that those who have the least are made to suffer the most?

Why is it that an elderly American is twice as likely to be poor as a younger American?

Why is it that the nation's elderly are bearing the heaviest burden of the past three years of economic decline?

If it is all right to provide a guaranteed income to the special interests through tax loopholes, then surely we can provide a decent income for the nation's elderly poor. If it is all right to recommend a 7 percent hike in the defense budget, then surely the President can recommend more than a five percent increase in Social Security. If the Administration can ask for $5 billion more for bombs to destroy life, then surely we can expect at least $5 billion more for Social Security to preserve life.

If we want to resolve the crisis of inadequate income, then the answer is clear—a guaranteed adequate income for the nation's elderly, financed by general revenues and Social Security.

A first step toward that goal is the 20 percent increase in Social Security which I and 55 other Senators have sponsored. This is far closer to the needs of the elderly than the five percent hike proposed by the President.

And we are not going to adjourn this Congress until we enact that 20 percent increase.

The second challenge facing us is whether we will provide quality health care to the elderly of this nation.

For most older Americans, Medicare seemed to promise an end to the financial hardship that followed serious illness.

But the facts are otherwise. Today, despite Medicare, older Americans are paying out of their meager income the same astronomic sums for health care that they paid in 1966.

Today, despite Medicare, older Americans are paying out-of-pocket health costs that are double the costs of younger Americans.

Today, despite Medicare, older Americans are paying for eye glasses, for foot care and for hearing aids.

Today, despite Medicare, older Americans receive less medical care for their dollar than they have ever before.

And this failure of the health care system has dramatic and tragic personal meaning to thousands of persons across this land.

In the hearings of my Health Subcommittee, I heard the frustrating stories of older Americans caught in the net of our non-system of health care.

Stories of a woman who has to pay $5 a month for health costs out of an $85 Social Security check.

Stories of a 65-year-old man whose life depended on a kidney machine he could no longer afford.

Stories of a widow from New York who quit working at age 69 and found that her dentist would not treat her because she was now on Medicaid and the costs were not covered.

Stories of a disabled World War II veteran living on a pension of $200 a month and paying $5 a month on a three-year-old hospital bill.

Stories of a college professor dead of brain cancer at 46, after tens of thousands of dollars in expenses. Now, the lives of his wife and children are mortgaged for years into the future. The cruelest irony is that the wife is from Israel, where all of her expenses would be covered.

These personal tragedies emphasize that the Nation now faces a crisis in health care, a crisis which can only be relieved by a fundamental restructuring of our health care system.

We need a new health care system so that when you rush to the hospital in an emergency, they meet you at the door and ask how sick you are, not how much health insurance you have.

We need a new health care system so that when you get the bill, it's stamped "Paid in Full" by health insurance, without any loopholes or deductions, so it will not be turned over to a collection agency to harass you when you are sick and cannot afford it.

I am convinced that the basic step that must be taken to meet the crisis is for the Congress to pass the Health Security Act, S. 3.

The principles of the Health Security Act are straightforward:

It guarantees health to be a basic right for all, not just an expensive privilege for the few.

It guarantees every man, woman and child in America to be covered at any time for any illness by health insurance at a price he can afford to pay. No American should lose his health insurance because he lost his job. No American should have the tragedy of serious illness compounded by the tragedy of a serious financial burden.

It guarantees every American the same high quality of health care that anyone else receives. No American should be given second-class health care because he is old or poor or black.

It guarantees a system that pays doctors and hospitals to keep the people healthy, instead of a system whose profits depend on illness.

That is why passage of the Health Security Act is so important.

But the administration opposes this measure and puts forward instead its own proposal. But who does that bill rely on to provide the basic services? It relies on the same private health insurance companies which have grown rich off the present system. It offers them a billion dollar bonanza to keep doing the same thing they are doing now—providing a minimum of service at a maximum of costs.

And one of its most glaring failures is its disregard of the basic needs of the elderly. For, while the administration bill offers increased benefits for doctor bills, there is an enormous cutback in the coverage of hospital costs. The Nixon bill pays only one-fifth the number of hospital days covered under present law.

The President is sending a clear message to 20 million Americans over 65: "We'll help you with your doctor's visit," he says, "but if you're sick enough to require long-term hospital care, you're on your own." At the very time we ought to be closing the gaps in Medicare, the President is expanding them. I think it is time to close those gaps and the Health Security Act does the job.

It closes the gaps by paying all hospital costs from the first day a patient enters until the day he leaves.

It closes the gaps by covering all health services for the prevention and early detection of disease, the care and treatment of illness and medical rehabilitation.

It closes the gaps by covering the cost of drugs and eyeglasses and hearing aids.

None of these costs are covered by the Administration bill.

Moreover, the Health Security bill contains no cutoff dates, no co-insurance, no deductible, no waiting periods.

These are only some of the reasons why I feel strongly that S.3, the Health Security

Act, is required if quality health care is to be provided for our elderly citizens.

A third challenge is to provide adequate employment opportunities so that every man or woman who wants to work can work.

In 1972, we still are closing the doors of our factories and businesses to elderly Americans. In 1972, more than 1 million persons 45 and older are jobless, almost 75 percent higher than three years ago. In 1972, we continue to deny ourselves the benefits of the talents and skills and creative energies of older workers, and the nation cannot afford that denial.

The first step to reverse that process is to pass legislation outlawing age discrimination for all public and private employers.

And the next step is to pass legislation providing the enforcement tools to make sure the law is obeyed.

No one who is able and willing to work should have his job application turned down because of his age. Nor can the nation build its future while it is discarding talented older men and women for the sole reason that they can no longer be called young.

The federal government's disdain for the employment needs of older Americans also is mirrored in the statistics of its job training programs. While 10 percent of the nation's unemployed are 55 and older, only one percent of the job trainees are in the same age bracket. We not only can do better; but we must do better.

Congress now is considering S. 555 to provide community service employment opportunities to elderly Americans. This measure, which I introduced, provides $250 million in the next two years to fund jobs for older Americans in schools, libraries, hospitals and recreation centers across the nation.

If we have learned anything from the Senior Aide and Green Thumb Programs it is this—they work and they work well. And I think it is time to make those programs permanent and nationwide.

A fourth challenge exists in the area of housing. Across this land, 2 million housing units were built last year. Yet elderly Americans still live in cold rooms in falling-down boarding houses, in decaying inner city tenements, and in the oldest and most substandard rural housing.

The White House Conference was explicit in its recommendations. Heading the list was a call for the construction of 120,000 units per year of elderly housing.

But how far have we moved? Instead of the goal set by the Conference, we find the Administration recommending plans to provide only slightly more than half that number of units for FY 1972.

The Senate has at least started toward the Conference goal. We have passed legislation establishing an Assistant Secretary for Housing for the Elderly. And we have increased direct loans for subsidizing elderly housing. But we are still far short of the mark.

We have provided, and rightly so, millions of dollars to help meet the housing crisis of the under-developed world. But if we are able to recognize the critical need for adequate housing in other nations, surely we can recognize that need here in America.

I find no justification for a single American, whether old or young, to live in wretched, unsafe and unhealthy housing. We can and we must achieve decent housing for all Americans.

Finally, there is the challenge in the nursing home industry, where one million elderly Americans endure the final years of their lives.

A missionary wrote in his diary in the last century of a conversation he had with a woman abandoned in the desert. "Yes," she said, "my own children . . . have left me here to die . . . I am very old, you see, and am not able to serve them. When they kill game, I am too feeble to help with carrying home the flesh. I am not able to gather wood and make a fire, and I cannot carry their children on my back as I used to do."

And so they left her out.

And so too today, do we leave too many elderly Americans, not to live out their lives in peace and dignity, but to survive until their death.

Although there are many fine nursing homes among the 24,000 that exist across the country, too many remain "warehouses for the dying."

When the federal government pays 40 percent of the cost of operating this industry each year, when fifty chains of nursing homes now have their stock listed on Wall Street, and when a million persons depend on them for support, then we cannot continue to ignore their conditions.

We must develop a comprehensive home care program that ensures that institutionalization is the last step and not the first step in the aging process.

We must provide rewards to those nursing homes which offer exemplary care and which are aimed at rehabilitation rather than custodial care.

We must ensure that nursing home personnel are better trained and better paid so that they are capable of serving in a quality care system.

We must provide federal inspectors if state inspectors cannot do the job. And they must inspect not only physical facilities but patient care as well. And when they do find violation of standards they must be penalized—we cannot afford to wait for the next nursing home fire to remind us of the need for vigilance.

And so when we look at the challenges that remain to secure the quality of life for the elderly of this land, we know that we have lacked neither the resources nor the skills to overcome them. But we have lacked the leadership and the will.

What we require today is a national policy of concern, a policy that spans the fields of health and housing and employment and income, and nursing home care, a policy that starts with the recommendations of the White House Conference and goes forward from there.

The historian, Toynbee, concluded that the quality and strength of a society can be measured best "by the respect and care given its elderly citizens."

If we are to enrich the quality of life of all Americans, and if we are to maintain the strength and vigor of this great land of ours, then we must provide the means for elderly Americans to find fulfillment and not frustration in the final years of their lives.

It is not too much to ask of a society which owes them so much and which can still benefit from their wisdom and service.

THE BLACK PRESS IS ALIVE AND WELL

Mr. HUMPHREY. Mr. President, last Friday, June 23, it was my privilege to address the National Newspaper Publishers Association convention in Miami, Fla.

Many of us ignore the significant contribution made by the black press in our country. Many of us do not know that more than 200 such newspapers are published, all over the United States, bringing to the black public news which would not be available elsewhere.

The subject matter and the perspective of the black press differ consciously and qualitatively from that of the white press. These newspapers are truly independent, and have never in the course of their 150-year history attempted to model after the white press. Their strength over so many years is attributable to their commitment to provide news of concern to blacks, written by blacks, published by blacks, from a truly unique perspective not reflected in the white press.

The earliest black newspaper of record was the Freedom's Journal, founded in 1827 during the time of slavery by a young black Bowdoin College graduate. From that day to this, there has always been a black press in this country. Garth C. Reeves, president of the National Newspaper Publishers Association, states that nearly 3,000 black newspapers have existed in our country at one time or another.

Unlike their white counterparts, black publications are increasing in number, strength, and influence. Americans generally underestimate, if not ignore, the power of the black press. This power is growing.

Several fine articles appeared in the National Newspaper Publishers Association convention journal. I ask unanimous consent that two of these be printed in the RECORD in their entirety. The first, written by Garth C. Reeves, president of the NNPA, is "The Black Newspaper," an article prefaced by his "President's Message." The second, "The Black Press—Voice of Protest and Self-Improvement," was written by Sherman Briscoe, executive director, NNPA.

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

THE PRESIDENT'S MESSAGE

Despite the complexity of problems facing the Black Press in this country today, the 1944 forecast of Gunnar Myrdal seems like a prophecy. Diligent and sustained efforts of black publishers to improve their products without losing sight of the black perspective are paying off in higher circulation figures and increased advertising revenue.

For 145 years the Black Press has involved itself directly in the black struggle, and in many instances not only initiating but actively leading the fight not only with words, but physically and financially. In a capitalistic society economics is the name of the game.

That is why the theme for this 32nd annual convention is "How the Black Press Can Help Improve the Economic Status of Black Americans." Black publishers realize the importance of seeking out and interpreting to their readers those progressive and meaningful programs that help our black brothers and sisters find their way into the economic mainstream of this country.

Here's hoping our discussions will be constructive and meaningful and out of them will come new and innovative ideas to alleviate the frustrations of a growing number of our society.

When your work is done there is no need to hurry back home. Greater Miami welcomes you to stay and enjoy its many attractions.

THE BLACK NEWSPAPER

(By Garth C. Reeves, President NNPA)

Roland Wolseley in his book on the Black Press gave these three qualifications which a publication must meet to be considered a unit of the black press:

First—Blacks must own and manage the publication; they must be the dominant racial group connected with it. In support of that requirement it can be said that if the publication is not black-owned and black-operated, its aims, policies, and programs can be altered by persons unsympathetic to the goals of black editors and publishers.

Second—The publication must be intended for black consumers. A newspaper for black citizens deals with their interests and con-

cerns and is not primarily for whites. So long as there is a cultural and ethnic distinction in society between black and white citizens there will be a place for black journalism.

Third—The paper must serve, speak and fight for the black minority. It must also have the major objective of fighting for equality for the black man in the present white society.

This third proviso makes the Black Press a special-pleading institution, one with a cause, goal, or purpose going beyond the basic one necessary for survival in the American economy—the making of a profit.

OPEN AND CLOSE

Since John B. Russwurm and the Rev. Samuel Cornish founded the first American black newspaper in New York City in March 1927, 2800 different black newspapers have opened or closed—mostly closed.

With the exception of Muhammad Speaks, the once popular national newspapers are no more. This is partly due to the large size of this country, but more so that virtually all black papers are weeklies, and several cover the black news of the country in about the same way as a weekly newsmagazine.

There are six newspaper groups or chains in the black press today, the largest being the Sengstacke chain that embodies the Defender and Courier nine-paper publications.

The Afro-American Group publishes five editions, and the California Post Group and the Louisiana New Leader Group have four papers each. The World Group, anchored by Atlanta's Daily World has three papers. The group with the largest circulation is the California Wave publications with a combined circulation over 200,000.

Some of the independent black papers with circulation over 20,000 include the Houston Forward Times, Cleveland Call and Post, Norfolk Journal & Guide, Atlanta Inquirer, Miami Times, Los Angeles Sentinel, Philadelphia Tribune, St. Louis Sentinel, Louisiana Weekly and Dallas Post Tribune.

Four black dailies are presently in operation: The Atlanta World, Chicago Daily Defender; Columbus, Ga. Times, and the newly-organized New York Challenger.

There are 215 black newspapers currently published on either a daily or weekly basis in the United States. The combined circulation of the black press today exceeds three million.

LARGEST PAPER

The largest black paper is Muhammad Speaks, which has a weekly circulation of 600,000. It is published in Chicago by the Nation of Islam. Next in circulation size are the Amsterdam News in New York City with 85,000; and the Detroit, Michigan Chronicle with 65,000.

Of the 215 newspapers now printing, more than half have been established since 1950 and one third since 1960.

Only 19 of these papers were founded before 1920, and just five have founding dates before 1900. These papers are the Philadelphia Tribune (1885), Houston Informer (1892), Des Moines Bystander (1894), and the Indianapolis Recorder (1895).

There are 14 states in which no black papers are published: Alaska, Hawaii, Idaho, Maine, Montana, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia and Wyoming.

Most black papers today would probably not get a high rating if they were judged by the white measuring stick of American journalism—the three major standards being (1) Integrity: being detached from political or commercial influence that might deny readers the truthful information they are led to expect. (2) Fairness: which means giving all sides of a news event and restricting the paper's opinions to the editorial columns, and avoid printing opinions as news unless the source is clear. (3) Technical excellence: including legibility of printed matter, correctness of grammar and spelling, professionalism in layout and make-up.

INTEGRITY, FAIRNESS

The first two standards for operation—integrity and fairness—are within the reach of most publishers, but the third standard—technical excellence—often is much less attainable because it requires substantial capital investment.

But if black newspapers were carbon copies of white papers, they would be worthless. They are purchased by their readers for the specific reason that they are not white papers; that what they purport to do is to report events of concern to black people from a black viewpoint.

Like any other business today the black press has its share of problems and shortcomings. We are not paragons of virtue. An alarming number of black papers are still designed primarily for the middle class black, with too little attention paid to those who have not yet made it up the ladder.

Some tend to accept at face value the efficacy of old formulas, without taking full account of changing priorities and techniques designed to answer new problems. Some sometimes expend their resources on insignificant news events that should be explored in greater detail. Our coverage, because of thinness of staff, is sometimes spotty.

These are faults, however, that the black press can correct. The increased revenue we are receiving from advertisers, as more and more merchants discover the effectiveness of their messages in a black newspaper, should enable us to attract and retain capable journalists.

Looking to the future of the black press, the words Gunnar Myrdal wrote in 1944 are still valid:

"No feasible widening of the reporting of Negro activities in the white press will substitute for the Negro press. What happens to the Negroes will continue to have relatively low 'news value' to the white people and even the most well-meaning editor will have to stop far short of what Negroes demand if he wants to satisfy his white public. Whether or not this forecast of an increased circulation for Negro papers comes true, the Negro press is of tremendous importance."

In a fully integrated society, the Black Press would shrink and eventually vanish, much in the manner of the foreign language press. Pending that, however, it is alive and well.

THE BLACK PRESS—VOICE OF PROTEST AND SELF-IMPROVEMENT

(By Sherman Briscoe)

The voice of one of the longest protests in history is the Black Press of America which celebrated its 145th anniversary last March.

But it has been more than an effective voice of protest that has played a major role in every erg of resistance overcome; it has also stimulated attainments in education and self-improvement to help keep black people abreast of opportunities as they have been achieved.

It was in March of 1827—more than 200 years after slavery had been established in America—that John B. Russwurm and the Rev. Samuel E. Cornish launched Freedom's Journal, the first black newspaper in the United States and the first black voice raised in newsprint against bondage.

The Journal not only spoke out against slavery in the South and ill treatment of freed blacks in the North, but it also emphasized education, self-improvement, industry, and thrift on the part of freedmen.

Within a little over a year, Russwurm, an 1826 graduate of Bowdoin College, became discouraged, left the paper and joined the American Colonization Society. He emigrated to Liberia where he served as superintendent of schools and governor of the Maryland colony until his death in 1851.

CHANGES NAME

The Reverend Mr. Cornish, founder of the first black Presbyterian Church in America, continued briefly with the Journal, changing its name to "The Rights of All."

Between the death of the Journal and the death of slavery, 23 other black newspapers were to raise their mastheads in protest of that institution, of the denial of full enfranchisement of freed blacks, and of oppression of them. Equally, they promoted the Underground Railroad and other abolitionist efforts, while constantly encouraging self-improvement, self-definition, industry and thrift.

Among the most outstanding of these mostly short-lived papers were: Fred Douglass' North Star, Willis Hodges' Ram's Horn, William Welles Brown's Rising Sun, Phillip Bell and Charles Ray's Colored American, Dr. Martin Delaney's Mystery, and the AME Church's Christian Advocate which is still going after 124 years.

With slavery dead in 1865, black leaders believed there was no urgency to continue black newspapers. Only about 10 such papers were established between the end of the Civil War and the Hayes-Tildren deal which led to the withdrawal of troops from the South in 1877 and the rolling back of the clock whose hands were to stand still in racial progress for more than half a century.

Between 1877 and 1900, about 150 black newspapers came into being to protest mob violence, lynchings, the total abrogation of the 14th and 15th amendments and only half observance of the 13th.

STILL GOING

The leading black papers of this dark period were: The Washington Bee, established in 1879 by Attorney William Calvin Chase; the Cleveland Gazette, launched in 1883 by Harry C. Smith; the Philadelphia Tribune, founded by Chris J. Perry, a successful realtor, in 1884. This 88-year-old paper, now under the leadership of the able Eustace Gay, is one of five that still survive from the 19th century.

Other outstanding papers of the era were: Timothy Thomas Fortune's New York Age, John Mitchell's Richmond Planet, Sol Johnson's Savannah Tribune, Phillip Bell and W. J. Powell's San Francisco Elevator, Nick Chiles' Topeka Plaindealer, John Murphy's Afro-American which, along with the Indianapolis Recorder, the New Iowa Bystander, and the Houston Informer and Texas Freeman, are the other four that are still going.

Harvard educated William Monroe Trotter practically opened the 20th century with his Boston Guardian. Much like Rev. T. J. Smith's Pittsburgh Broad-Axe, it let the chips fall where they may.

The Guardian was soon followed by Robert Sengstacke Abbott's Chicago Defender in 1905, P. B. Young's Norfolk Journal and Guide, James Anderson's Amsterdam News, Robert L. Vann's Pittsburgh Courier, Roscoe Dungee's Oklahoma Black Dispatch, and Joseph and William Mitchell's St. Louis Argus.

With the departure of George White of North Carolina from the Congress in 1901, the long night of disfranchisement, nurtured by the Ku Klux Klan and grandfather clauses in state constitutions, set in for 27 years.

GO NORTH

But Robert Abbott, unlike Boston-reared Trotter, was born and reared in Savannah, Ga., and educated at Hampton Institute of Virginia. He knew that no amount of cursing and protesting and demanding alone would improve the plight of black people as long as they remained in the South. The answer, as he saw it, was to get as many black people as possible out of the South. And he launched his campaign to bring them North.

By the time his campaign got well underway, World War I had begun and there arose a demand in the North for black workers to help man the steel mills, stockyards, and other industries. During and following the war, Abbott's Chicago Defender carried red headlines week after week, reading: "Negroes are Coming North by the Thousands."

Largely, it has been the voting leverage of blacks in the North that has made the difference in civil rights advance. And Abbott and his Defender are rated the most significant black journalistic achievement of the first half of the 20th century.

His paper—now directed by one of his nephews, John H. Sengstacke, has become one of four black dailies in continental U.S. The other three are the Atlanta Daily World, founded by W. A. Scott in 1932, the New York Challenger, launched in March by Thomas H. Watkins, Jr. of the New York Recorder, and the Columbus Times of Columbus, Ga., two years old, Mrs. Ophelin DeVore Mitchell, Publisher.

In addition to the Defender, Sengstacke owns the New Pittsburgh Courier, The Michigan Chronicle, and the Memphis Tri-State Defender.

John Murphy's Baltimore Afro-American was expanded into a chain by his sons Carl and Arnett and other members of the family. The chain includes Afro-American in Newark, Philadelphia, Richmond, and Washington which absorbed the Washington Tribune.

BOUGHT BY SYNDICATE

James Anderson's Amsterdam News, named for the street he lived on, was taken over by Drs. C. B. Powell and Philip Savory in 1936. Last year it was purchased for more than $2 million by Attorney Clarence B. Jones and the Amsterdam News Syndicate.

These and other papers joined the Defender in its migration drive. In their deal, their editors made negative reporting a fetish, seldom seeing anything good about the South or about the black people who lived there. Much of this attitude slopped over into the North where it still exists.

While negative reporting fired the migration movement and the protest against segregation and mob-violence, it may have had the harmful influence of retarding greater efforts in education, self-improvement, industry and thrift.

Black protest was also fired by Woodrow Wilson's false promise of entering World War I "to make the world safe for democracy." At first blacks believed the slogan, but soon discovered that it was merely a slogan. Angered by the deception, black editors pressed hard for the rights of their people and took every opportunity to expose the failings of democracy.

So vocal was the black press in its protests and demands, that the War Department summoned 31 of the loudest voices to Washington to face complaints and criticism. But the editors brought complaints of their own —anti-Negro mob-violence, ill-treatment of black troops, segregation here at home, and disfranchisement. Their complaints went unanswered by the War Department and the Department of Justice, and they returned to their typewriters and continued their criticism and protest as before. A Philip Randolph's Messenger was one of the most outspoken.

The riots which followed the war stimulated the establishment of a number of black newspapers. Among the most important of these were: Chester Franklin's Kansas City Call, Anthony Overton's Chicago Bee, William O. Walker's Cleveland Call & Post, E. L. Goodwin's Oklahoma Eagle, H. E. Sigismund Reeves' Miami Times, M. L. Collins' Shreveport Sun, and C. C. Dejoie's Louisiana Weekly. The latter three papers are now operated by sons of the founders—Garth Reeves, M. L. Collins, Jr., and C. C. Dejoie, Jr.

STARTS ANP

The rioting also led to the establishment of the Associated Negro Press by Claude A. Barnett, a Tuskegee graduate and a former staffer of the Chicago Defender. He developed it into an effective news service and continued it from 1919 until his declining years in 1964.

On the eve of the 1929 depression were born Nathaniel A. Sweets' St. Louis American, L. E. Austin's Durham Carolina Times, and the Scott brothers' Atlanta World as a weekly.

During the 1930s, scores of black papers arose and fell. Among those that have survived are: The Defender established Louisville Defender, now published by Frank Stanley, Sr., and the Michigan Chronicle with Louis Martin as editor. Longworth M. Quinn now runs the paper for the Sengstacke chain.

Other papers of the 1930s are: Leon H. Washington's Los Angeles Sentinel, Cecil Newman's Minneapolis Spokesman, Mrs. Mildred Brown's Omaha Star, and Percy Greene's Jackson Advocate.

In the 1940s with the war and the Fair Employment Practices Commission—more national advertising became available through Interstate, now Amalgamated Publishers, Inc. (API). Since then, more than 100 papers have been launched; about half are still going. Adam Powell's People's Voice was one of the casualties. Among the more substantial survivors are: The Jervay Brothers' Raleigh Carolinian and Wilmington Journal, Dr. Carlton B. Goodlett's San Francisco Sun Reporter, the late John Kirkpatrick's East St. Louis Crusader.

Also C. Blythe Andrews' Florida Sentinel Bulletin which took over the Tampa Bulletin, Frank Thomas' Mobile Beacon, Jesse Hill's Atlanta Inquirer, Charles Bolen's Ft. Pierce Chronicle, J. K. Land's News Leaders in Baton Rouge and four other Louisiana cities, Marjorie Parham's Cincinnati Herald, Mrs. Julius Carter's Houston Forward Times, Clyde Jordan's East St. Louis Monitor, the Muslims' Muhammad Speaks, John Johnson's Jet, Jerrel Jones' Milwaukee Courier, and out in California, William Lee's Sacramento Observer, Earl Davis' San Diego Voice & Viewpoint, Thomas Berkley's Berkeley Post chain, and Chester Washington's Central News-Wave chain.

Also the 1940s saw the coming of age of the National Newspaper Publishers Association (NNPA) which was organized in 1940 with 11 members at a meeting in Chicago called by John Sengstacke. Representing the combined strength of the Black Press, an NNPA committee called on President Roosevelt in 1944 and demanded an end of segregation in the armed forces. This helped start the ball rolling, and in 1948 a Truman commission, on which Sengstacke served, drew up the guidelines for ending segregation in the military.

Since that first call on Roosevelt, NNPA has met with every President and presented its position on issues concerning the welfare of black Americans.

Protests of injustice, racial discrimination and segregation, unequal employment and promotion opportunities for black people are still the driving force of the Black Press. And encouragement is given the shock troops by its reports of black success, solid achievement, and general advancement of black people here at home, in Africa, and throughout the world.

INCOME TAX CREDIT FOR NONPUBLIC SCHOOLS

Mr. RIBICOFF. Mr. President, unless action is taken soon by Congress, many of our Nation's nonpublic schools will be forced to close.

The President's Panel on Nonpublic Education has reported that nonpublic school enrollment has been declining at a rate of 6 percent per year. Roman Catholic schools have been the hardest hit, but they are not alone. In the past 2 years, independent school enrollment has dropped 11 percent, military schools 10 percent, and boarding schools 4 percent. At this rate one-fourth of the schools operating in 1970 will be closed by 1975.

If this trend continues we will experience a massive dislocation in our public school system. Over 10 percent of America's total elementary and secondary students attend nonpublic schools. Should these schools collapse, our public school system would have to absorb over 5 million more children. Most of the impact would be felt in urbanized areas already heavily burdened by the need to provide public service.

In an attempt to alleviate this problem, I have introduced a bill (S. 3700) to grant tuition tax credits to the parents of nonpublic school pupils. I am hopeful that Congress will give this complex problem its close attention in the months ahead.

During its deliberations, the President's Panel on Nonpublic Education studied a report prepared by Roger A. Freeman, a senior fellow at the Hoover Institution on War, Revolution and Peace. Because I believe that Senators will find it most informative, I ask unanimous consent that a synopsis of Mr. Freeman's report, entitled "Income Tax Credits for Tuitions and Gifts in Nonpublic School Education," be printed in the RECORD. The complete text of this report can be obtained from the President's Panel on Nonpublic Education.

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

INCOME TAX CREDITS FOR TUITIONS AND GIFTS IN NONPUBLIC SCHOOL EDUCATION

SYNOPSIS

1. Nonpublic elementary and secondary schools have been in a rapid decline over the past five to six years which seem to be accelerating and it appears now that many and possibly most of those schools may be forced out of existence during the 1970s unless some type of action is taken to keep them alive.

2. The closing of most nonpublic schools could throw up to 5 million children on to the public school system and place an annual $4 to $5 billion burden on the taxpayers' backs. With few if any alternatives available, virtually all children would then have to get their education in the public schools, save for the children from the most affluent families. Many observers regard attendance of the same schools by all children to be the best preparation for life in a democracy. But it would certainly make a hollow shell of the natural right of the parents to direct their children's education, as defined by the U.S. Supreme Court in its unanimous decision in *Pierce v. Society of Sisters*.

3. The President made it a particular assignment of the Commission on School Finance to consider the financial problem in nonpublic education, especially in religious schools, and to recommend measures by which their decline can be halted and their threatened collapse prevented.

4. Several decisions of the U.S. Supreme Court rule out the appropriation of public funds for direct governmental subsidies to religious schools but permit tax benefits to churches and other religious institutions. It

appears therefore that church-connected education can be effectively aided either by tax benefits of some kind or not at all.

5. The Internal Revenue Code now leaves about one-half of all personal income free from federal income taxation. Most of the numerous types of tax benefits are intended a) to establish greater horizontal equity, i.e., make taxes fairer by making allowance for special burdens, or b) to stimulate socially desirable activities by offering tax incentives.

6. Income tax deductions have long been permitted for special burdens such as state and local taxes, interest payments, casualty losses, medical expenses, etc., as well as for donations for religious, educational and charitable purposes. Considerations of equity as well as social policy make it desirable to add tuitions to the list; this seems to be the most effective method, and possibly the only method, by which parents can be aided in exercising their right of choice and church-connected schools can be helped to survive.

7. Because of the progressive income tax rate scale, deductions confer proportionately greater benefits on taxpayers in high income brackets than on low or middle income persons. This lopsided situation can be rectified by using tax credits—deductible from tax liability—instead of deductions from adjusted gross income. I suggest that the privilege which is now enjoyed only by taxpayers in the highest income bracket—to offset 70% of their donations to schools against their tax liability—be extended to taxpayers at all income levels. This would effectively stimulate contributions among middle and lower income persons.

8. Tuition tax credits can help parents to augment their support of nonpublic schools without placing a commensurate burden on them. If well designed, tuition tax credits are on firm constitutional grounds and will stand up against any conceivable constitutional challenge.

I suggest a 70% tax credit for tuitions in all regular schools. Such a credit could, for example, apply to tuitions between $100 and $300 in elementary schools and between $100 and $500 in secondary schools, with an upper income cutoff. Its annual cost may be estimated at $900 million, which is less than one-fourth of the expense of educating those children in public schools.

9. Public schools, as well as homeowners and renters, could be aided by the granting of income tax credits for residential property taxes levied for school purposes (or, possibly, for all purposes).

WHEN ARE WE GOING TO START TO BUILD ENOUGH RECREATION ROADS?

Mr. MOSS. Mr. President, what must be called an "explosion of use" of our recreational areas is occurring in America—with an "explosion of demand" for roads to reach these areas. In my State of Utah motorists are traveling on any road, track or trail that will carry them to spectacular scenic spots, placing far too heavy a load on low standard roads and breaking their axles and blowing their tires on barely passable tracks and trails.

Recently I prepared a statement for the Roads Subcommittee of the Committee on Public Works recommending that authorization levels be substantially increased for fiscal 1974 and fiscal 1975 for all scenic and recreational roads in the Federal Aid Highway Authorization Act of 1972, now under consideration. Higher authorization levels will hold out some hope of getting higher appropriation levels in years to come, and eventually of stepping up our pace in building the roads we need to serve our outdoor-oriented, increasingly mobile population. To call the attention of all of my colleagues to the recommendations I have made, and why I made them, I ask unanimous consent that my statement be printed in the RECORD.

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

FEDERAL AID HIGHWAY AUTHORIZATION ACT OF 1972

Mr. Chairman, it is a pleasure to testify before this subcommittee, of which I was a member for so many years. From my own experience I know how difficult is the task which confronts you. Determining the level of authorization for the various Federal aid highway programs—in this instance for fiscal 1974 and 1975—and dealing with all of the very controversial questions which arise out of the financing, construction and use of these highways, is one of the hardest and most complex jobs this subcommittee, or in fact the Congress as a whole, undertakes in the second session of each Congress. I offer you my sympathy and support.

I come here today because I am outraged by the low level of authorization recommended in S. 3590 for fiscal 1974 and 1975 by the Nixon Administration for categories of the Federal aid highway system which help us build our scenic and recreational highways. The levels the Administration suggests are both unrealistic and unwise. I sometimes wonder if those who set these levels are living in the same country as I, with our millions of outdoor-loving, mobile citizens out every weekend crowding every highway, every gravel and dirt road, and even every wagon track that will lead them to any recreation area.

My own state of Utah is a prime example of what is happening. The explosion of interest in outdoor recreation has led people to try to reach any spot where they can camp or picnic or hike or boatride or fish or enjoy a scenic view. They drive over any road that is passable, putting on it a burden in weight and numbers far beyond what it can carry. They often blow out their tires and break their axles and do other damage to their cars. But they keep coming and coming—seeking outdoor recreation experiences. Where scenic highways have been built, or the recreational access roads have been constructed, the cars extend bumper to bumper with hours of delay on weekends in getting to or from a popular area.

As one way of beginning to build the highways and roads we need, I recommend a substantial increase in authorization in all Federal aid highway categories which are used in any large measure for recreation.

Now, I am sure someone will remind me:

But Congress is not appropriating the fully authorized amount for these categories in most instances now, so why increase the authorization?

My reply is a simple one. We are not appropriating more because in most instances the Administration is sending a budget request to Congress which only asks for one half or two thirds of the authorization and the Congress, fearing additional funds will only be frozen by the Administration if they greatly exceed the budget request, is increasing appropriations by cautious amounts. Perhaps if we get the authorizations up, we will get the budget requests up, and then we can get the funding up and we can begin to move along faster in building some of the roads we so desperately need.

I would, therefore, recommend that Section 105(a) of S. 3590 be amended, to make the following changes in levels of authorization for scenic roads, recreation access roads, park and parkland roads and roads across public lands:

For Forest Highways, out of the Highway Trust Fund, $50 million for fiscal 1974 and $50 million for 1975, instead of the $33 million recommended for each year.

For Public Land Highways, out of the Highway Trust Fund, $25 million for fiscal 1974 and $25 million for fiscal 1975, instead of the $16 million recommended for each year.

For Forest Development Roads and Trails, $170 million for fiscal 1974 and $170 million for fiscal 1975 out of general revenue funds instead of the $75 million recommended for each year.

For Public Land Development roads and trails $20 million out of general revenue funds for fiscal year 1974 and $20 million for fiscal 1975, instead of the $10 million recommended for each year.

For park roads and trails, $50 million out of general revenue funds for fiscal year 1974 and $50 million for fiscal 1975, instead of the $30 million recommended.

For parkways, $40 million out of general revenue funds for fiscal 1974 and $40 million for fiscal 1975 instead of the twenty million recommended.

These are substantial increases, I realize, but not unreasonable in view of the need. The Forest Highway authorization, for example, has been at a level of $33 million for over 10 years. There is already a tremendous backlog of Forest Highway projects. In Utah alone, at the present rate of authorization, it is estimated it will require some 40 to 50 years to complete the system. And we are not even appropriating the $33 million authorized each year. In fiscal 1972, for example, we appropriated only the amount of the budget request which was $20 million.

I suggest that the subcommittee not only increase the authorization for Forest Highways, but also include in the bill which is reported a provision requiring a study of "Forest Highway Needs." I understand that Forest Highways were not included in the most recent highway needs study, and we really don't know how much money we need to build the Forest Highway system. A study would probably show that my suggested figure of a $50 million authorization is far too low—as there can be little doubt that the $33 million figure is.

The Forest Roads and Trails authorization request is equally unrealistic. The fiscal 1974 and 1975 authorization for $75 million is almost a hundred million short of the $170 million authorization for fiscal 1973. I realize that there is some unfunded authorization available, but this could be used up quickly with increased appropriations and no budget restraints and the necessary personnel. By suggesting a cut of more than 100 percent in the Forest Roads and Trails authorization for fiscal 1974 and 1975, I would hope that the Administration did not intend to indicate that the present rate of development of Forest Service roads and trails is adequate—because it isn't.

In the state of Utah we received about $4 million in the current fiscal year for Forest Roads and Trails. The demand upon these funds has been tremendous. The spectacular rise in the use of Utah recreational roads is indicated by the following figures:

In 1967, there were 6,494,000 recreation visitor days in the state which represented 4.3 percent of national visitor days. Some 1,245,000 of these visitor days were used in traveling Forest Service roads and trails in Utah.

By 1971, the total number of recreation visitor days in the state had skyrocketed to 9,604,000 and to 5.3 percent of the national total, with 1,880,000 of those days of travel on U.S. Forest Service roads and trails.

In other words, not only are we experiencing constantly increasing recreational visitor use in Utah, but we are rapidly escalating our share of the national total in days of visitor use. Recreation use in Utah is rising

faster than in many other states, and it is rising especially fast on Forest Service roads and trails.

I can best explain what is happening by discussing the Nebo Scenic Loop in the Uinta National Forest which goes from Payson Canyon up the remote back side of Mt. Nebo and comes into Salt Creek Canyon east of Nephi—the whole trip a refreshing, scenic experience. The road is approximately 20 miles long. It is built on an old existing road constructed during the CCC days. This deteriorating road carries heavy traffic each summer weekend. It becomes rutted and filled with chuck holes. A $250,000 contract is now being advertised by the Forest Service which will allow improvement of one segment of the road. $500,000 could well be used on this road in one construction season. But only half this much needed work will be done this year. We need urgently to step up the pace of the work.

Or again, consider the 130 mile Skyline Drive through the MantiLaSal National Forest which contains some of the most beautiful scenery in the state of Utah. About three miles of road through Huntington Canyon is on the Forest Highway system—the rest must be built with Forest Road and Trails money. A recent report describes the road as follows:

"From the elevated portions of the route, magnificent panoramas of the surrounding mountain areas are visible. On a clear day you can see for over 300 miles. Numerous opportunities for hiking, fishing, boating, camping, hunting and just plain looking exist along and adjacent to the entire route. Over 40 recreation areas and 17 lakes could be serviced from this road."

Most of Skyline Drive is also in very poor condition—little more than a couple of tracks in some places. But a few hardy souls try to drive through its Alpine meadows and forest Sunday after Sunday, week after week. A paved or even a well graded road would give thousands more an opportunity to do so and to enjoy its grandeur.

Another point of great interest to me is the fact that this proposed road lies in a rural area covering portions of four different counties all of which are in dire need of economic assistance that could be stimulated, in part, by opening up this valuable area to the many tourists, campers, hunters and fishermen, who otherwise cannot get into the area.

But perhaps the level of authorizations which most appall me are the $30 million request for parks roads and trails, for which I have proposed the higher authorization of $50 million, and the $20 million authorization for parkways, for which I would substitute $40 million. I am not overstating it when I say we could use the $30 million for park roads and trails immediately in the state of Utah, where we have in the past few years established three new national parks—Canyonlands, Capitol Reef and Arches—and one recreation area—Flaming Gorge—and where we are about to pass legislation setting by statute the final boundaries of the million acre Glen Canyon National Recreation Area.

And Utah will soon, I hope, be calling on the National parkways funds for the Canyon Country National Parkway, for which legislation I have introduced is pending.

In 1964 when Canyonlands National Park was established the National Park Service unveiled a five year, $8 million development plan which called for considerable road building to provide access to the park. Included was improvement of the road already in existence from the northern end of the park to Island of the Sky and the confluence of the Green and Colorado Rivers, and construction of a road from the southeastern entrance of the park through the Squaw Flat area to the confluence.

Now eight years later, we are still working on the Squaw Flat Road, and are at least ten miles from the confluence. No other roads have been built. A contract for about $600,000 has recently been advertised for the Squaw Flat Road which will build it to the Big Springs Bridge. The bridge itself is estimated to cost about a million and a half dollars. The projected million people a year visitation to Canyonlands has shrunk to the 55,400 people who actually visited the park last year.

Far fewer people than once expected have been able to enjoy Canyonlands because access has not been provided, and the projected economic benefits to the surrounding area have not been realized either. The people in the area are thoroughly disillusioned. Most of the park can be seen only by those who backpack in. We want, of course, to keep large sections of Canyonlands in wilderness for the enjoyment of those who seek nature experiences, but we must quickly open up other parts of the park so everyone can enjoy them. We will then take the pressure off some of our other overburdened recreation areas.

Glen Canyon National Recreation area, which encompasses Lake Powell is an area of very high visitation. But the facilities there are greatly overburdened, and must be extended. One road—the Glen Canyon to Bullfrog Road—which would provide quicker and easier access to new recreational sites on Lake Powell will cross the Glen Canyon Recreation Area, and will cost some $40 million to build. This road is so seriously needed, and is such an issue in my state of Utah, that the Utah Congressional delegation will try to authorize its construction right in the bill establishing the Glen Canyon National Recreation Area.

Mr. Chairman, the National Park Service advises me it will take an estimated $1 billion to bring all its parkways and its park roads and trails up to standard. And yet the Nixon Administration sends to Congress an authorization request for a combined $50 million for both categories in each of the coming two fiscal years—1974 and 1975. Surely by then we will be out of Vietnam and be able to concentrate more money on our domestic problems. The authorization figures are so out of proportion to the nation's needs that they are indefensible. I trust that the subcommittee will substantially raise them all.

In conclusion, let me state also that I support the bill, S. 3405, introduced by the distinguished Chairman of the Senate Public Works Committee, Mr. Randolph and cosponsored by the Chairman of this subcommittee to amend Title 23 of the U.S. Code to establish a special national scenic and recreational highway program. The bill would authorize $30 million for each of the fiscal years ending June 30, 1974 and 1975 to build scenic highways, and to furthermore authorize $150 million for each of the fiscal years ending June 30, 1974 and 1975 to allocate grants to the states to build scenic roads.

I hope that the subcommittee will include the provisions of this measure in the bill it reports.

ADDRESS BY SENATOR HUMPHREY TO THE U.S. CONFERENCE OF MAYORS

Mr. HUMPHREY. Mr. President, on June 20, 1972, I was privileged to address the annual meeting of the U.S. Conference of Mayors.

It was a memorable occasion for me. As a former mayor, I always feel at home with the mayors of our country.

Mr. President, the thrust of my remarks was clear: We cannot begin to take care of America until we take care of America's people. And, America's people live predominantly in urban areas.

The urban areas of our Nation need our help. And, they need it immediately. Long-range plans are essential—and I spoke to the necessity for a national growth policy. But, as I said, cities have to be operated now. People have to live now.

The U.S. Government has an obligation to help restore the fiscal vitality of the cities.

That is one reason why I have been a consistent supporter of revenue sharing. That is why I have joined with the Senator from Tennessee (Mr. BAKER) in introducing in the Senate the House Ways and Means Committee-approved revenue-sharing bill.

That is also why I have asked the Senator from Louisiana (Mr. LONG), chairman of the Committee on Finance to move ahead quickly on hearings for the swift passage of revenue sharing.

Chairman LONG has given me his assurance that he will indeed move forward as expeditiously as possible.

In my remarks to the mayors, I spoke of my talk with the chairman, and I relayed to the mayors my intention to be the leadoff witness for revenue sharing when hearings are held in the Senate.

Mr. President, I ask unanimous consent that my address to the U.S. Conference of Mayors be printed in the RECORD.

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

REMARKS OF SENATOR HUBERT H. HUMPHREY TO THE U.S. CONFERENCE OF MAYORS, NEW ORLEANS, LA., JUNE 20, 1972

Last year when I had the privilege of addressing the Conference of Mayors, I said that our Nation must develop a national urban strategy to deal with the diminishing quality of life in urban America.

A year has passed and there has been little visible progress towards meeting the great needs of American cities.

Tragically, we have no national urban policy to guide us.

Yet every day we are faced with the fact that more and more Americans are moving to urban areas.

Every day the need for fundamental services for urban Americans increases.

Every day the financial resources prove to be less and less.

In the face of this crisis, what is the response from the Federal Government?

Too often it runs away from the problems:

It underfunds badly needed programs.

It encumbers effective local action with bureaucratic over-regulation.

It ignores the neighborhoods—it guts them with indiscriminate highway programs and plans urban renewal projects which are in effect, people removal programs.

But the Federal Government's greatest failure is to try to solve urban and suburban problems of the 1970's with the solutions of the 1950's and 60's.

What are the realities of urban life today?

Realistically, our urban society extends beyond city lines into increasingly urbanized suburbs.

But the problems of the city—because they are people problems—don't stop when concrete and pavement become green grass and shopping centers.

There isn't a metropolitan area in this Nation which has avoided the social disintegration and economic decay caused by affluent Americans running away from the poor.

There are few families in suburbs who

can claim today that the drug problem of the inner city is not theirs also.

Crime knows no neighborhood—no one is free from assault and stick-ups; no American home or apartment is safe from burglary and no American can be secure when there is violence and disorder.

Throughout metropolitan areas the educational system is breaking down:

School bond issues are being defeated.

Classroom size is being increased.

School taxes are going up.

Parochial schools are closing.

Students and parents are having serious doubts about the educational quality of our school system.

And there is no metropolitan area where the level of basic services has kept pace with needs of the people.

This means that people are angry, frustrated and often disillusioned.

The despair and crushed spirit of urban American increases every day because we know that cities can come alive again.

We know that cities can have green parks, tree-lined roads, safe and clean streets, good schools and a style of life that gives people dignity, hope and opportunity.

I believe it's time for America to stop running away from its own problems—to face up to the urban crisis and to act accordingly.

It's time to do for ourselves what we have been doing for the rest of the world during the past 27 years.

We must restructure our political organizations, adapt our social institutions to changing times, revitalize our community services and commit the financial resources needed to do the job.

These are the long range goals which deserve a national commitment.

But people have to live today and your cities can't wait for another five or ten years.

Let me be specific and give you my ideas as to what together we must do now.

The passage of an adequate revenue sharing bill is imperative. Revenue sharing is not a panacea for the ills of American cities. And it cannot replace the grant-in-aid programs.

But our plans, our goals, our long-run objectives are simply useless without a continuing, well-funded revenue sharing program, and I have been a consistent advocate of revenue sharing.

I believe that it is a program for the 1970's.

Tomorrow, the House of Representatives will begin debate on the Mills fiscal assistance proposal.

And in the Senate, Senator Howard Baker and I have introduced an identical revenue sharing bill. There are now 41 co-sponsors of that legislation.

I want the mayors of America to know that I have talked with Chairman Russell Long of the Senate Finance Committee and requested Senate revenue sharing hearings.

I can report to you today that Chairman Long has given me his personal assurances that the Finance Committee will promptly begin hearings on this legislation and expedite its report to the Senate floor.

I will be the first witness before the Finance Committee on behalf of the mayors and the cities when the hearings begin.

Revenue sharing will be an article of law this year. But revenue sharing is but the first step.

The second immediate task is enactment of the National Domestic Development Bank—legislation I introduced to help cities, States and towns finance vitally needed public projects.

This legislation is based on accepted principles of international finance.

I propose that we now apply them at home by providing long-term loans at low interest rates, and that we couple the financial help with technical assistance.

My plan will allow cities, counties, towns, school districts and other government jurisdictions to move ahead on a wide range of urgently needed public construction.

It will provide an alternative and supplemental source of funds for a nation that is privately wealthy and publicly poor. It will bring together public and private financing for the revitalization of urban America.

It can help end the stop-start history of public construction in this country by providing for an orderly and continuing new financing mechanism and the National Domestic Development Bank is a program for all the communities of America.

It can facilitate economic development in depressed areas.

It can provide jobs.

It can stimulate the economy.

Once cities have the necessary tools to achieve some of their objectives the next stop is to change the way the Federal Government makes its budget decisions.

Right now, mayors and city officials, supervisors, city managers, county officials, governors and the people are closed out of the Federal Government's budget process.

Decisions are made every day about your city by bureaucrats in Washington.

You are seldom consulted.

Your true needs are often ignored. You and the people end up living with decisions you had no part in making. This makes no sense.

I want the budget process of the Federal Government to be open to the mayor before the decisions are made.

I propose that the budget officers leave Washington, go into the cities and regions of this Nation and hold hearings and meetings on the coming fiscal year's budget.

Let's send the President's executive decision makers to where the problems are so that they can hear first hand from you and others who face urban problems every day.

If an assured level of funding is available over a period of years and if mayors and city officials have full access to the Federal budget process, then we can take the fourth step: effective planning and use of our resources to meet our needs.

We have visions of tomorrow, but we lack the specific plans to make our tomorrows a reality.

The basis of our vision for the future should be targeting a rural-urban balance—a healthy balance between the people and the land.

This mans focusing on orderly growth—designing this for people rather than for expediency, and an essential component for ordered growth is slowing down the forces which have placed a third of the American people in the six States of New York, California, Illinois, Pennsylvania, Ohio and Texas. Yet there is not a single mechanism or process to plan the future growth and development of the United States.

Today we are a nation of 209 million people, 70% of whom now live in cities of 50,000 or more—by the 1980's—80%.

By the end of this century, 300 million people will populate our country and as many as 90 percent will live in metropolitan complexes.

We have totally neglected the impact of a growing population let alone the movement of people within our Nation.

Because we lack a national planning process, Americans are deprived of the benefits planned growth can provide.

I will soon introduce a national growth and development act that will be the first step towards planning the national growth of our country.

A national growth policy can mean:

Overcoming fiscal crises through planning.

Making the best possible use of land in our metropolitan areas.

Coordinating an attack on all types of pollution.

Planning for services and facilities so that when people move in, the services are already there.

The legislation I will soon introduce will establish an Office of National Growth and Development within the White House. It will provide the leadership necessary to coordinate all departments and agencies—and regulatory bodies—with respect to development and implementation of national policy.

And in the Congress, I propose that a Joint Committee on National Growth be established, and supported by a Congressional Office of Policy and Planning.

Finally, my legislation would force the Federal Government for the first time to anticipate the consequences of growth when it plans a facility, lets a large contract, implements a new program or expands its funding.

For thousands of years cities have reflected the spirit and achievement of a civilization.

It has been in the cities where the centers of learning, art and culture have flourished. The great libraries, universities, theatres, museums and centers of commerce have existed in the cities of the world.

But cities have always been a measure not only of a society's culture, but of its humanity.

But as long as there are slums, people in poverty, hungry children, segregated and dilapidated neighborhoods, deteriorating schools, polluted air and pervasive crime in our cities, then the quality of our entire civilization is threatened.

Can our nation build great cities?

There is no alternative.

The answer must be yes.

I want to be President of an America where cities are a place people want to come to learn, to live and to raise their children.

This type of urban and suburban society can be achieved if our leaders are truly committed to the revitalization and rebuilding of life in urban America.

DEBUNKING THE McGOVERN AS GOLDWATER MYTH

Mr. CHURCH. Mr. President, the Saturday Review of July 1, 1972, contains a highly significant article on the Presidential candidacy of Senator GEORGE MCGOVERN, written by John Kenneth Galbraith.

Of particular interest is Mr. Galbraith's debunking of the myth that a McGovern candidacy would, in some fashion, be comparable to the Republican candidacy in 1964 of Senator BARRY GOLDWATER.

Mr. Galbraith writes:

The comparison with Goldwater is a brilliant piece of political polemics, it is also nonsense.

It is, indeed.

As Mr. Galbraith points out:

Goldwater was urging change in favor of the few and the rich. McGovern is urging change in favor of the many who are in the middle or below. The many, a point that some thoughtful writers have never grasped, are more numerous than the few, and in politics it is the majority that counts.

Mr. Galbraith further points out that if one must search for historical analogies, the proper comparison with Senator MCGOVERN is Franklin Delano Roosevelt with his reforms of 40 years ago which, like the case today, were designed to benefit the majority.

Mr. President, I ask unanimous consent that Mr. Galbraith's article be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

THE CASE FOR GEORGE MCGOVERN

(By John Kenneth Galbraith)

It all happened in a matter of three months this spring. Before the New Hampshire primary in March, George McGovern was nowhere—an object of the sympathy and amusement of the established political sages to the extent that his seemingly feckless effort was deemed worthy of notice by men of such stature. By the end of May he had it made. The California primary—some unprecedented accident apart—all but wrapped up the nomination, although, in a shrewder view, it was probably Ohio that decided things. There it was evident that McGovern not only had a strangle hold on liberal urbanites, suburbanites, and students but could also make deep inroads into the blue-collar and ethnic columns that were meant to march for Hubert Humphrey.

There remained, to be sure, some doubt as to how McGovern did it. Joe Alsop, whom I cherish as one of the splendidly comic figures of our age and always read before Art Buchwald, thought carefully and concluded that the McGovern men had stolen the primaries and the state conventions. They had organized, and organization (anyhow, if by the liberal and young) defeats the popular will. Stewart Alsop, although conceding McGovern some considerable appeal, thought that people were voting for him out of mass misinformation—they did not see what he was up to on abortion, economics, and things like that. When they did—wow! But most others have agreed that McGovern is somehow popular with voters. For judging his prospects next fall, it is worth knowing just what happened this spring and why.

The McGovern success can be understood, I think, only in terms of the preferred position in the United States of social diagnosis as compared with practical action. No country approaches us in the candor and quality, not to mention the sheer volume, of such diagnosis. If something is wrong with our economy or polity or otherwise with our society, we search out the flaw and an explanation for it with relentless force. This has been especially so in these last years, when so much has seemed wrong—when the phrase "credibility gap" has come to grace a general commitment by the government to uninspired falsehood; when a costly and intellectually inexplicable involvement in Indochina has persisted contrary to all reason and expectation; when our military budget has become absurd in light of either military need or the starvation of our cities; when we have put moon travel on a commuter basis, while people at home cannot get to work; when a disenchanting combination of severe inflation and severe unemployment has persisted in conflict with all reputable economic instruction; when the welfare mess has caused people to crowd to the cities and has then penalized them for taking a job; where the fiscal system has been fostering a whole new class of income-tax dropouts, who were even so gauche as to convene by private jet at John Connally's ranch to hear the President defend their graft with wonderful indifference to the trouble the average citizen was having with the tax on his house; and when it was being discovered that our air, streams, lakes, beaches, roadsides, and countryside were all being sacrificed to uninhibited economic (and corporate) growth.

On all of these problems, as noted, men of wisdom had been speaking urgently, righteously—and, in most cases, for very adequate compensation. But it was implicit in this discussion that nothing much would be done that would upset the basic equilibrium in our politics, an equilibrium based on the understanding that we will analyze, deplore, recommend, and, on occasion, demand but will not act. This rejection of action is held to reflect the public will. No matter how serious the problem, the people will vote against the man who proposes remedies, for remedies cost money and make him a radical. There is, alas, an element of pecuniary self-interest in all this. Social diagnosis is a considerable industry in the United States. A lot of this industry's entrepreneurs, without ever quite admitting it, find things entirely comfortable as they are. They persuade themselves that others, despite the troubles they describe, are really quite comfortable, too.

Thus George McGovern. He got hold of the novel idea that a fair majority of citizens not only want to understand their sorrows, they would like to have something done about them. The other candidates made the mistake of believing that all the talk about truth in government and change in the society was purely theoretical. For months friends have kept calling me to say what a mistake it was for McGovern to spell out his position on tax loopholes, welfare reform, and the military budget in such unnecessary detail. He would frighten people. No doubt quite a few were frightened off. But it won him the primaries and will him the nomination. Only an honest and serious man bothers to tell you exactly what he hopes to do, and these qualities evidently appeal to voters these days.

Now it will be said—and said and said—that, while McGovern's commitment to the reform of military, economic, and fiscal policies that nearly everyone agrees are ghastly was great for winning the nomination, it will lose him the election. Zealots who want change can nominate a man; only defenders of the *status quo* can elect one. If McGovern doesn't now adopt the Establishment view, it is asserted, he will do more this autumn to make Richard Milhous Nixon a statesman than Barry Goldwater did to make L.B.J. a pacifist.

The comparison with Goldwater is a brilliant piece of political polemics. It certainly has taken hold. It is also nonsense. The natural reaction of some McGovern defenders has been to argue that he isn't all that extreme. He hasn't really advocated compulsory abortion; the next generation of Rockefellers will still have a few of the millions rightfully accruing to them from the only moderately righteous enterprise of their great-great grandfather a hundred years ago and so will be available for public office; McGovern proposes amnesty only for those who resisted the war and will not release all felons from jail. Doubtless all this is true, but it would have been more to the point to argue that McGovern, unlike Barry Goldwater, was urging the kind of change that most voters want. Goldwater was urging change in favor of the few and the rich. McGovern is urging change in favor of the many who are in the middle or below. The many, a point that some thoughtful writers have never grasped, are more numerous than the few, and in politics it is the majority that counts. It was Barry Goldwater's romantic thought that the poor wanted more done for the rich, less for themselves. He had inveighed against the progressive income tax; when the campaign started, he was still worried about the effect of Social Security on the moral fiber. He wanted more freedom, which, generally speaking, meant freedom for the privileged to expand their preferred form of plunder. The McGovern reforms—on employment, taxes, welfare, equality—are all designed to benefit the majority. An important distinction.

If one is searching for historical analogies, it could be recalled that Roosevelt's reforms of forty years ago were similarly concerned with the majority. They also made him a dangerous radical. And they made him electorally invulnerable. There is a difference between a Democratic Goldwater and a Democratic Roosevelt. McGovern's identification, if he remains on course, is more plausibly with Roosevelt.

It might also be added that Goldwater was a hawk. McGovern is that most curious of political birds, a dangerous dove. As a final point, this whole discussion seems to me a bit hard on Barry Goldwater. He is a nice man who brought a marked passion to his program for enriching the rich. Why hurt his feelings? Let the McGovern people help Barry out: Let them say that McGovern is the Goldwater of the forgotten man.

It is necessary, of course, that McGovern resist the pressure of the privilege. As I've said, in the months ahead it will be a wonderful thing to watch. Having failed to nominate an adequately inert man, the Establishment philosophers will try to do the best with what they have. Only a man indistinguishable from Nixon—or preferably Scoop Jackson or possibly Sam Yorty—will, so they will say, stand a chance of election. I think that, on the whole, McGovern will resist. (I, of course, distinguish between conciliation, even occasional compromise, and retreat.) Accordingly, he will be an alternative to Nixon. He will appeal to the unrich, unpowerful, and unprivileged majority, and, therefore, like Roosevelt, he will be elected. This expectation derives partly from an impression of the man and partly from his reaction to the issues in the past. Let me say something about each.

I first worked with George McGovern when I was in India, and he was head of the Food for Peace Program under President Kennedy. The whole effort was a mirror of the McGovern mind and mood. As a farm congressman from South Dakota, he had constituents for whom wheat growing was halfway between an industry and an obsession. He wanted to see that farm plant used efficiently. And he believed that hungry people should have enough to eat—an idea he thought applicable even to the United States, to the terrible distress of Congressman Jamie Whitten of Mississippi and similar philanthropists. Many diagnosticians had pointed to the inconsistency between big food surpluses and pervasive hunger; McGovern was bent on doing something about it, and he did. Many people are now alive as a result of his efforts to make food surpluses available to the starving. I might add that these efforts won the United States—and him—a very pleasant response. His reception, when he came to India in 1962, was better than that accorded Henry Kissinger last year. I share with others a certain nostalgia for the days when Americans were thought nice.

I really got to know George McGovern with the Vietnam War. The mid-Sixties were lonely years for opponents of the war; we were treated in Washington with all the cordiality that is commonly accorded acute paresis. Following close on the heels of Wayne Morse and Ernest Gruening, McGovern was one of the little band of men who led the fight against the war in the Senate. More than anyone else except Gene McCarthy, he translated what had been dissent into organized and legitimate, and hence effective, political opposition. It did not seem at the time to be a politically profitable enterprise. To take such a stand was surely a fair test of commitment. Prominent among those leading the chorus on the other side—demanding that L.B.J. send in more troops, more bombers, unleash the Joint Chiefs of Staff—was Richard Nixon. He is wiser now. But it would be safer and a lot more economical to have as President a man who foresees disasters. One-hundred-and-fifty-billion dollars—not to mention the lives—is a large price for educating Richard Nixon. And on Vietnam he is still a very retarded boy in the class. He has, in fact, been even more brutal than his predecessors in his policy of destroying

and maiming the people of Vietnam and in wrecking the countryside on which they live. But they are poor people who are accustomed to death and dismemberment—or anyhow that has long been the Washington view.

Mr. Nixon, to be sure, has seen how completely the American people have come to reject the old Cold War rhetoric and anger, how much they want an affirmative effort for peace with the Communist countries. So we have the engaging picture of this man—the greatest Cold Warrior of them all, the politician who once equated negotiation with treason, the man who wanted to send soldiers to Vietnam in 1952—emerging, by his own billing, as the new apostle of peaceful coexistence. He has used the phrase. He has been to Peking. He has been to Moscow.

We cannot deplore the journeys to Peking and Moscow. They must have been a severe trial for Mr. Nixon's old anti-Communist friends; one wonders how Joe McCarthy must be reacting from wherever Joe is these days. But it is better to have a man of flexible principle such as Richard Nixon than a principled man who sticks to principles that are wrong. It would be better still to have a principled man who is right. This, on the record, is the case for McGovern.

There is still much to be done in the field of foreign policy. We face a long period of negotiation with the Soviet Union, in which the primary task is to get the arms race under control. This has been a major McGovern goal. Any notion that such control was achieved in Moscow has now been dissipated by Mel Laird. He has just explained that the agreements signed by Mr. Nixon in the Kremlin have made an increase in spending by some billions for the manned bomber, the Trident submarine, and several other gadgets more necessary than ever.

There also lies ahead the major task of reforming our relations with the Third World. We have learned in these last years that there is little in the inner life of the Third World nations that we can control. And we have learned that there is less that we need or ought to control. We have earned that, if some people in this world choose to call themselves Communist, there is little we can do about it. And we have learned that the difference between a Communist jungle and a non-Communist jungle is not all that evident except to the CIA. Similarly with rice paddies. We need to contract our policy in the Third World—to reduce our own bureaucracy there, notably our troops, bases, fleet, military missions, and spooks. Specifically, we need to get out of the business of chasing Communists over Laos or making plots in Chile.

We need also to get out of the business of propping up dictatorships. Men of wisdom have often pointed regretfully to the necessity of choosing between strategy and morality in foreign policy. But last year, in its support of the military government of Yahya Khan in Pakistan against the people of Bengal, the Nixon administration accomplished something new—it managed to offend both. Its continuing support of the Greek colonels—and of dictatorships in other countries—is equally offensive. Messrs. Nixon and Agnew have forgotten that we are a democracy. McGovern has not. On all of these matters the position of McGovern is clear. And so is that of Mr. Nixon; his re-election would mean only more of the same.

On domestic policy McGovern's positions—and his commitment to them—seem to me equally strong. Here there will be four major issues: the management of the economy; the excessive share of taxes being borne by the average man; the need for real equality—equality between the races, between men and women, in the way income is distributed, and between those with the bad jobs and the good; and the effect of modern industrial development on our surroundings.

Good economic management requires controls that are equitably administered—they must be equitable if they are to have the confidence of consumers and the consent of labor. This is the area of Nixon's greatest failure. His price administration has been spineless—a ratification of increases that would have occurred anyway. His employment policy has been based, all but exclusively, on tax incentives for corporations and the comparatively affluent. In consequence profits and property income (as well as prices) have been rising at a record rate. The unions are rightly aroused; one cannot have wage stabilization unless living costs, profits, and executive compensations are also stable. George McGovern was the first of the candidates to spell out a policy of equitable price and wage administration—combined with equitable taxation of business profits.

Given wage and price stability, the next task is to increase employment. The efficient as well as the egalitarian way to do this is by increasing needed public outlays either in general or specifically for public-service employment, thus supporting the living standards for the poor. The worst way is to reduce taxes on the well-to-do in the hope that they will spend more. The contrast here between Nixon and McGovern should work well at the ballot box.

For easing the burden on the average man, it is also essential that we close the loopholes on the rich. I would personally go further than McGovern. I have come to believe that every person who adds to his wealth by a given amount—whether by earned income, property income, capital gains, real estate income, oil income, inheritance, or defrauding McGraw-Hill—should pay the same progressive tax on the particular amount of the enrichment. The operative rule is that a-buck-is-a-buck-is-a-buck. But McGovern's requirement that, regardless of loopholes, everyone pay at least 75 per cent of what is specified in the tax tables is a step in the right direction. That too will be hard to attack at the supermarkets.

A decent tax system is the first practical step toward greater equality. The second requirement is to strongly support organizing activity by those people—the farm workers, for example—who have the weakest position in the economy. Here the McGovern position is clear, and it has won him the support of Cesar Chavez, who leads the weakest workers of all. The third step is to place a floor under family and individual income. The McGovern position on this—one that still requires a good deal of work, as McGovern himself might agree—was duly celebrated in the California debates with Hubert Humphrey. The step is vital. Mr. Nixon cannot effectively attack the principle of a guaranteed minimum income; he—greatly to his credit—has proposed one himself. He will attack McGovern for urging that the minimum be brought to a reasonable level, to a level where it protects not only the family that is without employment but those whose weakness in the labor market makes them the natural object of exploitation.

The McGovern plan, it should be noted, provides what is lacking in all present welfare arrangements—namely, a voluntary incentive to take a job. The man who is now on welfare and takes a job at wages around the welfare level of payment gives up all his welfare income. He has, in effect, a 100 per cent tax on his additional income. It is only human to wonder why one should bother to work. The new design ensures that the man who works will always have more money than the man who does not. It is a long step toward both economic decency and the Calvinist virtue appropriate to a South Dakotan.

Finally, there is the matter of racial equality. That Mr. Nixon has managed to alienate the black voter not many will deny. And that McGovern has gained strength in the black community during the course of the primaries most will agree. His reforms have opened the Democratic party to blacks in spectacular fashion—as the Miami convention will show. On busing he hasn't had one position in the North and another in the South. He has argued everywhere for upholding the Supreme Court. That didn't help him in Florida, or in Maryland, or everywhere in Michigan. But it probably did help in the country as a whole. It showed that he was the one thing not even the greatest enemy of busing can criticize—namely, an honest man.

As for protecting the environment, what we have to do is to specify, by law, what business, large and small, may and may not do. And having so specified what may not be done, the law must be enforced, however influential the offender. There can no longer be one law for the citizen, another for the corporation. On this there is no question as to where George McGovern stands. And, unlike the administration, it is not his business to befriend the corporations.

Better economic management, a better break for the average citizen, greater equality, and a better environment are related to each other; they are also related to military and foreign policy. If it weren't for the exaggerated demands of the Pentagon, federal tax revenues would be available in volume to aid the cities and to ease the pressure on the property tax. More capital would also be available for civilian industry. In consequence, we would not be producing goods with obsolescent machinery in competition with the Germans and the Japanese who, having lost a war, have been forced to use their capital resources for useful purposes. Our competitive position would be better, our balance of payments would be much stronger.

In the campaign this year Mr. Nixon will be calling for more defense expenditure. As noted, Secretary Laird has already sounded the trumpet. McGovern will be for less. Thus Nixon will be for heavier taxes on the average man, a weaker economic position in the world at large. McGovern will be for relief for the average taxpayer, a stronger civilian economy, a better balance of payments. President Nixon will be getting the applause of the big weapons firms and, quite deservedly, of corporate enterprise in general. This is as it should be. The corporations and the privileged and powerful have a right to be represented. It is the historic function of the Republican party to represent them. And no one who has watched its recent dealings with Hal and Phil and Dita and those other splendid people at ITT will doubt that the party has kept the faith—the best evidence of how it has kept the faith seems to have got shredded. McGovern will be for a government that distinguishes the public interest from the corporate interest, the popular interest from the privileged interest. This, I venture, will be far from bad at the polls.

So it is perfectly clear, as President Nixon would say, that McGovern is the best man. And, in contrast with what President Nixon often says, this is the truth. If we can't elect the best man, something is wrong. But we can; the fact that McGovern has made it again and again and again in South Dakota—once the most Republican state in the Union—shows that he is highly electable. And, for once, my credentials as a prophet are impeccable. Speaking twelve weeks ago in Wisconsin, before the primary, I offered a scenario—not, I then said, as "an exercise in political euphoria but as a decent prediction." With even more than normal pleasure I now quote myself. "McGovern will carry Massachusetts and Nebraska next month. He will carry Oregon. He will take California and New York, the two largest states of the Union. Will the convention deny the nomination to a man with this record? I think not." Nor, I am now convinced, will the country reject George McGovern in November.

SENATOR WILLIAMS PRAISES SENATE APPROVAL OF VETERANS' ADMINISTRATION APPROPRIATION

Mr. WILLIAMS. Mr. President, I am delighted that the Senate by a vote of 70 to 2 has passed H.R. 15093, which included appropriations for the Veterans' Administration budget for fiscal year 1973.

Three years ago the Congress and the Nation were informed of the acute problems and insufficiencies facing veterans who needed medical care. Unbelievably, many thousands of young men who were casualties in Vietnam returned home and found wholly inadequate medical care available to them through the Veterans' Administration hospital system.

At about that time, many Members of Congress began an intensive effort to correct the great deficiency of the VA medical system. For fiscal years 1971 and 1972, $376.1 million was added over the administration's request for veterans' medical care. These substantial increases have led to general improvements across the country in medical care for veterans and vital increases in VA hospital staffs.

Once again, in the Senate version of H.R. 15093, major advances have been made.

The sum of $54,580,000 has been added to the budget estimate for medical care. As I think of the 303,600 Vietnam-era veterans who have service-connected disabilities, I understand the importance of this increase for the men who have suffered physically in the service of their country.

This increased appropriation allows the VA to maintain an average daily patient census of 85,500 and to add 400 full-time employees for spinal cord injury units up to the necessary level.

In order to maintain high morale and to continue attracting high caliber medical personnel, the committee has determined that, contrary to the wishes of the Office of Management and Budget, administrative grade reduction control and employee ceilings are not to be imposed on the VA medical program in fiscal year 1973.

And there is an additional section of H.R. 15093 which is particularly gratifying to me. The sum of $28,342,000 has been added over the budget estimate for the construction of hospital and domiciliary facilities. Among the 12 projects covered by this section is $3.7 million to begin work on a desperately needed new Veterans' Administration hospital in southern New Jersey. When completed, this hospital will serve a rapidly growing nine-county area in the Nation's most densely populated State and the Philadelphia metropolitan region.

Between 1960 and 1970 the total population of these counties increased by 29 percent from 1,579,012 to 2,038,740. As might be predicted, veterans constituted a considerable part of this growth rate: The veteran population in this area rose from 252,620 in 1966 to 274,170 in 1969—a 9-percent increase over a period of only 3 years.

While we are faced with problems of insufficient hospital beds and staff to care for veterans on a national scope, the shortage of VA hospital beds is particularly acute in South Jersey. At present, the veterans from this area are forced to go to several different hospitals, either in the northern part of the State or completely outside of the State. According to the VA, as of January 1, 1972, 854 South Jersey veterans had to be placed in the East Orange, N.J. facility; 823 in Wilmington, Del.; 200 in Coatesville, Md.; 36 in Baltimore, Md.; 88 in New York City; and 132 in various other VA hospitals throughout the United States. In addition, 183 veterans had to be placed in public facilities because the VA hospital system could not accommodate them. This situation not only results in substantial transportation expenses for the patient and his family but makes family visits—which are so important to patient morale and recovery—almost impossible.

Last fall, after several years of attempting to have a VA hospital located in southern New Jersey, I realized that immediate congressional action was necessary. In order to accomplish this objective, I invited Governor Cahill and other State and Federal representatives to meet with me to discuss the best means of obtaining this vitally needed hospital. That meeting in my office was an important step because the VA had announced that its future policy would be to build new hospitals only if they were affiliated with a medical school. Because of this precondition, it became necessary to secure an agreement with New Jersey officials that the State would undertake to operate a new medical school if we were able to secure funding for a veterans hospital in South Jersey. At the meeting, Governor Cahill agreed that he would commit the resources of the State to building and operating such a medical school. With this agreement, prospects for the new hospital gained momentum.

In January of this year, the Nixon administration submitted its budget for fiscal year 1973 for the Veterans' Administration, but once again failed to request funds for a new VA hospital in southern New Jersey. Despite this fact, Representative ED PATTEN and I worked to see that funds were included in the VA budget in the appropriations bill which passed the House earlier this year. The appropriation which passed the House was $2.7 million and was specifically directed for planning and architectural services for a new VA hospital in southern New Jersey.

It was, of course, necessary that similar action be taken in the Senate. I began working with Senators MAGNUSON and PASTORE to secure a similar budget recommendation in the Senate bill. We developed an amendment designed to accomplish that specific objective.

On May 31, 1972, the Senate Appropriations Committee approved its version of the VA budget which included $3.7 million for planning and architectural services for a hospital in the southern New Jersey region. I was very much pleased by this important action, since it is $1 million over the House amount, and for the first time both the Senate and the House bills contain language which gives strong impetus for the location of a new hospital in southern New Jersey.

Now, with the Senate passage of the VA appropriations bill, it is assured that during fiscal year 1973 preliminary planning and drafting for this hospital will begin.

On behalf of the veterans of southern New Jersey, I commend Senators PASTORE, ELLENDER, and MAGNUSON for their accomplishments in this area and thank them particularly for their exemplary leadership in meeting veterans health needs in this specific area.

During the last 3 years, American veterans have become extremely fortunate in that several Senators have become aware of the crisis in the VA medical system and have worked successfully to mitigate those problems. Now, because of this concern, veterans again will be able to have faith in the medical system established for their care and use.

FUNDS FOR HIGHWAY CONTRACT PLACEMENT IN MONTANA

Mr. METCALF. Mr. President, the Montana Senators support the administration in its efforts to promote world peace, especially the international agreements entered into by the President and the Soviet Union. This we do knowing full well that the cancellation of the one Safeguard project has created a tremendous economic impact in our State—the only area which is immediately affected by these international agreements.

The administration has a very definite responsibility in assisting the people and communities of north central Montana. Several agencies of the Federal Government have already responded to this need and the people of the area are most appreciative. The greatest need is to provide jobs to absorb the unemployment created by the stoppage of this huge contract. The most immediate possibility which has come to the attention of the Montana delegation is the highway construction program. The State of Montana has some $19 million worth of highway projects which could be placed under contract immediately if the Department of Transportation would release the funds to Montana.

Senator MANSFIELD and I earlier this month made an appeal to the Secretary of Transportation asking that Federal funds be released to the State either from a reallocation of funds for this current fiscal year or the release of moneys held by the Office of Management and Budget. The response from the Secretary of Transportation is something less than encouraging.

Mr. President, I ask unanimous consent that at this point in my remarks Senator MANSFIELD's and my letter of June 5 and the Secretary's response be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., June 5, 1972.

HON. JOHN VOLPE,
Secretary, Department of Transportation, Washington, D.C.

DEAR MR. SECRETARY: The State of Montana was slow to proceed with the construction of

the Interstate Highway System in the early years of the program but now advises it is in a position where they can proceed rapidly in completing this construction only to find that they do not have the federal funds with which to proceed. At the present time, our State has utilized all 1972 authority obligations and, if funds were available, they could let contracts for some nineteen million dollars worth of construction before the end of this fiscal year.

We would appreciate knowing if the Department intends to assess the amount of the federal highway funds unobligated in the fifty states for a possible reallocation prior to June 30th. If this is done, we ask that Montana be given special consideration. The highway construction program has been of considerable economic importance to the State. It can be an even more important instrument in stabilizing the State's economy at a time when we are attempting to respond to the economic chaos created by the recent announcement by the Administration to suspend construction of the Safeguard Project in north-central Montana. An accelerated highway construction program could absorb a considerable number of the work force which anticipated employment for the Safeguard.

The difficulties created by the suspension of the Safeguard Project are the responsibility of the Department of Defense and we believe that the Administration has a responsibility to assist the people of Montana in adjusting to this situation. This assistance can best come from non-military sources. The release of additional highway funds to the State of Montana is, in our estimation, the most immediate source of financial aid. Your cooperation would be most appreciated.

With best personal wishes, we are

Sincerely yours,

MIKE MANSFIELD,
U.S. Senate.
LEE METCALF,
U.S. Senate.

SECRETARY OF TRANSPORTATION,
Washington, D.C., June 21, 1972.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: We are responding to your letter of June 5, co-signed by Senator Metcalf, concerning obligation authority available for the Federal-aid highway program in Montana during the fiscal year 1972.

As you know, the Federal-aid highway funds authorized by the Congress and apportioned to the States in accord with Title 23, U.S.C., are released for obligation in accord with budgetary requirements and economic stabilization programs in effect since 1966. Ceiling limitations for the program are set by the Office of Management and Budget.

A total of $52.9 million has been made available to Montana for obligation during the current fiscal year, and these funds have been nearly all obligated. We regret that the funds available for obligation are insufficient to permit Montana to proceed more rapidly with completion of its Interstate System as an offset to suspension of the Safeguard project.

As discussed in your letter, we are taking steps to redistribute the fiscal year 1972 obligation authority that will not be used by some States. However, we have determined that all but a very few States will make full use of their funds, as has Montana, and that the amount available for redistribution will be very minimal.

We will endeavor to release additional obligating authority to Montana if it is possible to do so from the funds available for redistribution. Otherwise we have no additional obligating authority that can be made available to Montana for the fiscal year 1972.

Obligating authority for the fiscal year 1973 is being released to the States in total effective July 1, 1972. Montana's share of the total $4.4 billion is $46.3 million, and this release will permit the State to proceed with its program more promptly than if the funds were to be made available on a quarterly basis.

You may be sure that we will make additional obligating authority available to Montana whenever possible.

Sincerely,

JOHN A. VOLPE.

Mr. METCALF. Mr. President, this situation prompts me to express great concern about the administration's handling of the Nation's highway program. The Congress has consistently increased the authority for highway construction yet the administration, through the Office of Management and Budget, has reduced the highway program while highway funds continue to accumulate in the trust fund. In the current fiscal year, $52.9 million were made available to Montana for obligations. I am now advised that during the next fiscal year, Montana's share will be reduced to $46.3 million. This reduction comes at a time when the State could easily expand its highway construction program.

Senators know, of course, that the motorists of the Nation pay gasoline taxes which are channeled into the highway trust fund. These moneys are piling up and are not being used for their intended purpose. By the end of fiscal year 1971, the trust fund accumulated $3.586 billion, by the end of fiscal year 1972 it will have accumulated $4.391 billion and it is estimated that by the end of fiscal year 1973, the fund will contain $5.128 billion. The highway trust fund is, in fact, lending money to the general fund and collecting $200 million interest. The administration is using the highway fund as a financing device rather than for highway construction. It would seem that the citizens of the Nation can, with justification, request a reduction in the gasoline tax if they are not to realize the benefits for which the tax is collected.

In addition, I do not like reports I have been receiving that the Federal highway authorities are placing far greater emphasis on urban construction at the expense of highways in rural States. I need not remind Congress that in many of our cities, they are resisting freeway and highway construction. It would seem that the time has come for Congress to reassert some of its authority over the highway construction program.

I respectfully suggest that the Senate Committees on Public Works, Finance, and Appropriations have a responsibility to review the usage of highway construction funds and the goals of the Nation's highway program.

ON LETTING GEORGE DO IT

Mr. CHURCH. Mr. President, the Washington Post has manfully recognized that it grossly misjudged GEORGE MCGOVERN'S early drive for the Democratic nomination for President and is in no position now to offer the Senator any advice on where to go from here. The Post editorialized—

It might just be, that a low-keyed, plain-spoken gentle revolutionary is what a large number of voters really want.

At any rate, the Washington Post concludes that—

As of right now, we do not count ourselves among those who feel sufficiently in tune with whatever it is that is roiling the American electorate to be offering him advice with any confidence. In short, when you look at his record, you have to ask yourself just who it is—the senator or the rest of us—who is most in need of going back to the drawing-board.

That is good advice—letting George do it.

I ask unanimous consent that the lead editorial of the Washington Post of June 23, 1972, be printed in the RECORD.

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

[From the Washington Post, June 23, 1972]

ON LETTING GEORGE DO IT

By most estimates, Senator George McGovern has almost all the delegates he needs, either in hand or in prospect, for a first-ballot nomination, and while no candidate ever thinks he has enough money, he probably is in a position to attract a sufficiency of that. But where his cup runneth over, where he is rich beyond measure, is in a super-abundance of unsolicited advice. Having confounded the predictions and expectations of all the experts—including, one would surmise, some of his own most zealous supporters—he is now being freely counseled to abandon the fresh and often radical doctrines that have carried him through an almost impossibly testing obstacle course from New Hampshire to New York and to make himself more conventionally acceptable. He is being told that his voice is flat and his style colorless, that he doesn't exhilarate or electrify. It is being said that he must "clarify" the positions he has taken up to now, which is another way of saying that he must modify them to the taste of one or another of the challengers that he has disposed of along the way. In brief, he is being hassled and chivvied to become precisely the antithesis of what he has presented himself to be, which is something new and apart from the old political etsablishment, and to seek security in some hypothetical Center where the decisive votes of the American electorate have always been supposed to be.

Well, there may be great political wisdom in a lot of this, but frankly, having been among the pundits who grossly misjudged the McGovern candidacy from the beginning, we are sufficiently shell-shocked by his stunning successes to be chary—at least for now, mind you—with advice. Just for one thing, we're not quite as certain as we thought we were about just where the Center is to which Senator McGovern is now being asked to move. True, his total popular vote, in all the primaries he contested against a proliferation of candidates, is not the truest register of voting sentiment across a representative sample of the electorate. But it says something about a degree of popular disenchantment with things as they are that does not encourage conventional reliance on the old politics.

For another thing, it is important to consider who is doing most of the hassling. Who is it that's saying that McGovern would be a "disaster" for the Democrats? Who is heaping scorn upon his boisterous, hot-eyed, tireless army of party irregulars who have outfought and outorganized and outworked the organization regulars? Who is telling the

senator that what was good enough in January and June, and presumably will be good enough in July, will not wash in November because it's too woolly or too wild? The answer is that today's chorus of advisers-without-portfolio to George McGovern is made up in considerable measure of (1) columnists and commentators who still can't believe, or admit, that he's all but won the whole thing and that they were horribly and consistently wrong about his prospects; (2) governors and other party leaders who backed losers in the race and are likewise unwilling to concede to their own supporters that they made a mistake; (3) the losers themselves who would like to find some vindication of their own performance by forcing Senator McGovern to repudiate his; and (4) old hands from earlier Democratic administrations and/or campaigns whose current putdowns of Senator McGovern reflect at least in part their concern about how they can still scramble aboard the bandwagon, after having missed it, and where—or even if—they can find a suitable seat.

None of this is to suggest that a campaign fitted to the zany rough-and-tumble of the primaries does not need some overhauling and refitting before it's ready for the big struggle in the fall. Large parts of the McGovern program on taxes, welfare, defense and foreign policy, as it has been unfolded on the dead run these past months, have struck us as hastily assembled, in some cases misconceived, and in others incomprehensible, and therefore susceptible to what could be fatal misunderstanding. Mr. McGovern would not be the first candidate to be victimized in the fall by false impressions and distorted images allowed to form in the spring under the particular pressures of primaries involving disparate electorates in widely differing states. So there is obviously a need for re-thinking and re-statement and we gather that process is underway. There is also an urgent need for reconciliation with substantial elements of the party who find the senator's philosophy, to say the least, unsettling, and that need also seems to be recognized by the more responsible and realistic members of the McGovern camp including, we would judge, the candidate himself; he did not get where he is by being entirely insensitive to his political imperatives.

Whether he will, or can, adjust enough to bring some greater cohesion to his sorely divided party is something else; there are enormous differences to be reconciled. How much he *ought* to change is also something else which nobody should be too quick to be categorical about; it might just be that a low-key, plain-spoken gentle revolutionary is what a large number of voters really want.

No self-respecting pundit, ourselves included, could consider letting George do it all by himself without at least a little critical counseling from time to time. But as of right now, we do not count ourselves among those who feel sufficiently in tune with whatever it is that is roiling the American electorate to be offering him advice with any confidence. In short, when you look at his record, you have to ask yourself just who it is—the senator or the rest of us—who is most in need of going back to the drawing-board.

PEACEKEEPING AND THE UNITED NATIONS

Mr. CRANSTON. Mr. President, I have long felt that a truly international United Nations peacekeeping force would serve the interests of all countries, including our own. Although our military spending has reached enormous peaks, no nation can feel truly safe in a world punctured by crises and aggravated by unilateral military responses.

In San Francisco an effort to solicit public opinion on a United Nations peacekeeping force is at present underway. The campaign would place on the ballot the proposition that the United States offer to reallocate 10 percent of its annual defense appropriation for the development of a potent United Nations peacekeeping force under international controls.

Mr. President, I think that the time is long overdue to solicit the views of the American people on the pressing questions of war and peace. I therefore ask unanimous consent to have printed in the RECORD the case for the peace force proposition campaign.

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

THE CASE FOR THE UNITED NATIONS PEACE FORCE PROPOSITION

This is not a radical proposal. It is, in fact, "reactionary"—a return to the original agreements of the United Nations Charter, particularly Articles 42 to 48 dealing with collective security and the military responsibilities of the U.N. The Peace Force Proposition in San Francisco is a pilot campaign. We intend to follow up with similar campaigns in other communities throughout the United States in our endeavor to focus Congressional and Presidential attention on these forgotten United Nations responsibilities. We feel that this Peace Proposition also raises, in an urgent way, a number of fundamental public policy questions related to taxation, defense spending, arms control strategy, the termination of the Indochina and Middle East crises, and the revival of the middle-of-the-road peace movement in America.

OUR MONEY'S WORTH IN NATIONAL SECURITY?

Have we not reached the point of diminishing returns in our tax investment for defense spending? If the objective of a $76 billion defense budget (soon to be raised by another $6.3 billion) is to produce national security, is this program succeeding? Do we feel safe, militarily speaking? Or is the arms race, like inflation, denying us the national security we seek? We now spend about $380 per capita unilaterally for our defenses but give a mere $1.50 to the United Nations for all U.N. activities, including peacekeeping. The Peace Force Proposition campaign contends that a transfer of our military spending to the United Nations will provide us, under appropriate control arrangements, with more national security for fewer tax dollars.

ARE WE ENDING THE ARMS RACE?

Is it not time to turn a new corner in our fumbling efforts to end the $200 billion-a-year world arms race? Most disarmament proposals assume that the way to end war is to eliminate weapons. Removing the the symptoms will not end the disease. No nation can feel safe in a violent and hostile world unless it has the protection of one of the major powers or, alternatively, a United Nations collective security system. Arms limitations agreements are just as unlikely to end the arms race. We see at the Strategic Arms Limitations Talks (SALT) a military duopoly trying to limit costs of competition and prospective competitors, particularly in nuclear weapons. The arms race has and will continue to go on in every other type of weaponry. The Peace Force Proposition contends that arms control may be most quickly and permanently achieved by implementing the all-but-forgotten Articles 42 to 48 of the U.N. Charter. In a way unknown twenty-five years ago, today's weapons technology makes collective security the only alternative. Unilateral national security efforts produce inflationary arms races, and nothing more.

IS A UNILATERAL INITIATIVE RISKY?

Is it risky for the United States to act unilaterally in offering to give a tenth ($7.6 billions) of its defense resources to the United Nations? Unilateral initiatives in the cause of peace are not new to our Government. The 1946 Baruch Plan for international control of nuclear weapons was such an initiative whose time had not yet arrived. Our defenses of Berlin, South Korea, South Vietnam, and other communities were initiated unilaterally. The Peace Force Proposition contends that an offer to give is very different from an outright gift; it sets in motion essential negotiations about who else gives, who has access to collective protection, and who manages the military arm of the peacekeeping organization. We also contend that the Proposition's proviso—that the resources be used solely for creation of a Peacekeeping Force under international controls that would assure American security—will keep these negotiations on the right track, namely, realistic arrangements for collective physical security for all nations. If the Proposition were implemented, it would begin to take the heat off the United States as the major military power in the world. If the Soviet Union wishes to brandish its military might at the United Nations, that is their privilege. Americans are weary of the policeman role and the Soviet diatribe that is elicited by it.

WHO WILL POLICE INDOCHINA AND THE MIDDLE EAST?

When the time comes for ending the military tragedies in Indochina and the Middle East, who is going to police these regions? This will be no minor military assignment. These two conflicts are undoubtedly difficult to terminate precisely because there are no significant post-hostilities policing proposals under consideration. The Peace Force Proposition contends that only an offer as dramatic and as serious as the contribution of a tenth or more of our defense budget to a U.N. Peace Force can introduce a significant new and productive consideration in the pacification of these two regions of the world.

HOW DOES THIS PROPOSITION FIT INTO THE PEACE MOVEMENT?

Where does the Peace Force Proposition stand in the American peace movement today? The Proposition stands on the Left in its promise to get the United States out of Vietnam and end American activities as policeman-for-the-world. The Proposition stands on the Right in its concern for effective spending of our defense dollars and for improvement of our national security. The Proposition, most of all, stands in the Center as an endorsement of collective security through the United Nations. No people in the world are as aware as Americans that well-governed police forces—whether local, national, or international—are the best assurance of safety without violence. The only alternative is and has been the primiltive lawlessness of the frontier.

Please, therefore, help us with our campaign to revive a forgotten American strategy for placing the responsibility of defending the world upon the shoulders of the United Nations. This strategy promises greater national security for fewer tax dollars. It promises an end to the escalating arms race as well as a way of stabilizing Indochina and the Middle East. Please be a Sponsor, a contributor, a voter for the Peace Force Proposition. Contributions may be made to "Peace Force Campaign." (A Campaign financial statement will be made available to all contributors upon request.)

McGOVERN IN THE HERITAGE OF EISENHOWER

Mr. CHURCH. Mr. President, the Washington Post of June 25 contains an article by George C. Wilson comparing

the defense proposals of Democratic presidential candidate GEORGE MCGOVERN with the defense policies of the late President Dwight D. Eisenhower.

This is a remarkable article. It traces the lines of parallel thought in the approach of these two men to the defense of their country, and clearly shows that rather than being irresponsible, Senator MCGOVERN's outline of his defense strategy is a highly responsible, straightforward alternative to the ever-spiraling costs of the Nixon administration's defense budgets.

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

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

[From the Washington Post, June 25, 1972]

MCGOVERN ON DEFENSE: A DISCIPLE OF EISENHOWER

(By George C. Wilson)

Even in this strange political year it may take some by surprise to learn that George McGovern views his military policy as inspired largely by Dwight D. Eisenhower. Yet that is indeed the case, as McGovern will tell you if you ask.

"President Eisenhower was the biggest single influence on me in the defense field," says the leading contender for the Democratic presidential nomination. "I admire his restraint—his willingness to settle for less than total victory in Korea, his realization that money taken for defense is by its nature wasted, his willingness to undertake unilateral actions for real world security, such as restraint in nuclear testing in hopes of bringing about a test ban treaty."

Skeptics might dismiss such praises to the late general as an attempt to help McGovern's controversial plan to slash the defense budget. They might consider McGovern's fondness for quoting Eisenhower's warning about the military-industrial complex as merely a vote-getting gimmick. They might see only politics in McGovern's little noted habit of quoting Eisenhower's 1953 statement that "every gun that is made, every warship launched, every rocket fired, signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed."

But an examination of the record shows it to be more than politics. There is indeed a lot of Dwight Eisenhower in George McGovern's "alternative" military budget. And the ironic prospect is that, if nominated at Miami Beach, George McGovern is likely to be firing some of the Eisenhower ammunition at Eisenhower's old running-mate, Richard M. Nixon.

Consider, for example, the question of U.S. troops in Europe. The McGovern and Eisenhower views are alike on this issue and in conflict with Mr. Nixon's. Under the name "redeployment," President Kennedy seemed to be moving toward withdrawing troops from NATO, but he never made a big cut. He did, however, remove extra troops in 1961–63 after the Berlin crisis eased. Eisenhower favored reducing the troop commitment from 4⅓ Army divisions in Europe—about 300,000 men—to one division. In the Oct. 26, 1963 issue of the Saturday Evening Post, he wrote:

"Though for eight years in the White House I believed and announced to my associates that a reduction of American strength in Europe should be initiated as soon as European economics were restored, the matter was then considered too delicate a political question to raise. I believe the time has now come when we should start withdrawing some of those troops . . . One American division in Europe can show the flag as definitely as can several . . . Unless we take definite action, the maintaining of permanent troop establishments abroad will continue to overburden our balance-of-payments problem and, most important, will discourage the development of the necessary military strength Western European counties should provide for themselves . . ."

While McGovern would leave two divisions in Europe rather than Eisenhower's one, there is a remarkable similarity in their positions. As McGovern states in his proposed defense budget:

"Our European allies all devote a smaller share of their national wealth than the United States to national defense . . . Yet they have all achieved dynamic economies since World War II, and they are unquestionably capable of carrying a greater share of the burden of their own defense. Moreover, U.S. forces in Europe pose a balance-of-payments problem for the United States which would not be suffered by NATO partners supplying added forces to meet their own assigned quotas . . . Two and one-third of the 4⅓ active divisions presently stationed in Europe should be returned to the United States, leaving two divisions in Europe . . . This redeployment should return roughly 170,000 men, leaving 130,000. A force of that size would be sufficient to supply an important military contribution at the start of any conflict and also to signal the U.S. commitment both to Europe and in the Middle East . . ."

NIXON VERSUS EISENHOWER

It is Mr. Nixon who disagrees with the Eisenhower and McGovern view. In his February 1971, annual report to Congress on foreign policy, for example, he declared:

"I decided, despite these pressures [for withdrawing U.S. troops], that given a similar approach by our allies, the United States would maintain and improve its forces in Europe and reduce them without reciprocal action by our adversaries . . . It had become clear to me that without undiminished American participation in European defense, neither the Alliance's strategy, nor America's commitment, nor Western cohesion would be credible.

"No token presence could serve our purpose. Our substantial contribution of United States forces—about 25 per cent of NATO's peacetime capabilities in Central Europe—insures the viability of the strategy of flexible response. It enables us to found alliance defense on something other than reliance on the threat of strategic nuclear war. It is the basis of our allies' confidence in us . . .

"America's presence in substantial force is psychologically crucial as well. It provides the sense of security which encourages our partners' efforts to unit and do more for themselves . . ."

On the issue of Vietnam-type forces, McGovern turns away from the Kennedy-Johnson effort to build counter-insurgency troops to combat "national wars of liberation" and heads back toward Eisenhower's opposition to U.S. troop involvement in such wars. President Nixon, under his doctrine of helping foreign nations at arms length, as distinguished from fighting beside them on the ground, is heading in McGovern's general direction, but not as far.

For example, Mr. Nixon insists that the United States must substitute military aid—money for weapons and training—for the American presence in Vietnam and other nations. In contrast, McGovern says: "We must terminate military aid overseas except to NATO and Israel." (Eisenhower agreed with Mr. Nixon on the need for military assistance.)

McGovern also says he is willing to take risks to slow the arms race, contending that this was the Eisenhower approach to achieve a test-ban treaty.

Eisenhower in 1963 said he authorized a moratorium on nuclear testing in the atmosphere in 1958—a moratorium which the Russians, who proceeded into a series of tests, did not observe. Even so, Eisenhower said in backing the 1963 test ban treaty that it had to be tried, partly because the "limited agreement may lead to other steps for lessening of tensions—and ultimately to genuine disarmament."

President Nixon and Secretary Laird, on the other hand, have rejected recommendations to halt MIRV tests. Backers of such a moratorium say it would decrease pressure on the Soviets to develop and deploy that multiple warhead weapon.

Laird, in another example of the bargaining chip argument, told Congress it should approve the construction of an anti-ballistic missile defense to give President Nixon the leverage needed to negotiate such weapons out of existence in sessions with the Soviets.

McGovern contends President Eisenhower's willingness to try a nuclear testing moratorium paved the way for the test ban and is the type of risk-taking which must be followed to curb the arms race. Says McGovern:

"The bargaining chip tragedy—under which we have begun building our own ABMs and MIRVs long before there was any military necessity—has been exposed as a grave and tactical blunder. Tugging the MIRV cat out of the bag has seriously compounded the problem of inspection.

"So we have ended up with a limited arms control agreement which completely leaves out the qualitative jumps that have become the real arms race issue in recent years. By exercising restraint, I believe we could have prevented both Soviet and American MIRVs. But because we were so determined to play them, we have lost those bargaining chips. Certainly our ability to build these systems should be just as effective for bargaining purposes as actual construction."

A DIFFERENCE OF DEGREE

From Eisenhower on, U.S. strategy for avoiding nuclear war has been to make it look like suicide to any would-be attacker. This requires enough American H-bombs on land and sea missiles and inside bombers to survive a surprise attack and retaliate with devastating power. McGovern embraces this same deterrent strategy and purposes keeping most of today's retaliatory forces on the line. His argument with Nixon is over how much is enough, with the President favoring full-speed-ahead with MIRV multiple warheads and a new generation of missile submarine, the Trident. McGovern favors a slower pace in hopes of deterring the Soviet Union from making the same plunge into new weaponry.

While the popular image of Eisenhower's military stance was the "massive retaliation" policy enunciated by his Secretary of State, John Foster Dulles, that really overstates the policy of the late Eisenhower years.

The following excerpts from the Jan. 13, 1960, testimony of Eisenhower's Secretary of Defense, Thomas S. Gates Jr., show that Eisenhower—like McGovern—wanted balanced forces and felt nuclear weapons had limited power:

"The two principal objectives of our defense program continue to be: first, to deter the outbreak of general war by maintaining and improving our present capability to retaliate with devastating effectiveness in case of a major attack upon us or our allies; and second, to maintain together with our allies a capability to apply to local situations the degree of force necessary to deter local wars, or to win or contain them promptly if they do break out. . .

"Just matching our competitor missile for missile is not the answer. The simple piling up of ever larger numbers of a single weapon, without regard to their ability to survive a surprise attack or to perform effectively under

a wide range of conditions, would not only be enormously costly but would not assure our security . . ."

CAN IT BE DONE?

Are McGovern's ideas on national defense unrealistic, or worse? Can he cut the budget to $54.8 billion by 1975 without endangering U.S. security? Like beauty, the answer lies in the eye of the beholder.

The Joint Chiefs of Staff would say no. Those military leaders argue that the United States must project overall superiority to its adversaries. They have argued in the past for putting a thick missile defense around the United States to preserve what they call "the Cuban environment" of military superiority.

A group of arms specialists—including Herbert York, former Pentagon research director, and Paul Warnke, former assistant secretary of defense for foreign policy questions—said on May 27 that the McGovern budget "provides a sound, constructive and fully adequate level of military spending by the United States."

Defense Secretary Melvin R. Laird, charged McGovern's budget amounts to running up the white flag of surrender. And the Pentagon's comptroller, Robert C. Moot, said McGovern was $10 billion too low in calculating the cost of his plan. Moot said even $64.9 billion for the McGovern budget would mean "manpower and investment levels much lower than any since the Korean War, the Nato commitment and Soviet possession of nuclear arms."

Sen. William Proxmire (D-Wis.), who has thrown more harpoons at the military and its programs than any other senator, believes McGovern's alternative budget cuts too deep.

THE REAL QUESTION

But these assorted views do not face up to the real question: What would McGovern as President want to do in the world? Looking at how many soldiers and airplanes McGovern would have is staring through only one end of the telescope, unless one believes weapons should dictate policy rather than the other way around.

Obviously, McGovern's proposed budget has enough nuclear power in it to incinerate the Soviet Union and China simultaneously—just as he says it does. He would keep the triad of nuclear land and sea missiles and long-range bombers. Both the United States and Soviet Union have agreed under SALT to leave themselves naked to offensive missiles by foregoing defenses against them. Thus, the nuclear weapons considered adequate to deter an attack in the days when the Soviet Union was building a missile defense would seem to be more than adequate after that defense has been abandoned.

John F. Kennedy in 1960, sounded the alarm about the "missile gap" with the Soviet Union—only to have his defense secretary admit after Kennedy's election that he could not find such a gap. In the years since, the terms for expressing the nation's military strength have gone from "superiority" to President Nixon's "sufficiency." The President has defined sufficiency "in its broader political sense" as "forces adequate to prevent us and our allies from being coerced."

Again, what is "adequate" for that purpose is debatable. It also leads to the larger question of what constitutes a nation's strength. Here, too, there are Eisenhower and McGovern quotes which show parallels in their arguments that a nation must be strong economically as well as militarily to project strength to nations that might try to coerce the United States.

In sum, at the very least, the McGovern alternative budget is a responsible document for stimulating responsible debate. It is not—and cannot be—the definitive blueprint, but a sketch of intentions, world conditions permitting.

BLOODY CIVIL STRIFE IN BURUNDI

Mr. KENNEDY. Mr. President, on June 12, as chairman of the Judiciary Subcommittee on Refugees, I spoke in this Chamber to express deep concern over developments in Burundi. Evidence pieced together by journalists and others told a story of bloody civil strife between two tribal groups in the preceding 6 weeks. It was a story of human suffering, refugees, and massacre of thousands. Some estimates put the death toll at 150,000 or more.

At the time I made my statement, it was reported from several sources—including the Department of State—that the civil strife and slaughter had ended, that things in Burundi were under control, and the preparations were underway to meet emergency relief needs within Burundi and among the thousands of refugees who fled into neighboring countries.

This optimistic assessment about Burundi—like early assessments out of Bangladesh and elsewhere—was apparently premature—if not an effort in some quarters to cover up another world tragedy involving suffering and death for thousands of our fellow human beings. For the record is now clear—from nongovernmental and official sources—that the killing has continued.

Reports within our own Government say that selective genocide has continued to take a heavy toll among the majority Hutu tribe in Burundi. In fact, very recent field reports to our Government say that the repression is continuing its ruthless course—that many persons are being arrested—that the criteria of the government's repression is unknown, but that it has now reached beyond the Hutu intellectual and leadership elements, of whom few are left, into the masses of villagers and refugees throughout the country.

These reports also say that the meager government relief program is not uniformly administered—and that in certain cases where government authorities have given refugees an assurance of safe return to their home villages, the refugee males have been picked up and summarily slaughtered. The description in these reports of Burundi Government reprisals against the Hutus is gruesome and shocking.

The reaction of the administration to this latest link in the chain of war ravaged populations around the globe is not encouraging. Once again massive human tragedy—involving many deaths and the flight of refugees across international borders—is apparently viewed by our Government as an internal affair of Burundi.

As I said on June 12, I fully appreciate the immense difficulties in the Burundi issue. Like so many other problems in the world the Burundi issue is a complex matter for diplomats and humanitarians alike. But the frequency of these massive human tragedies in recent years cries out for greater international concern and relief.

The people of Burundi, however small their numbers and importance in world affairs, are experiencing horrendous suffering. Hopefully, our Government will finally give some public evidence to reflect a growing concern among many Americans over events in Burundi. And, hopefully, the United Nations mission which arrived in Burundi over the weekend has the strong support of all governments in helping to bring peace and relief to a troubled area.

Mr. President, in this connection I commend the religious groups and voluntary agencies present in Burundi for taking early initiatives in meeting humanitarian needs. As so often in the past, the private sector has been in the vanguard of a needed relief effort. With modest help from the American Embassy's emergency fund and the United Nations food program in neighboring Uganda, missionaries representing a number of American denominations and Catholic Relief Services are doing whatever they can to relieve human suffering in Burundi. I ask unanimous consent to have printed in the RECORD the latest report of Catholic Relief Services.

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

CATHOLIC RELIEF SERVICES

EMERGENCY AID PROGRAM FOR BURUNDI

On April 29, 1972, an attempted overthrow of the Government of Burundi created confusion and chaos throughout the country. Attacks by insurgent forces and reaction by government forces to put down the rebellion resulted in the indiscriminate killings of innocent men, women and children. The actual death toll may never be known, but observers say that perhaps at least 50,000 and possibly more than 100,000 lives were lost. Also, many more thousands of persons have fled from their home villages to hide in the bush or across the borders into the neighboring countries of Zaire (the former Congo), Rwanda, and Tanzania.

The uprising, which started during the first week of the planting season, forced an estimated 200,000 people to abandon their farms. Planting cannot begin again until September, after the next rainy season, and hence there will be no harvest until December. The people are facing a famine situation unless food relief reaches them as they return to their villages.

CATHOLIC RELIEF SERVICES RESPONSE

Catholic Relief Services (CRS) is the only American voluntary agency with a welfare program in Burundi. Immediately after the initial tragedy, Catholic Relief Services made available from stocks within Burundi 320,000 pounds of food supplies, valued at $45,000. An additional 16,000 pounds of clothing and medicines were flown from Zaire (Congo) on May 7, out of the CRS stocks there.

On June 14, from New York, CRS airfreighted 57,000 pounds of food, clothing, blankets and medicines, valued at $100,000, to Bujumbura, the capital of Burundi. Also, 54,000 pounds of baby foods from CRS stocks in the Cameroons were flown to Burundi. Another 60 tons of U.S. donated foods, obtained from the U.N.'s World Food Program in Uganda, were distributed by CRS in Burundi.

The Catholic Relief Services representative in Burundi, Mr. Laurence Bourassa, reports that distribution of the relief supplies is being conducted without undue obstacles, and with every effort made to assist all in need, without discrimination. In addition to providing immediate aid, Catholic Relief Services will supply materials and financial

assistance to displaced families to enable them to begin shelter construction, and obtain household goods and agricultural tools. It is estimated that each family will eventually require approximately $100-worth of materials to begin rehabilitation.

A special committee, of which CRS is a member, has been set up to coordinate and plan the emergency relief program. Caritas (the Catholic Charities of Burundi) is active in the distribution of CRS relief. Missionaries and local Churches, both Catholic and Protestant, are providing shelter to the homeless as well as food and other emergency aid. From its stocks in Zaire and Rwanda, CRS is assisting needy refugees in those countries with food and other relief supplies.

HOMEOWNERSHIP COUNSELING PROGRAMS UNDER SECTIONS 235 AND 237 URGED BY SENATOR PERCY

Mr. PERCY. Mr. President, I have always been a strong advocate of homeownership for low-income families. I am a strong supporter of the section 235 program and particularly of the homeownership counseling provisions of sections 235 and 237. I have long felt these counseling programs were crucial to the success of the entire program.

I recently engaged in a colloquy on the floor of the Senate with the distinguished Senator from Rhode Island (Mr. PASTORE) and the distinguished Senator from Colorado (Mr. ALLOTT) during the consideration of the fiscal year 1973 appropriations bill for the Department of Housing and Urban Development. We all agreed that the omission of a budget request specifically for the counseling programs was a grave error. I did not press my amendment to make these counseling programs operational after receiving assurances from my distinguished colleagues that they would urge Secretary George Romney to submit a budget estimate for the supplemental appropriations bill.

The evidence in support of the effectiveness of counseling programs is overwhelming. On Saturday, the Washington Post published a report by Robert L. Gray, of the Mortgage Bankers Association, on a study of counseling programs in eight areas of the country.

Mr. Gray concluded "that counseling in the 235 and 237 programs is highly effective in reducing foreclosures." Mr. Gray went on to praise the highly successful and innovative counseling program in Wisconsin.

This program includes pre- and post-purchase counseling on money matters as well as home maintenance problems; careful pre- and post-purchase inspections of the properties; and close cooperation between Wisconsin's housing, welfare, and university extension officials.

The time has come to make programs such as the Wisconsin one available to all purchasers of properties under the 235 and 237 programs. These programs reduce the foreclosure rate and thus save the taxpayers millions of dollars. I cannot understand the reluctance of HUD to make a small investment in counseling which can gain such large dividends.

I ask unanimous consent that Mr. Gray's article be printed in the RECORD.

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

[From the Washington Post, June 24, 1972]

COUNSELING KEY TO SUCCESS OF SECTION 235

(By Robert L. Gray)

There is really no need for a high foreclosure rate in the FHA Section 235 mortgage interest subsidy program.

A study made by the Mortgage Bankers Association in eight areas of the country shows that counseling of prospective buyers in the 235 and 237 programs is highly effective in reducing loan foreclosures.

The results indicate that foreclosure rates are an inverse function of the quality of counseling.

Nowhere is this more evident than in the dramatic success of the 235 program in Wisconsin. If the Department of Housing and Urban Development wants a model program, it would do well to recommend that insuring offices in other states adopt the program of counseling and assistance developed by Wisconsin's former FHA administrator, Lawrence S. Katz, now vice president of urban affairs and financing at the Midland National Bank of Milwaukee.

The score, as of a few months ago was 9 foreclosures out of 8,500 mortgages insured under sections 235 or 237, according to Katz. That is a foreclosure rate of only .09 of one per cent. The national foreclosure rate for all types of mortgages is .50 per cent.

Milwaukee's system of counseling practically guarantees against failure if the applicant gets as far as closing.

And almost anyone who has the determination to sit through Katz's prepurchase clinics would find it hard not to qualify.

The typical low-income applicant, frequently a welfare mother, is not likely to fit into normal underwriting patterns. Katz's system recognizes that such a person has no money for repairs after paying the mortgage. So, the welfare departments in 13 Wisconsin counties have been asked to guarantee the financial stability of buyers who may have to meet unexpected maintenance expenses.

The HUD office in Milwaukee has a two-man counsel operation. Before an applicant is permitted to choose a home, he must attend three counseling classes where the staff explains taxes, insurance, amortization and the buyer's responsibility.

At the conclusion of the classes, the applicant is told:

"Now you are on your own. Find a house and talk to the real estate broker." The FHA office maintains a list of brokers and properties.

Some applicants can provide their own $200 downpayment, the minimum on a 235 house, but for others, the St. Vincent de Paul Society in Milwaukee will supply the sum from a $100,000 fund for downpayment grants.

Once the applicant is graduated from the FHA counseling course, he is required only to prove his need. The Society then notifies FHA of its willingness to grant a downpayment. But there is much more to be done before settlement.

Next, the county welfare agency looks at the house. A staff of 10 housing aides at the Milwaukee County Welfare Department is on duty to check the physical condition of the house and to determine that the family has adequate living space and basic comforts. If the welfare office is satisfied with the house, it notifies FHA and the sales contract is signed. The FHA then makes its standard inspection and, upon approval, notifies the St. Vincent de Paul Society to release the downpayment money.

At this point, one of a group of volunteer lawyers operating under an Office of Economic Opportunity program, represents the buyer. Five days before the closing, FHA requires the 235 buyer to examine the property and sign an acceptance that lists any criticisms of the house. Katz considers this a particularly important step in instances where the applicant has agreed to buy, but has seen no model home.

After choosing the house, the applicant attends classes in home maintenance conducted by the Milwaukee County Welfare Department. The intensive teaching and counseling course is held in facilities that resemble a high school home economics laboratory. The woman of the house is paid $53 a month for two months to attend the classes. She receives free transportation and nursery care for her children while she is in class.

The University of Wisconsin's extension program assists in the instruction program. In addition, a select group of welfare mothers, previously counseled in 235 ownership, assist and instruct as team leaders. The buyer is taught how to replace faucet washers and fuses, to repair upholstery, to make draperies, to varnish floors, and to replace window panes.

At the end of the course, the buyer can pick out $65 worth of home tools provided by a government grant to the University of Wisconsin.

Once the family has occupied the premises, a welfare aid returns every 3 months to inspect the house for maintenance problems that might cause serious deterioration. The welfare department does this to protect its own financial exposure as well as the family.

When it endorsed the house prior to purchase, the department guaranteed to pay for all major and minor repairs that the buyer is unable to handle. Costs incurred in this program are shared—55 per cent is paid by the Federal Government (OEO,, 27.5 per cent by the state, and 7.5 per cent by the county. The buyer pays 10 per cent.

Since Katz's innovative program, other attempts have been made to cover the unexpected maintenance costs for the low-income homeowner. In present form, their effectiveness is questionable. For example, a new program, Section 518 (b) of the National Housing Act, requires the Secretary of HUD to take responsibility for some major maintenance and repair costs.

However, it authorizes the Secretary to pass on portions of this maintenance bill to the seller. HUD has set up regulations requiring the seller to put 5 per cent of the sales price in escrow to meet these costs. The effect of this regulation has been to encourage sellers of existing homes to abandon the 235 program in favor of the section 221 program.

Until this more recent method of covering home maintenance costs is perfected, the Katz system remains the best. If HUD needs an overall national model to reduce foreclosures in the 235 program, it has an example within its own shop.

Even with its present foreclosure rate, the program is a success when judged in the context of its purpose. The 235 program was designed to make home ownership available to people denied this opportunity by circumstances of poverty. Even if the nationwide foreclosure rate on 235 loans were to go as high as 10 per cent, it would mean that an unbelievable 90 per cent of these buyers are succeeding in the face of severe personal austerity. In a program created to deal with the economically disadvantaged, a 90 per cent success is a miracle. It is obvious from the Wisconsin experience that section 235 can be a success throughout the country.

(The writer of this piece is director of information for the Mortgage Bankers Association. He has conducted interviews on Section 235 ownership in various parts of the U.S.)

NATIONAL GUARD TECHNICIANS RETIREMENT ACT

Mr. BAYH. Mr. President, today the House Post Office and Civil Service Committee will be considering the National Guard Technicians Retirement Act which the Senate passed last month. As a cosponsor of this important measure I want to urge the Members of the House to give this matter prompt and favorable attention.

This legislation is necessary to correct an unfortunate inequity in the 1968 law which brought the 42,000 National Guard technicians within the purview of Federal benefits, including retirement benefits. At that time National Guard technicians were credited with only 55 percent of their prior service for the purposes of computing their well-deserved retirement benefits.

The new legislation, which the Senate passed without opposition, would give National Guard technicians the opportunity to receive 100 percent credit for service prior to 1968. Of course, this is a voluntary program since eligibility will be contingent upon the willingness of the technician to reimburse his retirement fund in an amount equal to that which would have withheld had he been fully enrolled prior to 1968.

Mr. President, there are 42,000 National Guard technicians across the country. In 31 States they are not covered by State retirement programs and the currently inadequate program places them in an impossible position. The simple fact is that our National Guard could not properly perform its assigned tasks without the essential support services provided by the technicians.

What is involved here is a simple but important measure to bring a deserved measure of equity to National Guard technicians. I am gratified, as a cosponsor, that the Senate passed this legislation without opposition and hope that the House of Representatives will act quickly so that this injustice can be redressed without further delay.

PAKISTANI-INDIAN MEETING

Mr. THURMOND. Mr. President, this week the President of Pakistan, Zulfikar Ali Bhutto, will be meeting with Mrs. Indira Gandhi, Premier of India, for the long-awaited discussions to bring a settlement between their two countries.

As everyone recognizes, this meeting is taking place under the most unequal circumstances. Pakistan has been dismembered as a result of armed intervention by the Indian Government in December 1971. India has continued to arm and has increased its military budget this year and is even manufacturing some of her own war materials in her own ordinance factories. In addition, as a result of the military treaty signed with the Soviet Union on August 9, 1971, she is receiving massive military assistance from Moscow, including the latest sophisticated Soviet weapons.

On the other hand, Pakistan has no military production capability of its own. More than 80 percent of Pakistan's armament system has been geared to supplies from the United States, although, of course, U.S. military assistance was cut off in 1965 and more recently there is a total ban on shipment of U.S. supplies to Pakistan, including the sale of spare parts.

Whatever the problems originally involved in the East Pakistan affair, we now have an entirely different situation. Whatever excuse India had for forceable military intervention in the affairs of another state is now gone. Yet many observers have expressed apprehension that India will continue to use the military advantage gained in its unlawful confrontation to secure further political advantages from Pakistan. At present, India still holds 93,000 Pakistani prisoners of war. These are just not soldiers or those engaged in active combat; they include civil servants and civilians—men, women and children. Under the terms of the third Geneva Convention, such prisoners should have been released immediately upon the cessation of hostilities. Such a cessation of hostilities was clearly indicated by the United Nations Security Council Resolution No. 307(71) of last December 21.

Yet India has allowed 5 months to go by and is still holding these prisoners almost, as it were, hostages in contravention of international law. It is now up to India, if she wishes to regain some measure of respect in the international community of nations, to release these prisoners, both as a sign of good will and as a sign of living up to her responsibilities. Pakistan has already made any number of such concessions while India gives the impression of attempting to squeeze the maximum advantage out of her situation.

Let us hope that during the meeting of President Bhutto and Mrs. Gandhi the prisoners of war matter will be solved with a magnanimous gesture. This will certainly clear the air and allow the other problems to be solved. The world will be waiting to see whether India regains its place in the community of peaceful nations.

E. M. DEBRAH: AMBASSADOR EXTRAORDINAIRE

Mr. BROOKE. Mr. President, yesterday was a day of tribute to one of the world's most outstanding men. Next Sunday will see his departure from our land and his return to his own, where I have no doubt but that he will serve his nation with continuing great distinction.

I refer, of course, to Ghana's departing Ambassador, Ebenezer Moses "Kojoe" Debrah.

Ambassador Debrah has served for 5 years as his nation's ambassador to the United States. Before that he had served from 1960 to 1963 as Ghana's Counselor of Embassy in Washington. In his total 8 years of service in America Ambassador Debrah has seen a great deal of change.

But he has been far more than a witness and a reporter of the American scene. He has in fact been far more than an ambassador from his government to our own.

Kojoe Debrah has been a personal envoy from the people of Ghana to the people of the United States.

In his early years here, he quickly perceived the struggle for pride and identity then occurring in the black community. He recognized, as few others did either in America or around the world, the essential rootlessness and uncertainty of the black people of America.

But he recognized, too, that black Americans are Americans first—not Africans. And if they are to find pride and identity, it must be found within their own situation—here in the United States.

Ambassador Debrah's personal philosophy can be summarized in two words: "inspire and support." And he has sought to inspire by example, and support by personal encouragement, a multitude of efforts and individuals.

Ambassador Debrah has many "firsts" to his credit:

The first foreign envoy to walk the streets of Washington during and after the 1968 riots.

The first foreign envoy to visit the Lorton Reformatory, and to become involved in the program of the Inner Voices and other self-help groups.

The first foreign envoy to make it a practice of visiting Junior Village to work with the homeless youngsters there, to "inspire and support" them.

The first foreign envoy to visit, and speak to, every black college in America.

The first foreign envoy ever to entertain prison inmates in his own home on special holidays—and to implant and encourage in them a deep sense of self-respect and self-worth.

Ambassador Debrah has visited nearly all the 50 States—not as an observer, but as a direct participant in the programs and the lives of the people. He has promoted cultural exchange on a broad scale, becoming personally involved in the activities not only of the Museum of African Art on Capitol Hill, but of the Anacostia Neighborhood Center on Martin Luther King Avenue and of cultural festivals from Howard University to local block parties.

But all of these involvements do not define the man who is leaving America this Sunday. There is about Kojoe Debrah an unlimited capacity for caring about his fellow men. He is a man who took time from his formal duties to travel to my own State of Massachusetts with an inmate group to participate in an educational conference on drug abuse. He is a man who would prefer to join a group of students in a college cafeteria than attend the luncheon being held in his honor elsewhere. He is a man who has earned the lasting admiration and affection of every man, woman, and child whose life he has touched.

The Washington Post today contains an article entitled: "Farewell, Kojoe, Spirit of a Nation." I have visited his country, and I know that the confidence the ebullience, the concern and the creativity which Kojoe Debrah conveys is, indeed, the spirit of his nation.

I am proud to salute the man who has conveyed some of that spirit to us, and I pray that one day his spirit may be ours as well.

Mr. President, I join now with our many mutual friends in wishing the

Ambassador a future filled with joy and opportunity. I ask unanimous consent that the article from today's Washington Post be printed in the RECORD.

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

FAREWELL TO KOJOE

(By Dorothy McCardle)

In an unprecedented display of affection from citizens of this city for a foreign diplomat, retiring Ambassador of Ghana Ebenezer Moses Debrah was praised yesterday in song, dance, proclamation, eulogy, clapping and foot stamping.

At a testimonial luncheon in his honor at the Mayflower, the ambassador heard 2½ hours of sustained tribute from spokesmen for the 400 persons who paid $12.50 each to honor him.

Then he stood erect in his robe of Ghanaian kente cloth and, a catch in his voice, responded with a small joke stemming from American politics.

"There was a time when crying in public for a good cause was acceptable. But no more. If you cry, you are finished."

After the laughter subsided, he added,

"Even though I am completely overwhelmed and deeply touched by your presence here, by your very kind words and your good wishes, I must not show the wrong emotions. The Ghanaian proverb says 'Men don't cry.'"

Kojoe, as Ambassador Debrah has become affectionately known during his almost five years here as chief of Ghana's mission, goes home next Sunday to become a member of Ghana's foreign affairs ministry.

Yesterday was his day. Mayor Walter Washington read a proclamation which hailed the African diplomat as "Ambassador Ebenezer Moses Debrah Day," a move which the Mayor said had been suggested by the National Council of Negro Women.

"He has walked with kings, queens, presidents and prime ministers," said Mayor Washington. "But he has never overlooked anyone. His hand is always out to everyone. I call him the reach-out diplomat."

Mrs. Willie Hardy, civil rights activist and Afro-American Woman of the Year, briefly pinpointed the reasons for the expressions of affection.

"He has identified with black America as no other foreign diplomat has ever dared to do before," said Mrs. Hardy.

"You have helped so many of us to be proud of being black and not to be ashamed," said D.C. Superior Court Judge Harry T. Alexander. "You have helped the white man to understand this, too."

Speakers referred to the fact that Debrah is the first foreign ambassador ever to visit Lorton Reformatory and to invite a group of the talented prisoners there, The Inner Voices, to perform and dine at his embassy residence. Rhozier Brown, director of Lorton's Inner Voices was there to recall this. His interest in young people has taken him to colleges and universities all over America, telling them of the greatness of their black heritage.

Vice chairman of the D.C. City Council Sterling Tucker urged that Debrah be "made an honorary citizen of this country" because of his interest in blacks all over the nation.

Assistant Secretary of State for African Affairs David D. Newsom put Kojoe into international diplomatic perspective.

"Kojoe is as popular at Foggy Bottom as he is at City Hall," said Newsom. "Any nation would be proud to have Kojoe Debrah as its ambassador. He has conveyed to us the spirit of a nation and the essence of a continent."

Then came more encomiums from James J. Cheek, president of Howard University, Ruth Sykes of the National Council of Negro Women, Jim Pope of the United States Information Agency, Ethel Payne of Senstack Publications, Lillian Wiggins and Bill Johnson, committee members of the Friends of Ghana, were co-equally in charge of the ceremonies. Mrs. Charles C. Diggs Jr., wife of the Democratic member of Congress from Michigan, brought a message from her husband.

In between, the Melvin Deal dancers and a choral group from Washington's high schools—all of whom Ambassador and Mrs. Debrah have aided—sang and danced.

Then it was learned that even the luncheon to honor Dabrah was a benefit for an American cause. Former Assistant Secretary of Labor Arthur Fletcher announced that proceeds will go to the United Negro College Fund of which Fletcher is now president.

In the end Debrah had the final words, and they were not "bikini brief," as he had promised his audience at the start.

Reading from the 12-page speech he preached what he has spoken over the years to many who have become his friends. He took the late Dr. Martin Luther King as the model for the future.

"Please let us remember that Christianity is not a voice in the wilderness, but a life in the world," said Debrah. "It is not an exotic slant to be kept under glass, but a hardy plant to bear 12 months of fruits in all kinds of weather."

THE POSTAL ACADEMY PROGRAM

Mr. PERCY. Mr. President, it has been announced that, as of June 30, the Postal Academy program will be terminated by the Postal Service. This program, begun as street academies for high school dropouts by former Postmaster General Winton Blount, has been an undeniable asset to the city of Chicago as well as the other five cities in which it is located. The unique Postal Academy program is the only national academic program for high school dropouts.

The national enrollment has grown from an initial 250 students in May of 1970 to the present enrollment of 1,275. In Chicago where we have three Postal Academies, there are 217 students currently enrolled. Almost 500 students have been able to take advantage of the program since its beginning. As of January 1972, the Postal Academy program has recorded 58 students who are in college, 95 students who have received high school equivalency diplomas, 103 students who entered full-time employment, 16 students who entered the armed services, and 57 students who returned to public schools.

The program has been funded by the Postal Service, Department of Labor, and the Department of Health, Education, and Welfare, with the Postal Service providing approximately 10 percent of the funds and part-time employment during the program with, hopefully, full-time work upon completion of the training. However, the Postal Service now has decided that since only 22 percent of the students can be placed in its organization, its participation in the program must be discontinued.

With 850,000 high school dropouts each year and the desperate problems we face with unemployment and poverty, it seems logical that funding for this successful program should be continued by Department of Labor or the Department of Health, Education, and Welfare, or a combination of the two. The program was evaluated recently by the Department of Labor. That evaluation stated that the Postal Academy program is an "asset to our communities" and documented an "air of exuberance" among the students, instructors and streetworkers.

I strongly urge that efforts be undertaken by the Department of Labor and the Department of Health, Education, and Welfare to make certain that the Postal Academy program does continue.

HOUSING RESEARCH

Mr. METCALF. Mr. President, my attention has been called to a study of research into housing conducted by the U.S. Department of Agriculture and the agricultural experiment stations for calendar year 1970. This study was done by Prof. Don F. Hadwiger, a member of the faculty at Iowa State University, Ames, Iowa.

It is a detailed, perceptive, and disturbing document, if we will recall that the USDA and the agriculture experiment stations are the agencies that are responsible for research affecting the lives of rural people in this country.

It is apparent from reading Professor Hadwiger's analysis that a good portion of the research was directed to, first, increasing the use of forest products in housing construction, or, second, aiding housing producers on narrow, technical aspects of material usage, or, third, was so indecisive as to be more or less useless. Professor Hadwiger's concluding remark is:

> It would appear that not much of the present research on rural housing is intended to provide findings useful for the development of public policy in rural America.

There was no meaningful research into the problem of meeting the needs of rural and smalltown people where 60 percent of the substandard housing of this Nation exists, certainly none as regards the matter of providing data needed by policymakers to meet this need. This fact makes one wonder just who is responsible for the research necessary to improve the quality of the lives of rural people.

I cannot resist commenting on some of the findings of the studies that have been done:

Termite behavior and migration;

Mobile homes are a major supplier of low-income housing:

Strength of glue;

Difficulty of homemaking tasks is related to housing;

Employed homemakers have less time for housekeeping tasks than non-employed homemakers;

I might not react adversely to this research, nor to such astounding discoveries that a woman with two jobs has less time to spend on one than has a woman with only one job, if, as a consequence, rural people were being housed better. That has not been the case.

I am particularly concerned that the needed research is not being done because my state of Montana has been victimized by the housing programs of the Farmers Home Administration. That agency has been far more active in neighboring States than in my own State by any criterion.

If we consider the total amount of

loans in fiscal 1971 under Farmers Home's homeownership, rural rental, and home repair programs, we find that in Montana the agency lent $6 per capita while the comparable figures were $13 in South Dakota, $18 in Wyoming, $25 in North Dakota and $35 in Idaho.

If we relate the number of homeownership loans to the number of nonmetro units lacking essential plumbing facilities as reported in the 1970 census, we find that in Montana, Farmers Home Administration made 1.3 loans for every 100 such units, while the comparable figures for the other States were 2.3 in South Dakota, 4.0 in North Dakota, 6.7 in Wyoming, and 11.7 in Idaho.

Mr. President, it is possible meaningful research into the housing problems of rural America might disclose why Montana's neighboring States are so favored by the Farmers Home Administration. I do not begrudge our neighbors their successes with Farmers Home Administration; I do believe Montana should be equally benefited.

It is small wonder, given this approach to research, that the USDA has had virtually nothing to offer in the way of ideas for solving the rural housing problem. The truth is pretty obvious: They are not really concerned about the rural housing problem.

I ask unanimous consent that Professor Hadwiger's paper be included in the RECORD as a kind of benchmark on the devotion of the USDA researchers to the welfare of rural people and the keen perception they enjoy in going about the task.

There being no objection, Professor Hadwiger's paper was ordered to be printed in the RECORD, as follows:

ANALYSIS OF RESEARCH PROJECTS OF USDA AND AGRICULTURE EXPERIMENT STATIONS FOR CALENDAR 1970, CATEGORIZED UNDER RPA 801 (HOUSING)

(By Don F. Hadwiger)

INTRODUCTION

My objective is to classify USDA and CSRS research projects designated under "housing" into sub-categories based on their intended objectives or anticipated findings. A particular interest in doing this is to learn how findings might be useful or not useful in determining public policy for rural housing.

The information was gained from progress reports for calendar year 1970, with the project descriptions and publications listed therein, as furnished by the Department of Agriculture. These reports were uneven in structure. Inconsistencies between the more general project descriptions and particular results listed in progress reports and publications often required a judgment as to the real nature of the project. The effort was made to settle upon the major theme of ongoing research.

A special task force of CSRS, reporting in 1965, found that relatively little research was devoted to the social, economic, and human aspects of rural America. More recently, J. Patrick Madden expressed similar concern about lack of public policy research, in an article in the American Journal of Agricultural Economics (May, 1970) entitled "Social Change in Public Policy in Rural America: Data and Research Needs for the 1970's." Madden listed five major problems in rural American on which public policy research was needed. One of these five problems was—"meeting the housing needs of rural families." The other four problems were—improving economic opportunities of rural people, improving rural community institutions and services, finding causes and cures for poverty, and isolating social and economic barriers to change.

For each of these problems several types of research are needed, Madden said. These types of research, as he lists them, provide one basis for classifying housing research projects. Madden's list includes the following: (1) determine the existing situation, including description of the target population; (2) analyze relevant forces impinging, and estimate casual relations; (3) study the effects of current intervention programs; (4) evaluate potential innovations in intervention programs, using pilot studies; (5) pull together from all the studies a wide range of readily accessible information and knowledge so that policy makers from all levels can make informed decisions in program formulation. Since Madden also emphasized using techniques to make the knowledge accessible to the decision makers, this communications function is listed as the sixth type of research. He emphasized that many "elegant" reports had no real impact, because they were not in a form communicable to decision makers.

It was not possible to categorize all rural housing research projects under Madden's six headings. Many projects dealt with purely technical aspects of housing construction which, at best, would have only an indirect impact upon any of the categories mentioned above. For example, research on new techniques for gluing joints might well reduce the cost or increase the durability of low-cost housing, but it did not seem reasonable to list this in one of the categories that Madden mentioned. Therefore, three additional categories were included: physical construction—technical aspects; physical challenges to housing (such as termites); and technical aspects of operating and maintaining houses.

This eight-part categorization will be entitled. "Types of Research." In subsequent sections this research will also be classified as to who is likely to use it, and then as to how immediately applicable it may be. Finally, the effort will be made to state the major finding of each research, and these will simply be listed in the order in which projects appeared. Publications will also be listed in the same order.

TYPES OF RESEARCH

1. *Determining existing situation including describe target population:*

Out of the total of 71 projects listed under RPA 801 (housing) for which some description was provided, twelve projects were placed in the category of describing the situation. However, out of a total of 48.3 man-years for all projects, only 6.6 man-years were involved here, and 3.7 of these were committed to one ERS project which undertook to determine rural housing trends and prospects both with respect to new kinds of housing and characteristics of housing occupants.

Several kinds of situation research were differentiated, the major one (three projects, including the ERS project, with 4.7 man-years) being descriptions of the kinds and quality of housing used by occupants categorized by income or age or ethnic background or other social or demographic characteristics. The second largest kind of research consisted of behavior studies in which resident behavior patterns were observed in an effort to discover housing designs which were most convenient (four projects, .3 man-years). Other kinds of research explored consumers' desires or demand for housing (two projects, .6 man-years), and development of concepts as to understanding the situation or character of recipients (one project, .3 man-years).

Comments: Most of these projects were quite specific as to subject, dealing with fragments of the total situation. For example, the behavior studies dealt mainly with behavior of elderly people within a particular design of kitchen, or home. There was no counterpart study of behavior patterns of families, or of the many behavior problems involved in multi-family housing. Most of the situation studies were region-specific.

The ERS project on rural trends produced at least two publications with comprehensive findings. However these are based upon secondary data mainly, in the case of the generalized rural housing trends and prospects.

2. *Analyze relevant forces impinging, estimating casual relations:*

Eleven projects and four man-years were placed under this heading. These were differentiated as follows:

Community economic resources available to be devoted to housing (one project, .3 man-years)

Relationship between housing, other socio-economic characteristics, and fertility rate (one project, 1 man-year)

Effect of housing on other life aspects such as—difficulty of or preference for tasks; and eating habits (three projects, .8 man-years)

Effective legal constraints on use of new technology and other factors affecting supply of housing (two projects, 1 man-year)

Relationship of socio-economic and demographic characteristics of occupants—*to* demand for housing (one project, .0 man-years); and credit-behavior, housing-meanings characteristics *to* desire for housing (one project, .0 man-years); and credit-behavior, house-meanings characteristics *to* quality of housing (one project, .3 man-years); *to* demand for housing (one project, .0 man-years); *to* maintenance of housing (one project, .2 man-years); *to* housing attitudes and use patterns (one project, .2 man-years); *to* work habits and patterns (two projects, .6 man-years).

Comments: The amount of research into causal relationships, using housing either as independent or dependent variable, is obviously small. Most studies involve a small universe of residents, located in one community or small area. Most do include some low-income housing occupants.

As to whether the findings are policy relevant, and whether their authors were concerned about this matter, some doubts and reservations are expressed in a later section. Presumably some of these projects address the question, "who is in bad housing, and why?" But the studies do not seem structured to say much directly about the dynamics of improvements in housing. Instead, the research usually explored socio-economic relationships, which are presumably conservative (reinforce status quo) rather than dynamic in their effects.

3. *Study the effects of current intervention programs:*

Only one project seemed appropriate for inclusion in this category, despite efforts to be inclusive. This one was included because one aim (out of several) was to compare satisfactions of people living in public housing projects with satisfactions of those living in trailer homes. There were no man-years committed to this project in 1970.

Obviously there is much experience to be studied with respect to a number of federal and state programs as well as housing regulations, catalytic efforts, and other types of federal, state, or local initiatives to improve housing, especially during the last four years. The lack of research in this area is not explained by lack of methodology or interest or activity.

4. *Evaluate potential innovations in intervention program, using pilot studies:*

There are four projects which seem to qualify here in the sense that some experimentation had been undertaken, using human subjects in a new situation. A total of .7 man-

years were involved, and the activities included independent housing for elderly persons, acceptability of new housing designs for for low-income people, promoting self-help organizations, and an anticipated experimentation in improving rural low-income housing.

A good deal of experimental or pilot program research *has* occurred in other areas of behavior such as nutrition education, and this kind of research is common procedure in the natural sciences. Is the lack of this kind of research by USDA and CSRS in rural housing due to lack of interest on the part of researchers, or lack of qualified researchers to undertake projects of this nature, lack of resources, or simply lack of priority for rural social phenomena?

5. *Synthesis of findings:*

Two projects seemed primarily interested in bringing findings together either for others or for the use of scholars at the institution. The first assembled materials on house designs into a handbook, and the second assembled bibliography to guide a research program. A total of two projects and .6 man-years were involved here.

There is very little information available on housing needs and housing programs for use by community non-profit organizations. The area of housing is one in which the average community leader and even housing planners act without information, in the absence of any efforts to synthesize findings. Rural housing situations, for example, are particularly unknown from one region or one subject to another.

6. *Making knowledge accessible for policy makers at all levels:*

Two projects seemed to fit this category, with a total of .5 man-years. One project was to prepare a handbook of rules on migrant housing; another was to instruct builders (not policy makers) on use of surface bonding of concrete block. Conceivably the ERS publication on housing trends, indicated earlier under No. 1 might also have been classified in this category.

7. *Technical aspects of physical construction of houses:*

There were 15 projects in this category, but these included 39.6 man-years (60%) of all housing research man-years. These projects were undertaken primarily by the Forest Service or Agricultural Engineering Departments. Many or most of the experiment station projects classified here were labeled as efforts to reduce costs of low-income housing; and this designation would certainly seem accurate, for example, for research on bonded concrete block walls (eliminating the need for mortar). However the relationship in terms of output was not always clear, as in the case of a project, classified under (9) below, testing the effects of foot traffic wear upon wood floor surface. The title of this project on floor surfaces was "physical, social, and economic aspects of functional housing for low-income families."

While two or more projects dealt with concrete building materials, most projects endeavored to improve the use of wood, and often were specifically aimed at increasing the use of wood in low-income or other housing. This may be understandable in view of the input of Forest Service and forestry professionals under this category, but the fact deserves comment. Materials other than wood may be less scarce, or in any case deserve more proportionate treatment in federal research.

8. *Parasites:*

Six projects, with a total of 12 man-years, were devoted to studying the behavior of termites or bacteria or other enemies of wood. This accounted for 18% of total man-years in rural housing research, about equal to all man-years under the Madden categories.

9. *Operation of houses and utilities:*

Three projects, with a total of 1.2 man-years, were categorized as designed to provide maintenance of houses—the proper use of electricity, upkeep practices of elderly people, and wearability of wood floor surfaces.

FOR WHOM WAS RESEARCH INTENDED?

An effort was made to list the parties or agencies for whom research might be intended, although the progress reports themselves did not usually specify a target group.

As indicated, most research was concerned with technical aspects of construction or maintenance of property, and therefore a large number of the projects, encompassing the bulk of total man-years, were listed as being intended for those who construct or maintain houses—architects, builders, service industries. One may postulate that economies achieved in the construction of houses will be passed along to the consumer, though that proposition was not tested or even touched upon in any rural housing research project. Furthermore, consumer interests were rarely mentioned, and some research seemed intended as a direct service to producers. For example, one research project was producing market surveys and undertaking law searches designed to provide information to facilitate the marketing of lumber. There was no project which would have measured the efficiency of the lumbering industry, or its profit-taking. There was no look at the institutions involved in producing or selling housing. Yet there is need for this kind of analysis, because a long chain of private individuals and firms now provide specialized inputs in the process of providing federally subsidized housing to consumers, and the value of these services is nowhere examined in this research. Instead, the spirit and intent of much research is industry-oriented, as indicated in the description of one very substantial project, "Use of automated and more complex sawmill machinery is increasing demand for operations research to provide information for decision making in forest product industries. Benefits of operation research analysis are useful to an existing plant, and are extremely valuable in evaluating investment in both horizontal and vertical integration and in new plant facilities."

While most research was for the initial benefit of the building industry, the second largest use category contained research for which no user was apparent. It was difficult to know, for example, who would be the user or recipient of new information about relationships between socio-economic characteristics of residents and the quality of their housing. Farmers Home Administration might incorporate such information in its proposals for program changes, and individuals or terms within USDA research agencies could pick up this information and assure that it does become a basis for program suggestions. However, only a part of these findings would have clear program relevance. Many potential research questions designed to find causes which are subject to administrative control would be related to existing programs but many of these have to do with the method of administering programs, which has yet to be looked at in any single project. Another approach would be to seek socio-economic characteristic and demographic relationships with program outputs. This would tend to indicate shortcomings in the program in addition to those in administration.

Is summary, most research is not intended for the benefit of consumers directly, or for policy makers. It is pointed toward use by the housing industry, or to be incorporated into a body of sociological knowledge.

USABILITY OF RESEARCH

An effort was made to put research into three categories—that which was immediately usable or practical; that which was an increment or addition to a body of knowledge which might then be useful as a whole; and research which was purely theoretical or methodological, not intended at all for practical use. This required very large judgments, but perhaps the evaluation supports a few statements.

Much of the research dealing with housing construction or maintenance fell into the category of direct and practical. A total of 15 projects dealing with housing construction and maintenance were listed as practical, and another four non-construction, non-maintenance projects were listed in this category. The latter four included a survey of low-income housing residents, research on how much repair is needed in rural low-income homes, a model for self-help housing, and the development of a bibliography for use by scholars at one institution.

On the other extreme—theoretical and methodological, five projects were listed. The other projects fell in between these, with no apparent immediate or practical use, although perhaps many of these findings could be incorporated into program design or administration if there exists a good chain of communication and synthesis of information between researchers and program administrators.

FINAL COMMENTS

It would appear that not much of the present research on rural housing is intended to provide findings useful for the development of public policy in rural America, as solicited in the paper by J. Patrick Madden. Some of the needs Madden mentions, such as analysis of existing policy and testing innovations, are entirely neglected.

Perhaps this conclusion drawn from examination of projects should be tested from the other direction, that is, by devising ways to learn whether decision-makers are in fact tapping research knowledge being produced by USDA–CSRS projects.

APPENDIX: PUBLICATIONS IN PROCESS OR COMPLETED UNDER 801, 1970

The following are abbreviated titles of the publications listed in the rural housing research progress reports:

Housing agricultural workers—Handbook.
Five publications on use of concrete.
Rural housing quality in Ozarks as related to characteristics of units and occupants.
Reduce housing costs.
Housing trends.
Mobile homes.
Inhabitants of substandard housing, future needs.
New test procedure.
Review of literature on thermal degradation.
Evaluation of fire-resistant treatments.
Effects of heat on wood properties.
Effectiveness of preservatives (several publications).
Withdrawal resistance of tapping screws into different wood density.
Some articles on glue-laminated beams, etc.
Housing conditions and financial management practices.
Method of assessing consumer preferences.
(Physical) Housing needs of older citizens.
Housing and activities of the elderly.
Use of community and mobile park resources by the elderly.
Differences in homemaker's considerations in accomplishing household tasks.
Approach to study of managerial control.
Home managerial tasks, perceived competence, and related consequences.
Effectiveness of sound absorption in drywalls.
Sound insulation of wood-framed floors.
Moisture of laminated timbers.
Model home for low-income families.
Residential heating.
Residential cooling.
Better utilization of forest products in housing.
Changing form of wood.

Moisture content of laminated timbers.
Effect of air conditioning or moisture conditions.
Changing building codes to permit innovation.
Building code relationships.
Wood floors are competitive with concrete slab.
Risk and the lumber futures market.
Soil penetration by insecticides.
Residues of heptachlor.
Termites.
Chemical studies of attractants.
Genetic control of bacteria.
Capacity of bacteria to cause decay.
Micro-organisms in pines.

TYPES OF RESEARCH UNDER RPA "RURAL HOUSING," BY CSRS AND USDA, CALENDAR 1970[1]

	Number of projects	Man-years
Madden public policy categories:		
1. Situation	12	6.6
2. Causes	15	4.4
3. Current programs	1	.0
4. Innovations	4	.7
5. Synthesis of findings	2	.6
6. Communication to decision-makers	2	.5
Subtotal	36	12.8
Technical findings:		
7. Construction	15	39.6
8. Parasites	6	12.0
9. Maintenance	3	1.2
Subtotal	24	52.8

[1] Derived from information in annual progress reports.

SPECIFIC FINDINGS, 1970

Below is a list of major findings of rural housing research projects. For each project reporting findings, an effort was made to extract that finding which was most emphasized. These appear in abbreviated form below, listed in the order in which projects appeared.

Better house designs.
Amount of electricity used in farm homes.
Relationship between SES, credits, demographic, ownership, and quality of rural housing.
Termite behavior, migration.
Ways to reduce housing construction costs.
Little mortgage credit is available in rural Arkansas.
Substandard houses are inhabited by old or disabled or women; and mobile homes are a major supplier of low-income housing.
Strength of glue.
Durability of wood finishes.
Fire resistant material was uneconomical.
Effectiveness of wood preservatives.
Engineering values for strength of wood paneling.
Need adequate anchorage for wood beams.
Sandwich panels perform well.
Financial management practices are related to housing conditions.
Technique of building concrete blocks without mortar.
A method of assessing consumer preferences for housing.
Physical aspects of housing needs for elderly.
Floor surface wear is reduced after a time.
Elderly did not prefer public housing over other forms, and use of public facilities was determined by proximity.
Difficulty of homemaking tasks is related to housing.
Employed homemakers have less time for housekeeping tasks than nonemployed homemakers.
There are differences between rural and urban in completion of housing tasks.
Sound does not unduly penetrate wood frame walls.
Low cost home design.
Use of new nails, new glue and preventing decay of wood.
Operations research can help forest products industry.
Behavior of termites.
Bacteria deterioration of wood.
Conditions and remedies for problems of low-income housing.
Housing status is related to SES, housing meanings, social participation.
Urban-rural differences are related to fertility rates.
Size of families and income of rural families.
How much does a home cost the community, and how much does the community receive from taxes (community cost for residence versus community income from taxes)?
Heat and radiation varies specifically with size and position of wall openings.

CONFIDENCE IN AMERICA: THE CONCERNS AND PROPOSALS OF SENATOR HUBERT H. HUMPHREY

Mr. HUMPHREY. Mr. President, today, perhaps more surely than at any other time in the past 40 years, we are faced with a crisis of confidence in our governmental institutions.

A crisis of confidence in the believability and integrity of government.

A crisis of confidence in our Government's willingness to understand the everyday problems and needs of people.

And most important of all, a crisis of confidence in the ability of government to act.

Last week, a respected national survey reported a precipitous rise in the feelings of alienation among the American people over the past few years.

The Harris survey reported a sharp increase in the number of Americans who believe that the people running the country do not really care what happens to the average American or what the average American thinks.

Most shocking of all, nearly 70 percent of those interviewed expressed the belief that they were living in a political, social, and economic system in which, inevitably, "the rich get richer and the poor get poorer."

We are faced with a situation of rising anger, discontent, fear, frustration, raw group hostility, and widespread hopelessness.

Either we confront and deal with the root causes of these dangerous symptoms or the very foundations of the institutions which have made this country great will be threatened.

A CRISIS OF CONFIDENCE

What are some of the elements in this crisis of confidence?

It is a war that does not end.

It is a wife whose husband has been a prisoner of war for 6 years.

It is cities rotting from within.

It is a society in which our elderly feel neglected, the middle aged feel ignored, and the young feel ineffective.

It is a man with a family without a job wondering how he will pay the rent.

It is a child in a land of plenty going to bed hungry.

It is a tax system which is unfair.

It is a retired person counting out her pennies to pay for an inadequate diet in a society which too often says life is over at age 65.

It is the fear of getting sick because it costs too much to get well.

It is the thousands of kids standing on street corners, getting into trouble, going on drugs because they cannot find work.

It is the young worker too often invisible and too often forgotten by a country that says a college education is the only way to get ahead.

It is millions of men and women working in our mines and factories under unsafe and hazardous conditions because of a Government that lacks compassion and courage to enforce job safety laws.

It is the family that is afraid to take an evening walk together.

All this need not be.

We have the ability and the resources to change things, and shape the conditions which affect our lives.

To do so we need only the will and commitment to act. And, we must chart a course to give us direction.

Mr. President, this is part of the message I have been stating in all parts of our country over the last few months and which I emphasized to the Democratic Party Platform Committee in Washington, D.C., this past weekend.

I have confidence in America and I have spelled out a comprehensive program of action which will activate and direct the great strengths of our people.

Today I shall spell out in detail my overall program, but I first wish to emphasize some of my concerns.

END THE WAR AND REVIEW OUR COMMITMENTS

Our first order of business is to end the war in Vietnam.

The Democratic Party should endorse, and our Government should set, an immediate deadline for the complete withdrawal of American troops from Vietnam, and the termination of all U.S. military operations in South Vietnam, Laos, and Cambodia contingent upon the release of American prisoners of war and an accounting of our personnel missing in action. We must persistently pursue a cease-fire throughout all Indochina, using every possible diplomatic channel, including the use of the United Nations.

After more than a decade of U.S. military assistance, it is clear that we have more than fulfilled any commitment to South Vietnam.

With a commitment to ending our military operations in Indochina should come a parallel commitment to a comprehensive review of American defense posture. The goals of this analysis should be—

Review all American commitments to determine which of those remain in our national interest.

Reduce American bases overseas.

Pare down our top-heavy command structure and increase the proportion of effective combat troops to support troops.

Establish a long-term defense plan to provide for U.S. national security and at the same time enhance U.S. foreign policy.

Maximize and modernize the efficiency of our Armed Forces and our total defense capabilities.

Reform acquisition and procurement procedures to reduce enormous cost over-

runs and improve competition for defense contracts.

Concentrate on the pursuit of armaments limitations and disarmament agreed upon by nuclear and nonnuclear powers.

This review must take place before detailed budget decisions can be made. Our defense budget can take reductions. There is waste and duplication. I have previously suggested that reasonable reductions that would not impair our defense capabilities would be in the range of $12 billion. This figure has also been recommended by the Brookings Institution. Cuts beyond this range without comparable reductions in the Soviet Union's defense structure would not be realistic nor responsible.

PUT AMERICA BACK ON ITS FEET

The Democratic Party has an obligation to establish the programs and policies that will put Americans back to work and our Nation back on its feet.

The Nixon economic policies have given the American people the highest unemployment in a decade, the highest inflation rate in two decades, the highest budget deficits in four decades, the highest trade deficits in eight decades and the highest interest rate in 100 years. Combined, these Republican economic failures have brought hardship and tragedy to millions of American families.

The goal of the Democratic Party must be the creation of jobs and meaningful work. The right to a job must become an accepted economic and social principle. That 5-percent unemployment, or 4 million Americans without jobs is acceptable must be totally rejected by the party which represents the working families of this Nation.

I have submitted proposals calling for the creation of at least a 1 million job public service employment program, a special youth employment program, retention of the investment tax credit and the creation of programs to deal with unemployment among highly skilled persons.

Jobs are one half of the economic equation.

Controlling inflation is the other half.

We must have a price and wage stabilization mechanism that is fair, efficient, and an advocate of the public interest—not a rubberstamp for corporate business. Stiff prosecution for price violators and price rollbacks where necessary are important components of a fair economic policy.

RESTORE TAX JUSTICE

Fairness must also be carried to our tax system. The American tax system is rigged against the working families of this country.

Because we have reduced Federal income taxes in recent years, the regressive payroll, sales, and property taxes have taken larger and larger amounts from the taxable incomes of working families.

The middle-income families are being increasingly taxed with regressive payroll and sales taxes while giant corporations and the privileged few escape paying their fair share.

Since the Nixon administration has blatantly refused to endorse tax reform this year, our party has a special obligation to make a firm and realistic commitment to tax reform.

At a minimum, the essentials of the Democratic Party's tax reform program must be:

Review the tax code with the objective of eliminating those special tax privileges which permit the wealthy few and the giant corporations to avoid paying their fair share.

By closing tax loopholes we can make available funds to local areas to reduce substantially the homeowner's property tax burden.

Revising the social security system to cut payroll taxes.

Simplification of all tax forms and procedures.

Elimination of Federal tax liability for those people with poverty-level incomes.

Creation of a tax structure which will not inhibit investment or limit the incentive to earn.

An extra effort must be made to create a progressive tax system at every level of government.

A progressive tax structure is not only fair but it can be used to achieve a more equitable distribution of income among all Americans. The increasingly regressive nature of the American tax structure is leading to unfair concentration of wealth and a growing tax burden on middle-income persons.

REFORM PUBLIC ASSISTANCE

Another goal of our party must be an effective reform of the public assistance system.

We must have a welfare system that treats recipients and taxpayers fairly. To do this we must scrap the present system and recognize welfare as a national problem demanding national answers and national financing.

Here is what I believe we must do to assure that compassionate aid for those in need is provided:

Federalize the cost of welfare.

Set uniform eligibility standards and provide a basic level of assistance for those in need.

Maintain the incentive to work by providing jobs and job training along with the establishment of a suitable work requirement for recipients.

Establish a nationwide system of child day care and development centers and conduct an extensive effort to broaden the food stamp program to every county in America.

Begin an effort to lift 5 million elderly Americans out of poverty through increases in the social security and old-age assistance programs.

I am opposed to substituting a vast national income redistribution scheme for a truly effective and progressive public assistance program.

To aid those in need must be our goal. I do not believe that in order to achieve this goal we must provide all Americans—regardless of their wealth—with an income grant.

EMPHASIZE THE NEEDS OF OUR CITIES AND SUBURBS

Finally, the programs of the Democratic Party and our Government must emphasize the needs of the 70 percent of the people living in urban and suburban America.

It should be our goal to focus on street-level government, to maintain the integrity of neighborhoods, to establish certain basic services for our cities, to provide new financing mechanisms, and to plan the use of our resources through a national growth and development policy.

I have offered a detailed plan and legislative program which includes a well-funded revenue-sharing program and a National Domestic Development Bank to enable cities and communities to move ahead on a wide range of urgently needed public construction funded by long-term loans.

We cannot solve the problems of this country without solving the problems of urban America. And, the difficulties confronting urban America are due in part to the mass migration of rural Americans to the urban areas. The Democratic party must commit itself to the revitalization of rural and urban America. They are inseparable. There is no relief for one without help for the other. We simply must move toward an urban-rural balance.

And part of this commitment must include a willingness to use planning to meet our future needs. We must outline the creation of structures and policies in Congress, the executive branch, and at all levels of Government that will enable us to better shape and give direction to our national growth.

Mr. President, now I shall review and specify the proposals I have made for a national program to restore confidence in America.

1—THE RIGHT TO A JOB

ISSUE

Thirty-five million Americans will be seeking their first jobs between 1972 and 1982, or 700,000 per year more than in the 1960's. Today over 5 million Americans are now unemployed. Joblessness among teenagers is over 17 percent. Joblessness among minorities runs from 10 to 40 percent depending on age group. Unemployment among Vietnam veterans is over 12 percent.

HUMPHREY JOB PROGRAM GOALS

To provide a job for all those who want and can work with emphasis on providing people with opportunity for a job or career they want.

To stimulate our economy so that our industries begin producing again.

To provide training and opportunities for those without skills so they may advance.

To get this Nation back to work and our country moving again.

HUMPHREY JOB PROGRAM

One million public service jobs—the Employment Opportunities Act of 1972.

Two-hundred and fifty thousand youth jobs.

Continued support for the recently enacted investment tax credit to stimulate jobs in the private sector.

Support for research and development funds tied directly to jobs produced as a result of research.

Accelerated public works program.

Community conversion corporations for aerospace and defense related personnel.

Expanded manpower training programs—programs that lead directly to employment, not more training.

Massive 10-year program of urban and rural revitalization.

2—TAXES

ISSUE

The American tax system is rigged against the working man. Working families end up paying more than their fair share of the tax burden while a privileged few and some giant corporations can use loopholes to escape taxation.

Property taxes are too high and payroll taxes too regressive, with the result that the progressive principle of the tax system has been almost destroyed.

The burden of paying for government programs has been shifted from higher income peoples to low income peoples.

GOALS OF A HUMPHREY TAX PROGRAM

To close the door on tax loopholes which give special privilege for the wealthy and the giant corporations.

To end the fast write-offs and other undue tax breaks for American corporate enterprise.

To promote inventiveness and imagination among all our people by making certain that the tax system does not penalize some to the advantage of others.

To eliminate from federal tax liability the poor and impoverished.

To bring the taxing systems—federal, state, and local—into harmony with each other so that the systems are truly progressive.

To have a tax system that will not inhibit investment or limit the incentive to earn.

To reduce the burden for low and moderate income families.

HUMPHREY TAX REFORM PROGRAM

Reform of the Payroll Social Security Tax to cut the payroll taxes by at least one-third.

Tax Reform Act of 1972 to raise $16 billion and return this money to the homeowner so that property taxes can be reduced.

Complete tax code overhaul within the first 100 days of a Humphrey Administration, including making the forms simplistic and readable, and rewriting rules and regulations.

Incentive for states to make their state taxes as progressive as possible.

Tax credit for home rehabilitation, remodeling and repair.

One-third educational funding through an education trust fund, to take the burden off the backs of local property owners, and more equally distribute resources for education.

Federalizing the cost of welfare, to help relieve local and state tax burdens.

Humphrey's Poor People's Amendment—to eliminate those people who live below the poverty line from federal tax liability.

To review in detail all present tax exemptions and deductions.

3—AMERICAN LABOR

ISSUE

Today workers confront a totally inadequate minimum-wage floor beneath an oppressive wage-increase ceiling. And, rising costs of living, including more taxes, and the frequent loss of retirement income security, are the harsh reality for America's working families.

The Nixon Administration continues its legislative efforts to impose compulsory arbitration.

Government policies continue to give low priority to the needs of the worker and the middle-income consumer.

GOALS OF THE HUMPHREY PROGRAM

Establish full employment and at a fair wage.

Strengthen the collective bargaining process.

Enact tax reforms to assure that every American pays his fair share.

Establish a balanced and comprehensive approach to stabilizing and strengthening the American economy, assuring justice for the worker and the consumer.

Bring an end to hazardous working conditions, and assure the protection of a worker's pension rights.

HIGHLIGHTS OF SPECIFIC HUMPHREY ACTIONS

Author of legislation to establish a public service employment program providing over one million critically needed jobs.

Sponsor of legislation to achieve vital pension plan reforms.

Sponsor of immediate legislation to extend and increase unemployment compensation benefits.

Author of a major legislative program to launch economic and public development in the cities, towns, and rural areas of America, and to channel immediate federal fiscal assistance to states and cities to provide vitally needed tax relief to the American taxpayer.

Sponsor of a program to provide employment for skilled and professional workers thrown out of work by defense cutbacks, and to provide extensive job opportunities for all older workers.

A central advocate in Congress of specific measures to end the harsh reality of joblessness confronting Vietnam-era veterans and America's youth.

Original sponsor of legislation to strengthen the enforcement of civil rights laws, including the prohibition of employment discrimination and of barriers to the right to vote.

Immediate increases in the minimum wage, raising it to $2.20 within one year, and to extend its coverage to major new categories of American workers.

Further measures by the Department of Labor to assure the effective enforcement of the Occupational Safety and Health Act, and of protective measures on behalf of farmworkers and coal miners and their dependents.

4—CONTROLLING THE COST OF LIVING

ISSUE

In the face of increasing inflation, the Nixon Administration announced a freeze on wages and prices; then the Administration began a program of economic controls ostensibly designed to halt inflation. The end result of the Nixon program has been increased food cost, higher profits for the big corporations, price increases, and frozen wages.

GOALS OF THE HUMPHREY COST OF LIVING CONTROL PROGRAM

Fairness—all sectors of the economy must bear their fair share of the inflation control burden.

Price stabilization must work for the American families rather than against them.

Inflation must be reduced substantially.

HUMPHREY COST OF LIVING CONTROL PROGRAM

A Wage-Price Control Program that emphasizes tough, firm, strict and fair enforcement.

Wage and price mechanisms that are broadly representative of all sectors of the economy—agriculture, labor, management, consumers, and the public.

Price control decisions that are made in the open, with open hearings, and open decision-making.

Price control decisions that reflect what the actual price increase means to the individual—not just what happens to a company's profit margins.

Price controls in the service area of the economy must be as effective and efficient as in the manufacturing sector.

Price rollbacks when necessary; strict prosecution of price control violators.

A price board that is the people's, not the corporation's advocate.

Profits that are in excess must be taxed—either through a higher corporate rate or an excess profits tax.

Wage controls that are firm but fair and supported by both Labor and Management.

5—RECONVERSION: UTILIZING OUR NATIONAL EMPLOYMENT TALENT

ISSUE

As our national economy switches gears from a wartime to a peacetime economy there are likely to be dislocations in the employment sector. In short, many highly skilled, talented persons with aerospace and non-aerospace work experience will be without work. At the same time, our Nation has vast unmet public and private needs. What must be done is to match the resource talent with needs of our Nation.

HUMPHREY GOALS FOR RECONVERSION

To match immediate available talent with resources to meet public needs.

To have programs for non-aerospace and non-defense related personnel as well as aerospace and defense employees.

To utilize workers immediately—the emphasis is on work, not unemployment compensation, transition allowances or relocation assistance.

HUMPHREY PROGRAM FOR RECONVERSION

Creation of and the funding of Community Conversion Corporation to hire workers to plan, identify, and begin operations on badly needed community projects.

The National Science Policy and Priorities Act of 1972 to provide federal assistance to Community Conversion Corporations.

Special Emphasis Programs for the non-aerospace worker living in a community affected by aerospace cutbacks.

Community Revenue Assistance to help those communities finding their tax base reduced by cutbacks in defense and aerospace contracting.

Extra optional services and payments such as relocation assistance for those employees who relocate or seek training in such fields as local government services.

Job training and job reorientation programs for those who wish to change

careers or upgrade their employment status.

Special employment placement assistance for out of work aerospace personnel.

One million jobs through the Employment Opportunities Act to put Americans back to work building for this nation.

6—PUBLIC ASSISTANCE REFORM

ISSUE

In the last four years, more than 6 million persons have been added to the public assistance rolls. Costs have increased. And families have little or no chance to break the dependency on welfare.

Welfare has become a system that no one likes and no one understands.

HUMPHREY GOALS FOR PUBLIC ASSISTANCE REFORM

An end to hunger in America.

Enact a welfare system that treats recipients fairly, provides coverage and adequate income for the needy, and guarantees that no recipient receives less under a reformed system than under the present welfare system.

Strengthen the family by providing coverage and greater opportunity to the working poor.

Provide fiscal relief from the crush of local taxes.

Recognize welfare as a national problem demanding national answers and the commitment of national resources.

HUMPHREY PUBLIC ASSISTANCE PROGRAM

Phased-in federalization of family welfare program with an initial $3,000 minimum benefit for a family of four based on need.

Adequate day care centers, sufficient public sector jobs, and a suitable work requirement for those who can work.

Increase the food stamp budget to guarantee all localities who want a program the resources to have a program.

Increase the minimum benefit for adult categories so that all elderly will be lifted out of poverty. Federalize the cost and administration of these categories.

Eliminate those persons with incomes below the poverty level from federal tax liability.

Immediate 25 percent increase in Social Security benefits.

A national Health Security Program to provide health services care for Americans.

Manpower Training and Development Programs—to upgrade job skills and prepare one for entry level jobs.

Employment Opportunities Act—to provide one million public service jobs to put America back on its feet and Americans back to work.

7—ELDERLY

ISSUE

For too many older Americans, life indeed is over at age 65. Or at least that is the attitude of many Americans. The fundamental fact is that older Americans often lack income; they are beset by high taxes and increasing cost of living; they face increasing health costs—and they must pay for these services from what is likely to be a fixed income or savings.

HUMPHREY GOALS FOR OLDER AMERICANS

To assure older Americans the dignity, decency and security of a full life.

To assure older Americans of adequate income support.

To assure older Americans of adequate health care.

To dispel the present American attitude toward older Americans—an attitude that too often prevents older Americans from having the same choices of younger Americans.

HUMPHREY PROGRAM FOR OLDER AMERICANS

Immediate 25 percent increase in Social Security, with cost of living escalator.

Guaranteed minimum public assistance payment of $165 for individual and $215 for a couple, to bring all older Americans out of poverty.

Comprehensive Home Health Care legislation to provide needed care in the homes of older Americans—not force them to seek hospitalization for every illness.

Medicare changes such as elimination of the $50 deductible, elimination of the doctor's insurance premium, freezing of the hospital copayment, home nutritional health care, prescription drug payments, hospital insurance for the uninsured.

Increase in the limitations on retirement earnings from $1680 to $3000.

One hundred percent widow's benefits.

Cabinet level Office for the Aging.

Elderly Nutrition Act, to expand the Meals on Wheels Act and provide home nutritional services and nutritional meals to older Americans.

Reduced-fare public transportation for senior citizens backed by Federal subsidies.

At least 125,000 housing units for the elderly built each year.

Tax relief for elderly from crush of property tax burden.

8—CHILD NUTRITION, ELDERLY, AND FAMILY FEEDING PROGRAMS

ISSUE

Child Nutrition: Over 10 million children and over 20,000 schools are now excluded from participating in the National School Lunch Program. The current child nutrition program is a patchwork of individual programs which have created a legislative and administrative maze of confusion.

The program desperately needs to be completely overhauled and updated in response to total national need. The current system contains no nutrition educational component, no training program for new food personnel, nor any supplemental feeding program for infants, preschool children or low-income pregnant women. Current school-feeding programs foster an "economic caste system: which is not only degrading to children of lower-income families, but which also work against the "nutritional improvement" objectives of the program as they relate to *all* schoolchildren, regardless of their parents' income.

Food Stamp Program: Expansion of the Food Stamp Program has been slowed due to the "budgetary politics" of the Nixon Administration. More than 12 million poor in this Nation do not participate in the program. While the Administration has called for a modest $45 million increase in funding for child summer feeding and school breakfast programs, it plans to return ten times that amount in unspent food stamp funds to the Treasury at the end of this month which Congress appropriated for the program for fiscal year 1972.

HUMPHREY GOALS FOR FOOD ASSISTANCE

To end hunger and malnutrition in America.

To provide every American school child with at least one "free" meal per day and to provide a school breakfast for every child that needs or wants one on a free or reduced-price basis.

To provide for a nutrition education program within our Nation's school system—tied, if possible, to a national nutrition labeling program.

To provide for supplemental feeding program for infants, preschool children and low-income pregnant women.

To provide those schools having either no or inadequate school cafeteria services with the financial resources to acquire the equipment and personnel to establish such services.

To further expand the Food Stamp Program and facilitate establishment and expansion of nutrition programs for the elderly to reach all those who are in need of such assistance.

HUMPHREY PROGRAMS

Universal Child Nutrition and Nutrition Education Act—which would completely overhaul existing patchwork of child feeding programs and would establish a national child nutrition education program. Every child, regardless of parent's income, would be provided with at least one "free" meal per day while he is attending school.

Expansion of Baltimore experimental project utilizing "formulated" foods to meet the nutrition needs of infants, preschoolers, and low-income pregnant women.

Increase federal reimbursement rates and funding for school lunch, breakfast, and summer feeding programs.

Expansion of Food Stamp Program to guarantee every locality sufficient funds for a program.

To expand the elderly nutrition program so that all those in need are reached.

9—VETERANS

ISSUE

More than 350,000 Vietnam-era veterans are unemployed. While veterans' education benefits have risen only slightly in actual dollar value since World War II, college tuition costs have soared, more than 350 percent.

Despite a Congressional mandate that the daily bed patient level at VA hospitals be raised to 85,500, the actual level earlier this year was only 83,662—meaning continued waiting lists—and the ratio of staff to an in-patients was even worse (1.4:1) than last year.

Older veterans on fixed pensions struggle to meet the rising cost of living; a problem that is compounded for the disabled veteran dependent on compensation payments.

GOALS OF THE HUMPHREY PROGRAM

Guarantee the right of America's veterans to dignity and self-respect.

Provide good medical care and rehabilitation services to all eligible veterans.

Assure returning veterans the opportunity to continue their education or obtain effective job training while receiving an adequate income.

Provide extensive job opportunities at a fair wage.

Insure the right of older veterans to the security of a liveable income.

HIGHLIGHTS OF THE HUMPHREY PROGRAM

Author of the Employment Opportunities Act of 1972, establishing a program to provide more than 1 million public service job opportunities, with first priority given to Vietnam-era veterans.

Sponsor of the Veterans Employment and Readjustment Act, focused on the specific employment service and job training needs of veterans. Decisive action must replace failure of Nixon's Jobs for Veterans program.

Has proposed and sponsored legislation to raise a veteran's basic monthly education allowance from $175 to $220, and to provide a direct tuition payment of $1,000 per year to the college where the veteran is enrolled.

Sponsor of legislation to authorize the issuance of $10,000 life insurance policies to all Vietnam-era veterans.

Author of legislation to prohibit discrimination in employment on the basis of a mental or physical handicap, and original sponsor of legislation recently passed by the Senate to increase statutory awards and compensation payments to disabled veterans and provide further benefits.

Sponsor of major legislation to substantially improve VA medical care facilities and increase medical staff, and to improve nursing home care for veterans. Has called for extensive utilization of the skills of veterans themselves in the VA, particularly as parmedical personnel. Has called for the establishment of a National Commission on Veterans' Medical Care to develop specific recommendations on solving current problems and meeting future needs. Introduced legislation to expand greatly drug abuse treatment and rehabilitation services for veterans and to make these services immediately accessible through community mental health centers.

Strongly supported the enactment of bills to increase pension benefits, and sponsored legislation to prevent pension cutbacks resulting from certain other retirement benefit increases.

Acted to halt delays and cancellations in the direct loan program for veterans seeking to purchase homes in credit-tight counties, and strongly supported the enactment of legislation to provide mortgage protection life insurance for disabled veterans.

10—CONSUMER

ISSUE

Despite current publicity, the American consumer is still largely unprotected, in the marketplace, in the areas of disclosure, standards, and redress of damages.

HUMPHREY GOALS

Every American should be able to know the content and quality of what he buys.

The goverment must protect the people from unfair or deceptive practices and unsafe and unreliable products.

Fullest possible disclosure of warranties, guarantees, and terms of purchase must be routinely available to the consumer.

Consumers should have the right to redress of damages, including the class action lawsuits.

HUMPHREY PROGRAM

Independent Consumer Protection Agency, to become the public's advocate for protection of American consumers. To search out unlawful consumer practices and bring prompt legal action against offending companies.

Consumer credit protection, to provide for complete disclosure, full realization by borrower of his obligation, and to regulate effectively consumer credit companies in a manner consistent with the public interest.

Class action lawsuits to permit consumers the widest legal tools against unlawful consumer practices.

Consumer Product Warranties and Federal Trade Commission Improvements Act, to provide for full disclosure of terms and conditions of warranties for items valued at $5 or more.

Consumer Product Safety Act, to provide for safety inspections of consumer goods.

11—HOUSING

ISSUE

Our nation continues to fall way behind its goal of producing 2.6 million housing units per year.

Blacks remain trapped in the ghetto.

Elderly on fixed incomes struggle with high maintenance costs and taxes on their homes; fined few options in seeking apartments.

Young couples confront high settlement costs and interest rates.

And, the Nixon Administration faces charges of gross mismanagement of subsidized housing programs for lower income families, while Secretary Romney speaks of urban renewal as a failure and suggests a halt to further public housing in the city.

HUMPHREY GOALS FOR HOUSING

To assure every American a decent living environment.

To make adequate housing available for low and moderate income families.

To curb the cost of buying homes.

To use the most innovative housing technology available to meet our national shelter needs.

HUMPHREY PROGRAM FOR HOUSING

No down payment, government-guaranteed housing loans, to make home buying within reach of those Americans who choose to do so.

Home Protection Agency, to provide American families with advice and advocacy in case of deception, procrastination, or unlawful builder and developer practices.

Full appropriations for federally subsidized housing, coupled with basic administrative reforms.

Direct housing certificates to lower-income families who can exercise choice in housing.

Full support for metropolitan housing development to create planned approaches to providing open housing for all under innovative approaches to achieve decent communities.

Major thrust toward providing housing specially designed for the elderly and enabling older couples to keep their homes.

Include property tax relief, home rehabilitation grants, at least 125,000 units of housing for elderly per year.

Place major emphasis on "new communities" and "new towns" to expand housing market in a decent environment.

Decisive Federal effort to control settlement costs and mortgage interest rates.

Transportation system planning assistance geared to relating jobs to housing and accessible location of shopping and services. Emphasis upon the living environment needs of people.

Federal financial assistance incentives to cities and towns to adopt tax reforms geared to the rehabilitation of depressed areas.

Extensive Federal programs to assure constructive land use.

Deepen housing assistance subsidies in recognition of operational and upkeep costs. Provide direct assistance to communities for public facilities costs of public housing, and establish a sustained Federal program on housing management to combat extensive problem of housing abandonment.

Tax credit for home improvement—to give incentive for rehabilitation and remodeling.

12—A NEW EDUCATION POLICY

ISSUE

Across the nation, local school districts and institutions of higher education are exhausting their financial resources as expenses continue to mount. Recent court decisions have held that the disparities of local property-tax school financing constitute a denial of the equal protection of the laws, emphasizing the demand both for tax relief and for sharply increased State and Federal assistance to equalize educational opportunity.

The record of the present administration has been one of repeated vetoes and cutbacks in education program assistance funds. As a result, tens of thousands of children are condemned to an inferior education; far too many youth are denied the right to continue their education; and millions of adults are deprived of the opportunity to pursue basic and specialized courses.

GOALS OF THE HUMPHREY PROGRAM

Establish a new education policy to guarantee that all children, without regard to circumstances of residence, family income, or race, will have a full and equal educational opportunity.

Substantially increase the Federal investment in education, to one-third of all public resources.

Establish education as a high national priority in the protection and development of America's human resources.

Broaden the spectrum of educational opportunity, from the preschool to the adult level.

SPECIFIC HUMPHREY ACTIONS AND PROPOSALS

Author of legislation to establish a Department of Education, to consolidate federal resources and programs, and to give education an advocate at the highest level of government.

A National Educational Trust Fund to provide an assured revenue base for the advanced planning and development of America's education resources.

A federal grant and loan guarantee program would be established for school construction and modernization, with the priority given to deprived rural and urban areas.

There must be a program of sharply increased federal and state assistance to balance public support among school districts to guarantee an equal opportunity for a quality education to every child. There must be incentives for a sustained and progressive effort by local agencies to improve the school situation, and to provide effective relief to local residents from the burden of education costs, through progressive tax reforms.

Emergency assistance must be provided to assure modern, high-quality schools in urban and rural areas of poverty, and to overcome educational handicaps resulting from racial and economic isolation. To compensate for generations of neglect, we must provide these children with extensive remedial services to upgrade basic learning skills, daily nutritious meals to combat the hunger that thwarts learning, new bi-lingual and bi-cultural curricula and instructional programs in schools serving children whose language is other than English, full guidance and counseling services, innovative applications of communications media and audio-visual resources, and inter-school resources, and inter-school programs where transportation can improve the quality of a child's education.

Comprehensive early childhood development programs must be provided in local communities across the Nation, to provide critically needed opportunities and quality care for over 6 million children, and to give essential help to millions of mothers who want and need to work.

New initiatives must be launched on behalf of disadvantaged teenagers who have dropped out of school and over 8 million forgotten working young men and women unable to pursue a higher education on a full-time basis. Under a major reform of a Neighborhood Youth Corps work training assistance program, disadvantaged youth can be involved in extensive community improvement programs, and at a fair wage, while also being given a broad range of opportunities through community colleges and other institutions to continue their education with federal assistance. And young people will benefit from a further program proposed by Senator Humphrey to provide educational scholarships and loans for part-time education to advance their vocational skills and fulfill educational expectations that would otherwise be denied.

Major new directions must now also be taken in adult education, with federal assistance, to provide continuing education opportunities and training in new job and professional skills.

The strengths of puralism and diversity in American education must be maintained, both through effective federal aid to private colleges and extensive student aid based on need, and through a tax credit to parents bearing the additional costs for their children attending private and parochial elementary and secondary schools. Private schools and colleges must also be assured a fair share of federal education assistance.

The civil rights of millions of mentally and physically handicapped children to obtain public education services must now be guaranteed, and a substantial program of federal help to school systems should be launched to assure that this guarantee is carried through.

Author of a resolution that was instrumental in obtaining legislative action to grant teachers the retroactive pay denied under Nixon Administration wage-freeze decisions, Senator Humphrey believes teachers should have a national structure to assure them access to good-faith collective bargaining and should be able to earn a decent income commensurate with the cost of living as well as to exercise their professional rights and responsibilities.

Busing—I am opposed to busing children away from their neighborhoods unless it improves the quality of their education. It makes no sense to bus a child from a good school to a poor school. It makes sense to bus a child from a poor school to a better school. It makes better sense to improve schools in all neighborhoods. We must no longer permit the quality of a child's education to be determined by the wealth or poverty of his community. To correct this profound inequality, we must achieve property tax reforms and apply extensive federal and state assistance leading to an overall balancing of public support among school districts. And we must target additional compensatory aid, remedial services, and teaching facilities improvements to help educationally disadvantaged children in depressed areas.

Neither racial nor economic discrimination must have any place in our school systems. I believe that the President's legislative proposals would wrongly work to maintain existing school segregation problems, not only through imposing a moratorium on all new court-ordered busing, but also by tying this action to a measure that fails to provide for any new educational financial assistance for disadvantaged children beyond what has already been authorized by Congress.

13—HEALTH: QUALITY AND COST ISSUE

The cost of getting sick has made it almost prohibitive to become ill. Hospital charges of $100 are not uncommon. Over 30 million Americans are without basic health insurance. Health care delivery systems are uneven—with deficiencies in inner city and rural areas. Specialized health care problems such as dental care, handicapped, and mental illness lack adequate funding and support. Shortages of medical personnel have reached crisis proportions. And there is a severe lack of emphasis on preventive as opposed to curative health care.

HUMPHREY GOALS FOR HEALTH CARE AND HEALTH INSURANCE

To make the best health care available to everyone.

To reduce drastically the cost of health care.

To meet with sufficiency the specialized health care problems of mothers, mentally handicapped persons, and the physically disabled.

To provide the assistance necessary so that adequate medical personnel is available.

To meet health care shortages in inner city and rural areas.

To foster the development of new medical technology, and increase the usage of paramedical personnel.

HUMPHREY PROGRAM FOR HEALTH CARE AND HEALTH INSURANCE

A program of National Health Security—to cover cost of physicians services, hospital services, nursing home care, outpatient services, psychiatric services, dental services, medicines, therapeutic devices and eyeglasses.

Increased federal financial support for medical, dental, and nursing schools.

Paramedical and Medical Technology Advancement Act, to give increased federal support for the development of alternative types of health care delivery systems and increase health care aides.

Cancer Cure Agency—to launch an all-out attack on cancer, to put an end to this dreaded killing disease.

Comprehensive Home Health Care Act, to provide home health care services in a patient's home rather than to force hospitalization.

Continued support but on an expanded scale for the Hill-Burton Hospital Construction program, the Regional Medical programs, and specialized medical research endeavors through the National Institutes of Health, Mental Health Institutes.

Major new efforts through a Drug Cure and Control Authority to crack down on hard drug pushers and begin rehabilitating the addict.

Federal incentives and support for Group Medical Practice, to make quality health care available at lowest cost through Health Maintenance Organizations.

To support adequately federal programs designed to deal with health problems such as lead based paint and job health conditions.

14—TRANSPORTATION ISSUE

American transportation is primarily dependent on the single family car. The single family car has given this nation unprecedented mobility, but at the expense of congestion, pollution, often the break-up of neighborhoods for costly highway systems.

At the same time, public transportation is often too costly and remote to provide the service necessary to meet the needs of people.

HUMPHREY GOALS FOR TRANSPORTATION

A balanced transit system of private and public modes; an integrated trans-

portation system of air, water, and land mobility.

A transportation system accessible with minimum cost to all—elderly, inner-city, suburban, rural areas.

A transportation system that maintains the integrity of our neighborhoods.

A transportation policy that meets immediate crisis needs while laying the foundation for solid future development.

HUMPHREY TRANSPORTATION PROGRAM

The Ground Transportation Systems Improvements Act of 1972.

Open up the highway trust fund for mass transit financing.

Operating subsidies for present transportation systems in our communities.

Airports Improvement Act, to provide the latest technology, weather communications, and safety equipment for all of our airports.

Reinvigoration of America's shipbuilding industry, including subsidies.

Federal assistance for development of new modes of water transportation and development of our waterways.

Federal support and incentives for railroad service—freight and commuter—so that Americans do not lose benefits of rail travel.

Assistance for small communities threatened by lack of rail service through track abandonment.

Insistence that the Interstate Commerce Commission become the people's advocate acting in public interest.

15—ENERGY

ISSUE

Americans use six times as much electric power as the world average. We burn 30 percent of the world's fossil fuel consumption. We utilize 15.5 million barrels of oil a day. And by 1980, between 20 and 25 million barrels will be needed. The United States consumes 49 percent of total natural gas used in the world, and we burn over 530 million tons of coal.

In less than 15 years, our energy needs will double.

Yet, the supply of fossil fuel is finite. Experts predict that by the year 2035, 90 percent of all the oil, coal, and gas will be gone.

There is an energy crisis. And it must be met.

HUMPHREY GOALS FOR ENERGY

To develop clean energy supplies.

To assure effective utilization of existing energy supply.

To bring energy and environmental demands into harmony.

To develop new sources of energy.

HUMPHREY PROGRAM FOR ENERGY DEVELOPMENT

Establish an Energy Council take stock and assist in development of our energy resources, who own resources, and utilization of them.

Federal assistance to develop additional energy sources including earth heat, solar, water power, nuclear fusion, and additional mechanisms for energy storage.

An expanded program of research into energy alternatives for the future.

Development of a National Electrical grid.

ENVIRONMENT

ISSUE

For too long, Americans have assumed that environmental resources were infinite. As a result, no concerted effort to rationalize the use of natural resources has evolved. We are now paying that price—sewage systems out of date, polluted air and water, land use policies that make little sense, pesticides that are toxic, high level of noise, and lack of national energy policies.

HUMPHREY GOALS FOR THE ENVIRONMENT

To halt the raping and scarring of our land.

To begin a systematic air pollution and water pollution control program with definite goals and fund commitments.

To protect man's remaining frontiers—timber, water sheds, refuges.

To focus the attention of the individual citizen on his immediate neighborhood environmental program.

To develop rationalized methods for control growth and bringing it into harmony with environmental objectives.

HUMPHREY PROGRAMS FOR THE ENVIRONMENT

Community coalitions for a clean environment, a broad based citizen's effort to identify local environmental problems and move to meet them.

Environmental Trust Fund and Environmental Savings Bonds to finance pollution protection programs.

River Basins Waste Treatment Authorities Act, to begin a comprehensive attack on sewage problems and solid waste disposal problems and a general clean-up of our rivers.

Tax on pollutants, to provide industries with the incentive to clean their own environmental problems.

Class Action Environmental Suits—to attack polluters through the courts.

National Growth and Development Act, to plan the use of our land, the allocation of our resources, and the use of our environment.

Environmental Research laboratories, to conduct a continuing research program into the causes, consequences, and alternatives to environmental pollution.

Strengthen the Environmental Protection Agency program to deal with the environment of the inner city including street dirt, garbage, lead based paint, and noise.

Continued protection for our coastlines and estuaries. Full federal support for anti-ocean dumping measures.

Refuge and Forest Protection Act, to expand our wildlife refuges, protect our national forests, and protect man's remaining frontiers such as the Everglades and Big Cypress Swamp.

Work against the cause and effects of pollution on an international scale through the United Nations Environmental Board and the International Environmental Conferences.

Continued support for the National Environmental Policy Act—including the Environmental Impact Statement.

Effective pesticide control legislation.

17—BALANCED NATIONAL GROWTH AND DEVELOPMENT POLICY

ISSUE

The United States currently lacks any stated policy pertaining to its future growth and development. The country even lacks specific policies relating to the major determinants of growth, such as land use, transportation, communication, regional distribution of national economic growth, education, health, housing, population, income distribution, energy and fuels, human nutrition, and food and fiber production.

No mechanism or process even is available today to develop and implement such national policies, let alone provide for their integration into a total national strategy or policy to govern and guide the future growth and development of the nation.

HUMPHREY GOALS ON NATIONAL GROWTH

To develop national economic, social, environmental and political polices affecting the future growth and development of our nation.

To provide for policies that will lead to balanced urban-rural development.

To provide each American with an expanded range of choices as to where and what pattern of life style he or she wishes to pursue.

To provide new mechanisms of financing public development and building badly needed public facilities.

HUMPHREY PROGRAM FOR NATIONAL GROWTH POLICY

National Growth and Development Act of 1972—this legislation provides the framework, mechanisms, and policies for implementing the above-mentioned goals. Included in this legislation is:

An Office of Balanced National Growth to develop policies and coordinate programs leading to understanding and humanizing growth.

To provide for direct citizens' participation in the development of national growth and development policy.

To provide in both the Congress and in the Executive Branch the mechanisms and personnel needed to address these essential policy development questions.

To provide for multi-state regional policy and development mechanisms to insure that all states share more equitably in the distribution of our nation's future economic growth and development.

To require the federal government, as it relates to both its facility location and procurement policies, to develop and adjust such policies so as to maximize benefits and minimize costs (social and environmental) as they may affect national, regional, state, or local community growth and development goals.

To provide for uniform standards and centralization of financial assistance to help regions, states, and local communities "plan" for their future growth and development so they can avoid and minimize unanticipated happenings relating to growth which often lead to a deterioration of communities and the quality of life of individual citizens.

To provide for the research required to develop "alternative futures" including identification and forecasting of current and future happenings in both the "hard" and "soft" sciences.

To provide for continuous analysis and forecasting of population and demographic data.

National Domestic Development Bank Bill, to provide long-term financing for badly needed public development.

Rural Development Act of 1972.

Rural Development Credit Act, which will embody a new Rural Development Banking and Financial System, to provide rural America with an expanded range of financial and credit opportunity.

Humphrey General Revenue Sharing Bill—for a short term infusing of funds.

URBAN AMERICA

ISSUE

America is an urban nation. More and more Americans are moving to and living in metropolitan areas. Yet, urban areas have been unable to deal effectively with the crush of people and the services they require. The essential problem is one of programs, the lack of financial resources, declining tax base, and the unwillingness to make the commitments of resources necessary to solve the urban crisis.

HUMPHREY GOALS FOR URBAN AMERICA

To bring government close to the people and be responsive to their needs.

To maintain the integrity of neighborhoods—to refocus on street level government, where people live.

To establish certain minimums of basic services for all our cities and communities.

To establish new financing mechanisms, including long term credit, short term immediate financial assistance and multi-year bloc grant program funding.

To plan the use of resources through a national growth policy.

HUMPHREY PROGRAMS FOR URBAN AMERICA

White House Regional Ambassadors—to expedite the flow of business and plans among the levels of government.

National Budget—to allow governors, mayors, and citizens to have input on what the expenditures should be and the direction the resources allocation should take.

Neighborhood Service Centers—to bring under one roof comprehensive neighborhood services so that these services (consumer protection, information referral, etc.) are accessible to the citizens.

Basic service improvement programs such as The Ground Transportation Systems Improvement Act of 1972, the Community Coalitions for a Clean Environment, the River Basin Waste Treatment Authority Act, the Social Security Improvements Act, the Educational Trust Fund with its new method of financing education, the National Institutes of Justice, Tax Credits for Housing Improvement, Drug Abuse Control Act.

New Methods of Financing Urban America:

The National Domestic Development Bank, to provide long term loans at low rates of interest to build needed public facilities.

Revenue Sharing—as an immediate infusion of funds to the cities and suburbias and communities.

Multi-year Planning and Program Operation Grants—programs funded on a three year basis to allow more long term planning and fiscal authority.

National Balanced Growth and Development Act of 1972 to establish a framework for planning for the future growth of this country, including within the Office of the President, a National Planning Agency and the Office of Balanced Growth and Development. To establish a Congressional Joint Committee on National Growth to begin the planning process at all levels of government and in the private sector, and to plan for bringing about balanced urban-rural growth.

Demonstration Cities—to build new towns and new communities in towns.

Metropolitan Land Reserve Act—to allow metropolitan areas more flexibility over what kind of development takes place on municipal property.

19-REVITALIZATION OF RURAL AMERICA

ISSUE

Thirty million people, mostly young and many poor, have migrated from our farms and countryside to our nation's cities in the last 30 years. That movement still continues today at a rate of about 600,000 yearly. As this depopulation of our countryside continues, Rural America is being stripped of both its promise and its potential while the huge urban centers of our nation continue to deteriorate as a result of the overcrowding, congestion, and myriad of problems such population concentrations create.

HUMPHREY GOALS

To provide for the improvement of public services and job opportunities for the almost 70 million Americans living in nonmetropolitan America.

To provide freedom of residence for all Americans so that those who wish either to remain or move to Rural America may do so.

To encourage the development of Rural America on a "planned" basis.

To provide the credit and other financial resources that will be needed to accomplish the revitalization of Rural America.

Stop the abandonment of rural rail trackage and service essential to the economic well-being of small rural communities.

To provide full funding to meet the financial needs of rural electric and telephone cooperatives.

Development of programs designed to develop the human resources of Rural America, especially, among the rural poor.

Continue to strengthen the comprehensive area-wide planning and development concept in Rural America through non-metropolitan multi-county planning and development districts.

HUMPHREY PROGRAM

Rural Development Act of 1972 which provides:

For the expansion of Farmers Home Administration in providing business and industrial loans, and increased grants for community services and facilities, including those important to attracting new businesses and jobs.

For increased funding under the Watershed and Bankhead-Jones Acts for municipal and industrial water supply development, pollution abatement and other environmental activities.

For a new program to help small communities establish or improve their fire fighting capabilities.

For a new nationwide research and extension program concerning rural development and small farmers.

Further liberalization of credit for rural housing.

For increased water and waste disposal planning and construction funds.

For rural development planning funds.

For strengthening the role of the U.S. Department of Agriculture within the Executive Branch concerning Rural Development and for the improved coordination of federal agency activities in rural areas.

Establishment of a new borrower-owned system of rural development credit and financial assistance which would secure its loan funds from the nation's central money markets.

Establishment of a block-grant rural development fund for sharing federal revenues with states, non-metropolitan planning and development districts and local governments.

20—PRESERVATION OF AMERICA'S FAMILY FARM SYSTEM

ISSUE

About 100,000 families continue to be forced out of American agriculture each year. Low prices, lack of bargaining power, and inadequate federal farm programs continue to plague the farmers of this nation in their efforts to secure a fair return on their investments and labor.

HUMPHREY FARM GOALS

To restore parity of price and income to our nation's farmers.

To rely upon more effective supply-management approach as a means to maintain workable supply-demand relationships.

To establish a national grain reserve to help minimize production planning risks which will help insure a more stable price and supply situation for farmers and consumers as it relates to both grain and livestock production.

To enhance the bargaining power of farmers in the marketplace.

To prohibit the takeover of American agriculture by nonfarm corporate interests.

To strengthen prices, supply commitments, and expand access for U.S. farm products in world markets.

Continue to strengthen and expand world food assistance and development of foreign markets under our nation's Food for Peace program (initiated by Senator Humphrey in 1954).

To provide special help and assistance to both young and small family farmers to improve their farm and off-farm income opportunities.

HUMPHREY AGRICULTURAL PROGRAM

Increase price support levels for farm commodities under federal farm programs accompanied by effective adjustment programs to insure that workable supply-demand relationships are maintained including establishment of national reserve inventories of essential farm commodities—the Strategic Storable Farm Commodities Act.

Strengthen farm bargaining and ex-

panded marketing order approach—National Bargaining and Marketing Order Act.

Permit federal crop insurance through the Federal Crop Insurance Act to be provided on a "cost for investment" basis and expand federal funding authorization for administration of this program.

Encourage U.S. negotiators to pursue new International Grains Agreement containing minimum and maximum price levels and supply commitments.

Enactment of Family Farm Act, which would prohibit any further encroachment by large corporations into farming.

Liberalize credit for young farmers just getting started in agriculture and require Land Grant College and State Extension Services to provide more help and assistance to small farmers—both provided for in Humphrey Rural Development Act of 1972.

Maintain an effective Department of Agriculture with a Secretary of Agriculture coming from a family farm background.

Include an agricultural economist as a member of the Council of Economic Advisors. Include in the Federal Reserve Board a farm spokesman with experience in commercial agriculture.

Include agricultural representation on the Federal Tariff and Federal Trade Commissions.

21—CRIME AND JUSTICE

ISSUE

The American justice system is in need of overall reform and modernization. Our courts are congested, cases take too long to come to trial and hence pre-trial detainees congest the jails. Ten thousand laws are passed in our country each year. There is too little inter-jurisdictional coordination. There is inequity.

American confidence in the justice system is diminished, and distinguished jurists have begun to propose a thorough and complete review and reform of the justice system.

HUMPHREY GOALS

To give as great or greater an emphasis on justice for every American as is now given to social reforms in the areas of health, welfare, etc.

To create an effective federal mechanism for justice reform.

HUMPHREY PROGRAM

Senator Humphrey has introduced a bill for the establishment of a National Institute of Justice, a nonprofit institute to be comprised of the finest legal minds in our Nation, to undertake on a national scale the refinement and reform of our judicial and related processes.

The five major functions of the institute would be:

To survey, collect, analyze, and disseminate information about the operation of all levels of our judicial system, with emphasis on improvements and innovations.

To conduct a study of the causes of delay in the administration of justice, identify the problems, and recommend solutions.

To establish priorities, objectives, and continuing evaluation of the judicial system at all levels.

To conduct research, either directly or through arrangements with institutions of higher education, law schools, bar associations, or other appropriate professional groups, on neglected aspects of the functioning of the judicial system.

To advise, upon request, federal, state, or local public agencies, professional legal societies, and/or members of the bar.

The ultimate aim of the National Institute of Justice would be that of a national focus for a system of justice both fair and efficient, newly rededicated to its own betterment, with strengthened safeguards for the protection of all our rights, and a heightened responsiveness to the age in which we live.

22—LAW ENFORCEMENT

ISSUE

During the first two years of the Nixon Administration, total crime increased by over 22 percent. Crimes of violence were up 28 percent. Robberies were up over 30 percent.

Nearly $2 billion was spent in crime-fighting by the Law Enforcement Assistance Administration, 92.1 percent of the fiscal year 1971 monies never reached local enforcement agencies but were tied up at state or county levels.

In short, the crime problem has been compounded. Massive efforts—Omnibus Crime and Safe Streets legislation and the Law Enforcement Assistance Administration have been established but, in fact, Americans do not feel any more secure on the streets than before these efforts.

HUMPHREY GOALS FOR LAW ENFORCEMENT

An all-out attack on organized crime.

Better training, benefits, and community involvement with law enforcement officers.

Eradicate the sources of hard drugs.

Emphasize training, employment and rehabilitation of convicts.

Effective gun control legislation that gets guns out of hands of criminals but does not penalize the legitimate sportsman.

Speedier trials, equitable bail rates.

Reduce juvenile crime.

HUMPHREY LAW ENFORCEMENT PROGRAM

Correction Systems Reform Act—to upgrade and reform the prison system, including national minimum standards, rights of inmates, grievance procedures.

Juvenile Crime Reduction Act—to reduce the incidence of juvenile crime, create a National Office of Juvenile Justice and Delinquency Prevention.

Drug Cure and Control Authority—to stop the pusher, mount a total effort against hard drugs, and rehabilitate the addict.

Victims of Crime Act—to compensate the innocent victims of violent crime for injuries.

Life insurance for families of public safety officers and firemen killed in line of duty.

Legislation to rid our streets of the infamous "Saturday Night Special," while protecting the legitimate rights of sportsmen to own sporting weapons.

Legislation that would make killing a policeman or fireman a federal crime.

23—DRUGS

ISSUE

The use and misuse of drugs has become a problem pervading almost all parts of our society. The results of drug usage are evident: lives ruined, increase in crime, families torn apart, and in many cases, death.

HUMPHREY GOALS FOR DRUG CONTROL

To search out the hard drug pushers in our country and put them out of business.

To broaden and make more accessible the treatment and rehabilitation facilities.

To begin comprehensive programs of drug education in all of our schools.

To move ahead on drug research.

To emphasize medical and social rehabilitation rather than prolonged incarceration for addicts.

HUMPHREY DRUG PROGRAM

Drug Cure and Control Authority, an independent agency within the Executive Branch to attack the drug problem from all aspects: rehabilitation, treatment, and law enforcement.

Drug Education Act, to provide funds and support staff for drug education programs in elementary, secondary, and college schools.

Increase funding of $160 million for community health centers to increase addict treatment and rehabilitation programs of these centers.

To review penalties for private possession or use of marijuana with a view for decreasing these penalties.

To enlist the support of allies overseas in effective drug control programs at source. And, if there is no cooperation, then to refuse foreign aid to those countries that will not take steps to halt the flow of hard drugs to the United States.

Funding and staffing for centers that would conduct an active programming treatment and rehabilitation of addicted G.I.'s.

24—CIVIL RIGHTS

ISSUE

The Administration's performance in the field of Civil Rights has been hesitant and inadequate. There has been a basic absence of policy towards establishing equal justice and opportunity for all Americans. Civil rights laws now on the books are not vigorously enforced. And there has been a failure to provide the necessary moral leadership to assure the civil rights of all Americans.

HUMPHREY GOALS

Equal economic and job opportunities.

Carry out the mandates of the Civil Rights Acts.

Guarantee every American full rights of citizenship, political representation, and equal protection of the laws.

Break barriers of racial discrimination.

HUMPHREY PROGRAMS

Employment Opportunities Act of 1972, leading to over one million public service jobs.

250,000 youth jobs.

Upgrading of the Equal Employment Opportunities Commission, including

cease and desist orders, adequate funding and staff to reduce the discrimination complaint backlog. Emphasis on appointment of minorities and women to higher positions in government.

Community economic self-development programs, including minority enterprise aid, technical assistance, and adequate capital investment aid.

National Voter Registration Act, to protect and guarantee every citizen effective right to vote.

Adequate housing supply and enforcement of fair housing laws.

Welfare reform, to scrap the present system and federalize the entire public assistance program.

Child development program, to provide adequate day care service and educational development programs.

Humphrey Drug Cure and Control Authority Act, to search out and convict the drug pushers and rehabilitate the addict.

Bail and parole procedure reforms.

Prison system reforms.

Tax reform proposals, including a closing of tax loopholes and a return of money to the local level to reduce property taxes.

Humphrey Poor People's Amendment, to eliminate the poor from federal tax liability.

An expanded health care system, including funding of neighborhood health centers and home health care.

A total program for the elderly, including a 25 percent increase in Social Security, home nutritional care, Medicare and Medicaid liberalizations.

Major program of federal assistance to upgrade schools and advance desegregation, plus sharply increased financial help to college students from lower income families, and to higher education institutions that promote equal education opportunities for minority and disadvantaged youth.

Self-determination for the District of Columbia.

25—WOMEN'S RIGHTS

ISSUE

In our continued striving for a just society we have given too little attention to the repression of our neglected majority, over half of our national population: 104 million American women.

HUMPHREY GOALS FOR WOMEN

A society that will no longer tolerate more than half of its population relegated to second-class citizenship.

A society in which men and women will share more equally in the responsibilities of raising their children.

A society in which men and women can be equally productive participating and efficient members of the American economic, social, and political systems.

A society in which people will change the way they think about the roles of women and men.

HUMPHREY PROGRAM

Professional and comprehensive day care and child development centers available to every woman regardless of income level.

Equal pay for equal work as a basic tenet of our economic system.

Equal access to leadership positions in business, government, and the professions.

Guaranteed maternity leave without loss of position.

Meaningful participation in American politics, as decisionmakers in the Government Cabinet, judicial branch, agencies, and commissions.

Equal rights amendment—to make certain that equal protection under the law is in fact implemented.

Endorse cochairmanships for women at Democratic Convention.

Prohibit sex discrimination in higher education.

Tax relief for child care expenses for working parents.

Continue to advocate, as in the past, the appointment of women to the Supreme Court.

26—YOUTH

ISSUE

The crisis of youth is at once one of direction, one of opportunity, and one of goals. Not all youth are in college and these young workers are too often forgotten by a society that says a college education is the only way to get ahead.

Young people want jobs. They want good health care. They want adults to respect them as persons. And they want to be heard.

HUMPHREY GOALS FOR YOUTH

A voice in the affairs of our Nation.

Opportunity for the kind of education one wants.

A meaningful job, with good pay, interesting work.

HUMPHREY PROGRAMS FOR YOUTH

Two hundred and fifty thousands jobs in neighborhood improvement.

Americans for Domestic Development, a major new service corps to utilize the idealism of American youth to meet the human needs of this Nation.

Community part-time employment program, to provide part-time, odd-job employment for American youth.

Educational scholarships for America's forgotten youth, to focus attention on needs of America's invisible—the more than 8 million young men and women not in college. They should have a fair share in the educational subsidies and privileges enjoyed by college students.

Office of Youth Affairs, to bring the voice of young America into the highest councils of government.

Interns for Political Leadership, to provide opportunities for young people to work as interns in offices of elected local, state, and national officials.

Utilization of Department of Defense training facilities, equipment, staff, and programs for job training and work experience for all young men and women—service and non-service.

National program to focus on job advancement opportunities, and job conditions for young workers.

27—INDIANS

ISSUE

Our nation has never addressed with determination the critical problems of reservation Indians, the Indian family isolated in rural poverty, and the Indian confronting an all-too-often alien culture of the city.

HUMPHREY GOALS

To acknowledge and further the rich heritage this pluralistic nation enjoys in the traditions and values of Indian people.

A totally new national policy toward Indian people, formed with and by Indian people.

A commitment to meet vital needs of Indians in areas of health care, education, employment, housing, and the protection and development of land resources.

HUMPHREY PROGRAM

Support for land resource rights such as "Blue Lake" land in New Mexico and the Alaskan Native Land Claims.

Repeal of the Termination Act affecting the Menominee Indians.

Trust and responsibility extended to all Indian people, regardless of where they reside.

Sufficient funding to fully staff Urban Indian Service Centers. The Bureau of Indian Affairs simply must extend its services to off-reservation Indians.

Implementation of the new eligibility for federal services to off-reservation Indians in urban, rural, and state reservations locations.

Job opportunity and economic opportunity for Indians.

A federal policy of Indian self-determination, without termination of the legal and historical relationship between the Indians and the federal government.

Increase in the health services and housing assistance programs critically needed by Indians.

The establishment of an American Indian Development Bank to assist Indians and Indian tribes in the development of industrial and agricultural facilities and enterprises, and in the development of their natural resources.

28—SPANISH-SPEAKING PEOPLE

ISSUE

America's second largest minority group, the Spanish-speaking people have for too long experienced the harsh realities of discrimination, compounded by language barriers and society's ignorance of and disrespect for their rich and varied cultural heritage. Experience of exploitation and cultural repression are particularly severe for the 15 million citizens of Mexican-American, Puerto Rican, Cuban, and Central and South American origin. The reality of life in the United States for Spanish-speaking Americans is the placement of their children in classes for the mentally retarded because of language difficulties, rampant unemployment, an unbroken cycle of poverty, and grossly substandard housing.

HUMPHREY GOALS

A national policy of commitment to assuring Spanish-surname Americans the equal protection of the laws and the full range of opportunities available to other citizens.

Sustained, high-priority programs by the federal government to carry out this commitment by sharply focusing public attention on these needs, demonstrating equality of opportunity in federal employment and contracts, assuring nondiscrimination in programs receiving fed-

eral assistance, and launching new initiatives to meet the critical needs of Spanish-speaking Americans for jobs at a fair wage, decent housing, and readily available health, education, and social welfare services.

HUMPHREY PROGRAM

Assure Americans of Spanish ancestry a fair share of the more than one million public service jobs that can be provided with the enactment of the Humphrey Equal Employment Opportunities Act. Promote economic self-development in Spanish-American communities.

Sharply focus federal statistical reporting on the critical problems of Spanish-speaking Americans, in line with the legislative demand made by Senator HUMPHREY that the national unemployment rate for this important but ignored population group be published in the regular monthly employment report issued by the Bureau of Labor Statistics, as well as data on the social and economic condition of the Spanish speaking.

Act immediately to end the severe educational handicaps borne by 2 million Spanish surname schoolchildren, by specifically requiring bilingual educational programs, the recognition of Spanish history, heritage, and folklore in school curricula, and the hiring of specially qualified teachers, administrators, and guidance counsellors, who are committed to these goals, as a condition of Federal assistance.

In line with initiatives by Senator HUMPHREY dating back to 1951, concerntrate federal programs and protective measures on meeting the vital needs of migrant farmworkers for fair wages and better working conditions, decent housing and immediately available health and social welfare services, and extensive continuing education opportunities.

Place a major emphasis on extensive child care and development programs vitally needed for Spanish-speaking preschool children and working mothers.

Assure that special attention is given to providing new housing and effective housing management services for Spanish-surname communities.

Establish leadership in the Office of the President in guaranteeing a full range of equal employment opportunities for Spanish-speaking Americans, by appointing Americans of Spanish ancestry at cabinet-level rank and high civil service positions and insuring affirmative non-discrimination compliance efforts as a condition of federal contracts.

29—VIETNAM

ISSUE

President Nixon promised in the Presidential campaign of 1968 that he would end the war 6 months after he was elected. Six months have been dragged out to 3½ years. U.S. troops have been steadily withdrawn, but expenditures in human lives and American treasury continue to remain high. What was once determined to be a limited war for limited purposes in North and South Vietnam has been expanded by the Nixon Administration into a war with heavy American air combat involvement throughout Indochina Peninsula. First there was the invasion of Cambodia starting on April 30, 1970; then there was the South Vietnamese invasion of Laos with heavy U.S. air combat support beginning February 8, 1971; then, the intensification of U.S. bombing in South and North Vietnam and finally, on May 8, the President's decision to mine the harbors of North Vietnam and bomb civilian as well as military targets above the demilitarized zone. In sharp contrast to the military escalation of the war, the President has progressively changed his hard-line diplomatic position to one somewhat more in keeping with the suggestions outlined by the solid Democratic coalition in Congress.

The central question which Vietnam poses today, whether or not a settlement is reached by November, 1972, is what price did Americans, their allies and the Vietnamese people have to pay for the cruel duration of this war? Could President Nixon have terminated American involvement at an earlier date with an agreement to release American prisoners of war and an accounting of our personnel missing in action?

HUMPHREY GOALS

Secure the release of American prisoners of war and an accounting of all American personnel missing in action.

Terminate all U.S. military operations in Indochina.

Bring about complete disengagement of all U.S. Armed Forces from South Vietnam.

Offer assistance in securing a negotiated settlement of the war throughout Indochina.

HUMPHREY PROGRAM

Humphrey's legislative record on Vietnam since his return to the Senate indicates his strong and consistent opposition to the war and his concern about the fate of American POW/MIA's.

Humphrey's proposals on Vietnam have been three pronged:

Terminate all U.S. military operations in Indochina and obtain an agreement on the release of American POW's and an accounting of our MIA's.

Withdraw all U.S. Armed Forces from South Vietnam contingent upon the release of American POW's and an accounting of American personnel mission in action.

Work through the United Nations to obtain a cease-fire in Vietnam and to help resolve the issues which have continued to be an obstacle to the negotiated settlement of the war. In particular, Humphrey has urged the major powers involved in supplying both North Vietnam and South Vietnam with military assistance to implement a moratorium on further military assistance. This moratorium could strengthen any settlement which was finally reached.

30—THE MIDDLE EAST

ISSUE

It has been five years since the outbreak of the "6-Day War," and still the Middle East remains the world's most threatening powder keg, ready to ignite at any moment. The Soviet Union continues to supply Arab countries with provocative weapons, Soviet military technicians, and diplomatic tactics which only serve to bolster their intransigence towards reaching a comprehensive agreement with Israel. It is making economic forays into the Middle East which may strangle the world's fuel supplies. In short, the Soviet Union has assumed an aggressive posture in the Middle East which has muddied the waters for a negotiated settlement and for international cooperation in that part of the world.

HUMPHREY GOALS

To secure a negotiated settlement in the Middle East, as agreed upon by Israel and the Arab countries themselves in keeping with the spirit of UN Resolution 242.

To insure the defense capabilities of the state of Israel.

To achieve a normalization of economic and diplomatic relations in the Middle East and to support UN efforts in this direction.

HUMPHREY PROGRAMS

Humphrey's legislative record has been one of consistency and constancy in his support of Israel, to help Israel maintain its freedom, and in his effort to reduce tension throughout the Middle East. His proposal for achieving a peaceful settlement include the following points:

The United States must convince the Soviet Union to assume a stand-off position in the Middle East and reach an agreement whereby neither country attempts to obstruct negotiations. The Soviet Union must exercise self-restraint, comparable to that of the United States.

Any settlement must establish secure, recognized and agreed boundaries with demilitarized zones to act as buffers between the states in recognition of the territorial sovereignty of all states in the Middle East.

A settlement should also establish effective controls against terrorism and other recurrent violations of international law, an agreement for free navigation in international waterways, compensation and resettlement programs for Jewish and Arab refugees in the Middle East, and recognition for Holy places.

Recognition of Jerusalem as the capital of Israel.

Economic assistance for the settlement of refugees.

Assure the availability through credits of the necessary planes, tanks and defensive weapons vital for the security of Israel.

Insistence that Soviet Union guarantee the right of Soviet Jews to migrate to Israel.

Furtherence of cultural relations with Israel.

31—SPACE

ISSUE

Space exploration and work in the field of astronautics has come under some attack in the debate on national priorities. The Nixon Administration has provided little leadership in defense of this field and in the creation of imaginative programs which have direct application to our needs at home. The Administration has been slow in attempting to promote an array of international programs in the field of space which could benefit all mankind.

HUMPHREY GOALS

A comprehensive space program which integrates scientific discoveries with domestic planning and programs.

Achievement of expanded international cooperation in space for the control of the human environment and its resources.

Stress work in space for peaceful purposes.

HUMPHREY PROGRAMS

Humphrey has always been a vigorous and articulate supporter of space and aeronautics progress with special emphasis on the practical benefits of such developments. As Vice President, he served as the Chairman of the National Aeronautics and Space Administration.

The Humphrey program would:

Support the space shuttle as part of the new phase in manned spaceflights.

Encourage greater cooperation in space, not just with the Soviet Union but other countries as well, on a bilateral and multilateral basis.

Establish an integrated approach to space programs so that there is a direct tie-in to domestic programs in such fields as urban planning, communications, health and rural development.

Apply space technology for a breakthrough in global resource management, beyond the terms set up in the Outer Space Treaty.

Support and encourage the domestic development of space-spawned technological advances such as Communication Satellites, Earth Resources Technology Satellites (ERTS), Nimbus Weather Satellites, advance medical technology improvements, new metals and fabrics, computer advances and medical pacesetters.

32-DEFENSE

ISSUE

This year, the defense budget calls for $83.4 billion, roughly 30% of the total federal budget. This represents a jump of $6.3 billion in new budget authority at the same time that the Administration claims it is withdrawing from Vietnam and halting construction of defensive nuclear weapons. In other words, defense expenditures have absorbed the so-called Vietnam peace-dividend, the savings from the SALT agreements, and then some. Defense planning and strategic thinking has remained static, failing to take account of the latest international diplomatic developments and requirements for our national security.

HUMPHREY GOALS

Establish a long-term defense plan to provide for U.S. national security and to enhance U.S. foreign policy.

Maximize the efficiency of our Armed Forces and our total defense capabilities.

Reform acquisition and procurement procedures in the military to reduce enormous cost-overruns and improve competition for defense contracts.

Concentrate on the pursuit of armaments limitations and disarmament, agreed upon by nuclear and non-nuclear powers.

Reduce overseas bases and military personnel.

HUMPHREY PROGRAM

Humphrey's public career has been dedicated to peace and disarmament:

Delegate to the United Nations in 1956–57.

Author of the bill to establish the Arms Control and Disarmament Agency.

Sponsor of the Limited Test Ban Treaty of 1963.

A leader in the planning and development of the Nuclear Nonproliferation Treaty of 1968.

As Vice President, played a leading role in the creation of a nuclear free zone in Latin America.

Since returned to the Senate, has introduced several important pieces of legislation to help bring a halt to the arms race.

Humphrey's legislative record on defense has been marked by a studied approach to reforming and modifying our defense program.

Voted to cut spending for the overly sophisticated F–14 fighter bomber and the B–1 bomber.

Had legislation calling upon the Department of Defense to make available to Congress a five-year defense budget and to submit an alternative budget for Congressional consideration.

Voted for increased funding of our research and development programs to insure U.S. preparedness.

Humphrey's defense proposals:

Begin comprehensive review of the proper relationship of defense to foreign policy, weapons systems to security requirements, and the structure of our system of defense to battlefield requirements.

Restrict air defense system to a surveillance role while maintaining current programs for the modernization of offensive strategic weapons.

Modest reduction in active duty strength, matched by improved readiness of reserve units.

Provide for a modified aircraft carrier program and tactical Air Force modernization program.

Reduce the ratio of support to combat forces to level in 1968.

Reduce number of overseas bases.

Reduce military manpower to 2.0 million to assure the implementation of an all-volunteer army.

Seek reciprocal reduction of armed forces and armaments in Europe and move ahead for further, more comprehensive arms control agreements.

Tie any reductions in civilian and military personnel, stemming from cuts in our defense programs to comprehensive economic assistance and employment programs.

Establish new acquisition and procurement procedures which would include greater use of competitive prototypes, enforcing fly-before-you-buy provisions, return to the firm, fixed price contracts, reduce in-service rivalry, and simplify weapons to eliminate "gold plating."

33—RESPONSIVE AND OPEN GOVERNMENT

ISSUE

Too many Americans have come to feel that their government is remote from them, that it responds poorly to their needs, and is often closed off to them. Yet, they see the rich and the powerful with almost full access to the decision-making centers of their Government.

The people want to be heard. They want to be listened to. They want to have control over their lives.

Government that does not do so is not government of the people.

HUMPHREY GOALS FOR A RESPONSIVE GOVERNMENT

A government that is open, with open doors, public meetings, and fully explained decision-making consistent with the national interest.

A government that recognizes the neighborhood, the street where people live, as important and crucial to people's lives.

A government that does not try to run everything from Washington.

A government with heart, that feels the pulse of the people, that is an advocate and servant of the people rather than their master.

HUMPHREY PROGRAMS FOR A RESPONSIVE GOVERNMENT

Implementation of the Freedom of Information Act.

White House Regional Ambassadors—as direct representative of the President to cut through the red tape and get programs operating faster.

Creation of the Office of Balanced National Growth and Development.

National Budget—a change in the budgetary process that would make it more open—to bring Governors, Mayors, local officials into the budget process before decisions are finalized.

A comprehensive program to revitalize basic services at the local level—including proposals on housing, neighborhood improvement, transportation, health, education, property tax relief, welfare reform.

Citizen's Committee to Study Congress—a citizen's based committee to launch an indepth study and analysis of congressional procedures with the goal of reform in the policy and procedures.

Tax Expenditure Awareness Act—to provide every taxpayer in the United States a breakout of exactly how his own tax dollars are spent by the Federal Government.

Joint Committee on National Security—to assure coordination and cooperation among both Houses of Congresses in matters of national security.

Humphrey Universal Voter Registration Act—to expedite voting registration.

Direct election of President and Vice President.

A SALUTE TO EDUCATION

Mr. TOWER. Mr. President, the National Education Association is sponsoring a "Salute to Education" during this week and I am pleased to join in this tribute to our Nation's educational system.

As a former university professor, I firmly believe that there is nothing more important to the continued growth and development of our Nation than a strong educational system. In the last few years tremendous changes have been taking place in the system. Because of these changes the educational structure is now in a period of hiatus.

Our public school systems continue to grow in a variety of ways. Over the last school year expenditures have increased by 7 percent even though daily attendance has only increased by a half percent. Interest on the overall school

debt has risen by more than 6 percent. Compounding these conflicting statistics are the recent Federal and State court decisions, one of them in my State, which ruled that the manner is which the public schools are financed is unconstitutional.

All Americans must find common ground in order to meet these challenges. Governments at all levels must join together to improve the quality of our educational system. The Federal Government must play a role in improving the overall quality of the educational system. However, this role should be limited to assisting local communities when those communities do not have at their disposal the resources necessary to make the improvements we all desire.

This Nation has prospered primarily because of the superiority and of our innovative and flexible approach to education. Without local control of our educational system, I firmly believe that innovative and experimental projects will suffer.

Our superior and constantly improving educational system has been made possibe by the unending devotion of local school administrators, teachers, and parents, as well as America's youth. This tribute is to them; and again, I am pleased to be part of it.

ARTS IN OUR SOCIETY

Mr. TOWER. Mr. President, the administration has recently requested a funding level of $39 million for the National Foundation on the Arts, to provide for its continued expansion efforts. One of the primary goals for 1973 is to insure that all Americans have an opportunity to experience a wealth of cultural activities.

State art councils, in cooperation with the endowment, are making great strides toward this objective. Growing professionalism among the directors, the store of information being gathered from our Nation's cultural resources, and the creativity of State council programs, have contributed immeasurably to our understanding and appreciation of our artistic wealth.

Recently, Harold J. Elias, a member of the Texas Fine Arts Commission from Longview, Tex., expressed his thoughts on the arts in our society in an editorial for the Longview Daily News. I ask unanimous consent that the full text of this editorial be printed in the RECORD.

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

WHY NOT BEAUTY?

(By Harold J. Elias)

In any past society or civilization, its evaluation is the result of its thinkers. The social and monetary values come later. These people who look to the future are found in every profession, but in the area of artistic expression there are more who look ahead and re-examine the past for new paths of self expression.

Although this group is small in number these artists, musicians, poets, and dramatists are in many instances more sensitive to their surroundings, and from their observations, talents and imagination, are the architects who advance their art creating beauty to enhance a community, a country, or even the world.

In past civilizations the arts were supported and nurtured by the church and the nobility. These societies recognized that the practitioner could not make a living then, and there is no reason to believe he can make a living at it today. Many play the violin, piano and guitar, many write and put paint on canvas; this does not make them musicians, poets, dramatists or artists. Art is a world of talent, knowledge, intensive training and experience, and few people ever produce that quality, to be called artists. There are practitioners who make money in the arts, but these are not necessarily artists.

Artists such as Da Vinci, Michelangelo, Mozart or Beethoven, were not always understood in their own time, because their intelligence and creative powers were beyond the average citizen then, and possibly ahead of many even today. There have been artists like Schubert and Van Gogh who produced great works of beauty, but died as paupers unrecognized. Why? Because they were judged by those who did not have the knowledge or ability to understand creative progress.

Centuries ago various societies realized that the artists should be subsidized as the teachers and preachers are today. The nobility and church wanted beauty to enhance their lives, so they saw to it that the artists had the necessary items and commissions to put their creative talents to work. They also gave respect and recognition to creative talent.

The revenue of a community is the total collected taxes from all its citizens. Such revenue must be used intelligently and effectively for the good of the whole community. With this money we build roads, build schools and public buildings. This revenue comes from those contributing who may not be using these roads, have no children to send to school or do not use our public buildings.

Why do we hesitate when it is suggested we maintain a symphony, a threatre or a Civic Center? Because only a handful of people like symphonic music or because only a small group would use a Civic Center? No, only a handful of people use a certain street in our town, but it is built. When will it be that we can put beauty and creative activity on a par with building a street or a public building?

Beauty is found in a good painting, an inspired symphonic concert and a fine theatre production; these belong to and are yardsticks by which to measure a community. A city can by its own efforts lift itself to produce a Civil Center which can have, as only one of its activities, that of being cultural hub of its part of the state. With only a few people to teach and a gentle persuasion to others to see and hear these things, life will gain a quality of stature in this community which will never be the same.

Man can see the real value of the arts, and never be alone, when he can sit down with a good book, enjoy a fine play, listen to great music and be in the company with the great intellects who created it. God has blessed us with these gifts through talented writers, musicians and artists. Make use of them, give your life a dignity and quality you would not have if they were not available. This cultural uplift is just as important to a community as schools, churches, streets, the fire and police departments.

We can, as a unit, use our collective means to produce those things which will give us new horizons to beauty which will excite the mind and the soul. By uniting, I mean beauty is for everyone, not intended for the sophisticated, the diamond or mink crowd or the odd balls; beauty is that glorious quality which can be enjoyed by all.

If you are not aware of this then you are missing one of the great glories of being alive. Longview must see to this for her people. And the people in Longview must see to this for themselves in order that future generations can prosper.

Our future will not be remembered by our social or monetary values. It should be for the future generations to discover how great we were to produce such beauty.

CAUSTIC DETERGENTS

Mr. HARTKE. Mr. President, on October 1 of last year, I introduced an amendment to the Federal Hazardous Substances Act which would have made it clear that the Secretary of Health, Education, and Welfare has the authority to ban or otherwise restrict the sale of caustic household detergents.

My bill was introduced in response to the conflicting statements of administration officials on the question of so-called caustic, nonpolluting detergents versus those detergents which are harmful to our environment. At the time of introduction, I stated that HEW could solve this dilemma by requiring all caustic detergents to bear an appropriate label stating their potential hazard to human health. My bill further provided funds to develop a "childproof" type of container for household detergents to prevent their misuse by children.

To date, no action has been taken, yet a recent article in the Washington Post makes it clear that caustic detergents are extremely hazardous. To permit their unrestricted marketing is to fly in the face of the Federal Hazardous Substances Act.

Mr. President, I call for congressional action to end this serious danger—a danger which is present in millions of American households—and ask unanimous consent that the article be printed in the RECORD.

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

CAUSTIC DETERGENTS ARE SECRETLY SHOWN TO CAUSE BLINDNESS

(By Morton Mintz)

Evidence that a group of household detergents with a small but growing share of the market causes blindness in laboratory animals has been gathered but not disclosed by the Department of Health, Education and Welfare, The Washington Post learned yesterday.

The detergent group, the caustics, poses a hazard primarily for children too young to read the warning labels required by the Food and Drug Administration.

Tests showing that the caustics, which contain little or no phosphate, can cause blindness were done by the National Institute of Environmental Health Sciences at the request of Surgeon General Jesse L. Steinfeld.

The director of the institute, Dr. David Rall, declined to comment. Dr. Merlin K. Duval Jr., assistant secretary of HEW for health and scientific affairs, directed Rall not to disclose the test results—even to Dr. Steinfeld, it was learned.

Steinfeld, who has been at odds with HEW on several issues, set off a flap last September when he advised housewives to use phosphate detergents or soap in preference to the caustics.

He warned that caustics threaten toddlers with a "serious risk of irreversible loss of sight, loss of voice, ulcerations and blockage of the esophagus, severe skin burns and even death."

About 3,900 children a year are reported to eat detergents, although many times that number of cases are believed to go unreported. Extremely few cases of blindness associated with the products are known—but the FDA has never required reporting of eye damage.

In the new studies, however, researchers found that while all detergents cause inflammations in the eyes of rabbits, only the caustics cause permanent damage and blindness.

One qualified source told a reporter that irreversible blindness in a child that touched a caustic detergent to its eyes could occur even if the eyes were to be rinsed a few minutes later.

The FDA, in a report last year on 39 detergents of the caustic and high-phosphate types, said that all of them caused inflammations lasting three days.

Some HEW scientists have complained privately that the FDA insufficiently emphasized the danger from the caustics, despite abundant evidence that it should have done so.

Malcolm W. Jensen, director of the agency's Bureau of Product Safety, said last night that the FDA will propose new regulations this week to require manufacturers to test detergents in rabbit eyes for at least seven days. In the new tests, some cases of blindness were not found until about 14 days, it was learned.

Environmentalists oppose phosphate detergents on the grounds that they cause lakes and rivers to die—a problem Steinfeld has urged be solved with sewage treatment.

Another form of detergent, the so-called NTAs, cause neither blindness nor the death of waterways, but, scientists say, have not been shown to be free of a potential to cause cancer or other serious adverse effects.

MEAT PRICES

Mr. TOWER. Mr. President, today, President Nixon announced his decision to relax meat import quotas in an attempt to increase supply and to meet current demands for beef. Meat prices have been the subject of considerable debate over the past few months. I have opposed increasing meat import quotas and I remain opposed to that action. But we may be faced with raising imports or accepting price controls on raw agricultural products. I see raising imports as the lesser of the two evils.

Price controls on farm produce will not stop the rise in food prices. This is because the basic problem for rising food prices is not on the farm. Farmers are currently receiving about the same price for their products as they were receiving approximately 20 years ago, even though production costs have risen considerably. A possible result of price controls on raw agricultural products is food shortages. We cannot expect the farmer to continue to produce, if he must do so at an economic loss. The profit ratio for American farmers today is already razor thin. Our farmers have been producing over the past many years in an economic climate which reflects the high labor and manufacturing costs of America and simultaneously an economic climate which force their products to compete for sales against foreign produce grown with far less overhead.

U.S. Department of Agriculture and Department of Labor statistics show the plight of the farmer and rancher who produces beef:

The U.S. average wholesale price received by the farmer for all grades of beef cattle in 1951 was $28.70 per hundredweight. Preliminary estimates are that the comparable figure for 1971 was $28.80.

Meanwhile, average hourly employee earnings in the meatpacking industry were $1.56 in 1951, and $4.17 in 1971.

The U.S. average retail price to the consumer in the grocery store for roundsteak in 1950 was 93.6 cents per pound, compared with an estimated 136.1 cents per pound in 1971; and for hamburger the 1950 price was 56.5 cents per pound, compared with 68.1 cents per pound last year.

A one-tenth cent per pound rise in the cost of live cattle simply cannot, by itself, cause a 42.5-cent rise in the consumer price of roundsteak. The cause of high food prices does not lie with the farmer and rancher.

The American farmer has proved to be one of the Nation's most efficient producers. He has never yet failed to meet the demands of the American people for more and better food. I am confident that, without price controls, he will continue to meet growing food demands. But to insure a sufficient supply of food and fiber, we must allow the farmer to make a profit. Price controls on raw agricultural products may erode what is already a very thin farm profit margin. If we act to deny the farmer a profit, we may very well face food production shortages. Drastic measures to control beef and food prices might place us in a new and dire situation; one in which sufficient food is not available at any price.

Today, we are experiencing an increasing demand on the part of consumers for the better cuts of meat. As that demand grows, and as more consumers choose to buy more of the better cuts and less of the cheaper cuts, the price of those better cuts goes up, and this rise contributes to an overall rise in consumer food prices. But a large part of the reason for the increase in demand for the better cuts of meat is the fact that more families are now able to pay the higher prices of these better cuts. Consumers do not suddenly develop a preference for steak over hamburger. They have had that preference all along, but now more of us are achieving the income levels which allow us to buy more steak.

Although most consumers are now spending more dollars in the grocery stores, most consumers are also paying a smaller proportion of their disposable income there.

Price controls on raw agricultural products may temporarily lower the food prices, but such an action might very well lower the supply of food, perhaps drastically. The President noted in his recent news conference that price controls placed on items in short supply can result in black marketing. We must avoid that possibility.

We should be pleased that the incomes of Americans is such that the demand for better, more expensive, cuts of meat are going up. And we should be pleased that the American farmer is producing sufficient quantities so that our population can be fed better than it ever has been. But it would be a grave mistake to impose price controls which might jeopardize our food supply by further diminishing farm profit margins.

An increase in meat imports, undesirable as I think they are, will increase meat supplies. Hopefully this action will enable us to avoid any temptation to impose price controls on raw agricultural products.

LAW ENFORCEMENT PROFESSIONALISM

Mr. HARTKE. Mr. President, a recent article entitled "Indiana Puts Police Work in College," published in the Christian Science Monitor, demonstrates some of the activity in my home State of Indiana to professionalize law enforcement. Although courses in police administration have been taught at Indiana University for some time, recent changes and innovation have expanded the value of the police curricula. A new cadet program and additional courses insure that a graduate will be amply qualified to enter the field of law enforcement.

The program at Indiana University typifies the degree of professionalism that we must achieve if law enforcement is to keep pace with its increasing demands and public expectation. Last fall, upon introduction of S. 2540, I stressed the need for such activities, to be the positive impetus needed to upgrade law enforcement.

We must realize that adequate protection of citizens will not be accomplished by a bumper-strip war against crime. It will be met only through the application of the most sophisticated methods in the fight against crime. S. 2540 projects massive national action like that at Indiana University as the means to provide the citizens of our Nation with the best law enforcement protection possible. The citizens of this country deserve and desire a new standard of excellence in law enforcement.

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

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

INDIANA PUTS POLICE WORK IN COLLEGE

(By Harold F. Bennett)

BLOOMINGTON, IND.—Indiana University has woven the goal of upgrading the professional status of the policeman into its curricula—a new program aimed at giving students who sign up for it a background in law enforcement.

Some courses in police administration have been taught at the university since 1935, but additional courses and a new cadet program have expanded these to provide students with a background of practical experience before they graduate from college.

"Innovative and practical," is the description Robert K. Konkle, superintendent of the Indiana State Police Department, applies to the cadet program. "It should produce the kind of leaders so critically needed in law-enforcement work."

Indiana University students who enter the cadet program fulfill the requirements for a standard university degree. But to be eligible for the program, they must complete their freshman year and must major in subjects related to law enforcement—education,

forensic studies, sociology, data processing, and management.

TRAINING SKETCHED

When they graduate, they offer prospective employers—in addition to the college degree—the equivalent of six months at a police academy and one year of on-the-job training.

Three summer sessions supplement the regular academic courses. Orientation soon after acceptance lasts about one month. Eight weeks of training during the following summer fulfills the minimum requirements of the Indiana Law Enforcement Training Board.

Cadets work and train approximately 20 hours a week with the university safety division. As sophomores, they wear blue slacks and blazers with a distinctive emblem while on duty. At games, concerts, and other public events, as well as during rush hours, some help to direct traffic. Others assist in communications or record keeping, at information centers, or on security patrols. During this period they have no authority to make arrests.

Juniors and seniors are commissioned as full-fledged (but part-time) uniformed police officers. The corps is part of a reorganization offering extended safety services to the entire student body.

Cadets are paid for the police training courses as well as for their working hours. By graduation they may earn up to $7,000. Several scholarships based upon financial need can be earned.

Four of the 37 members of the first class are women. The female role in law enforcement is the subject of a current research project.

Two former policemen are among the students. Roger Allton was a patrolman for more than four years in Greendale. John Bowman also served approximately four years with an Indiana police department. He was a technician in Richmond. Cadets Allton, Bowman, and 11 other military veterans are enrolled under the GI Bill of Rights.

HOW PROGRAM STARTED

The cadet corps is the idea of Irvin K. Owen, appointed university director of the Office of Safety last year. His 23 years with the Federal Bureau of Investigation have enabled him to work closely with police and sheriffs throughout Indiana.

Assistant Director J. Russell Prior, while on loan to the Agency for International Development, taught law enforcement in Brazil, Jordan, and Thailand.

A major share of financing for the cadet program is from federal grants channeled through the Indiana Criminal Justice Planning Agency.

Safety division officials double as faculty members of the university police academy. Part of the appeal of the new program comes from their diversified experience. Besides Mr. Owen, a retired FBI agent, and Mr. Prior, a state policeman for 15 years, faculty include George E. Huntington Jr., city police chief, Ronald F. Bryant, sheriff's executive officer, and James L. Kennedy, county coroner's chief investigator. Guest lecturers also share their expertise.

AWARD TO DR. ROBERT A. BOTTENBERG

Mr. TOWER. Mr. President, on May 3, Dr. Robert A. Bottenberg, at the annual meeting of the President's Committee on Employment of the Handicapped, received the President's Trophy as the Handicapped American of the Year.

Dr. Bottenberg suffered loss of sight, taste, smell, and partial hearing when he was struck by an artillery shell fragment during an assault operation with the 63d Infantry Division in Germany in 1945.

As Sydney Smith said:

A great deal of talent is lost in this world for the want of a little courage.

Dr. Bottenberg has far more than "a little courage." Today he is chief of the Computer and Management Sciences Branch of the U.S. Air Force Human Resources Laboratory at Lackland Air Force Base, Tex. In this position, he manages over a hundred professional and technical personnel.

I ask unanimous consent to have printed in the RECORD the transcript of a speech delivered by Max Robinson, WTOP–TV "Eyewitness News," at the presentation ceremonies in which he describes Dr. Bottenberg's life of courage and determination. He is an inspiration, not only to other handicapped individuals, but to all Americans.

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

A TRIBUTE TO COURAGE

(By Max Robinson)

"Well, Andy, it looks as if I'll have to start over."

These were the first words of a newly-blind soldier to the friend who had dragged him from the path of exploding mortar shells. It was just one day after both men had been wounded in an assault on German fortified positions east of the Rhine River, in the year 1945. The place was a field hospital where casualties of the U.S. Army's 63rd Division had been rushed for medical care.

The private first class who made this statement was 21-year-old Robert A. Bottenberg, whom we honor today as Handicapped American of the Year.

Fate, or the hand of God—call it what you will—had brought him blindness on the battlefield. What had brought him this acceptance of his state, the recognition that one life had been shattered and another must be built?

Mankind calls it courage, which we revere, strive for and can never fully comprehend. To help us understand its embodiment in Robert Bottenberg, we must start at the beginning.

Robert was born in Kansas City, to Grace and Homer Bottenberg. They were wise and loving parents, who encouraged their son's eagerness for learning, his enthusiasm for athletics, camping and nature and his interest in church and Boy Scout activities. Academically, he was at the head of his class, and he excelled in baseball, football and other sports.

Although an only child, he had warm ties to cousins and others in a close family relationship, and many friends.

After high school, Robert went to Kansas City Junior College, with the intention of majoring in chemical engineering. But World War II broke out and he joined the service. He trained with the 63rd Infantry Division in Centerville, Mississippi, and left for Europe in 1944, to see action in France and Southern Germany.

He was a good soldier, his platoon leader recalls, and well liked by his buddies and superiors. He had a habit of saying, "If I get back to Kansas City, I'm going to marry Gene." Gene Laffoon was a girl who went to his church at home, and to the same junior college.

Six months after he arrived in Europe, Robert Bottenberg's optic nerve was destroyed by a shell fragment that pierced his left temple, passed behind his forehead and lodged against his right temple. In addition, he suffered considerable facial damage, some loss of hearing and lost his sense of smell.

And it was on the next day that he said: "It looks as if I'll have to start over."

The first month was grim. Robert was transferred from the field hospital to a hospital in Paris, where the emphasis was on medical treatment, with no attempt at rehabilitation. Then, he was flown to Dibble Hospital, Minelo, California, which specialized in treatment of eye injuries.

This is where Robert's new life began. He was taught to do many things, and new ways of doing others. He learned braille, typing and how to travel. A friend who went to see him reported: "At the end of the visit, Bob said, 'Take my arm and I'll get you out of here.' When he said that, I knew he'd never have a problem."

Three months at Dibble were followed by stays at other hospitals for plastic and medical surgery and a final period of concentrated rehabilitation.

Recalling this time of his life, Robert Bottenberg says: "While I was still undergoing medical treatment, I made the decision to go to college. It was really only a question of how I was going to school, not whether I was." He was encouraged in this decision by the doctors and other staff at the hospitals where he convalesced.

In July 1946, Robert was separated from the Army, returned to Kansas City and in the same month, keeping his promise to himself, he married Gene.

They moved to Columbia, where Robert attended the University of Missouri. He had given up the idea of becoming a chemical engineer, realizing that blindness would limit participation in laboratory work, and decided instead on a degree program in psychology, with the tentative goal of teaching at the college level.

Under Public Law 16 which applied to disabled veterans, he was able to hire sighted individuals to read his text book assignments for recording on a sound scriber. He took lecture notes in braille, which Gene, too, learned. And she was a readily available reader. Another help was a keen memory which Robert further developed, along with his reasoning powers, by doing calculus problems in his head.

In two years he earned his BA degree, graduating Phi Beta Kappa. Next came a non-academic achievement—the first of the Bottenberg's three daughters, born in 1949.

Robert earned his MA degree the following year and the family moved to California. At Stanford University he began to work toward his PhD in psychology, with a minor in mathematical statistics. By a quirk of fate, the Bottenberg apartment was in a building that once had been part of Dibble Hospital, where Robert's new life had started just five years earlier.

By 1953, he had finished the written part of his thesis and his faculty adviser, impressed by his brilliance, contacted the Air Force's Personnel Research Laboratory at Lackland Air Force Base, San Antonio, Texas, and recommended Robert for employment there. That same year, he started work at Lackland. Four years later, he completed his thesis and was awarded his PhD.

During his years at Lackland, Dr. Bottenberg had climbed steadily up the career ladder, enriching his background by attending seminars and courses in computer sciences, mathematics, statistics and psychology. In 1963, with Joe H. Ward, Jr., he co-authored a book, "Applied Multiple Linear Regression," which is a classic in the field of applied statistical techniques.

Today, he is Chief of the Computer & Management Sciences Branch, Personnel Research Division, Air Force Human Resources Laboratory. In this capacity, he manages a work force of over 100 professional and technical personnal engaged in the solution of

Air Force personnel management problems. He is the focal point in the Air Force for the formulation and development of mathematical models of its personnel system. He also acts as consultant on scientific and operational operations to Federal agencies, educational institutions and research foundations

Impressive as his academic and professional achievements are, they reflect only part of the man who is Robert Bottenberg.

When called upon by the Texas Commission for the Blind, he tutors blind youngsters in mathematics and braille, and helps them adjust to their handicap. He encourages and inspires blind veterans at Brooke General Hospital, where they undergo medical treatment before receiving rehabilitation. He has served as president of the Blinded Veterans Association, was a member of the Advisory Committee for the Blinded Veterans Research Project carried out by the American Foundation for the Blind, and serves on the Advisory Committee to the Sensory Aids Evaluation Research Center at M.I.T.

In his community, he belongs to the Kiwanis, and is on the session of the Grace Presbyterian Church, where he and his wife teach in the church school. No doubt because he is the father of daughters and Mrs. Bottenberg remains active in the Girl Scouts, he is as enthusiastic a spokesman for Girl Scout cookies as can be found anywhere.

He is a father who built a playhouse for his girls when they were small, and played and went bike riding with them. He never tired of their constant "What's for dessert?" query, which he answered with "Chocolate covered nails" until the night they persuaded their mother to serve exactly that.

He taught his wife and one of his daughters to drive a car, and when someone asked in amazement, "How could you do that?" he replied: "It didn't bother me a bit. I couldn't see a thing."

With Mrs. Bottenberg he enjoys theatergoing, dining out, bridge, and working in the garden. And in their garage is a bicycle built for two.

Dr. Robert A. Bottenberg—soldier, scholar, scientist, citizen and family man—we pay tribute today to your courage, your achievement and your humanity, and we salute you as Handicapped American of the Year.

JOHN PAUL VANN

Mr. TOWER. Mr. President, John Paul Vann, probably more than any other American, symbolized the U.S. commitment in Vietnam. For 11 years he served as a leader, an adviser, and a fierce proponent of the American effort to prevent a Communist takeover of South Vietnam, never wavering in his belief that the South Vietnamese could and would defend themselves.

Rising from the military rank of lieutenant colonel, Vann, at his death was the third-ranking American in Vietnam, serving as chief U.S. adviser in the military region II. He was flying to the embattled provincial capital of Kontum when the crash of his helicopter took his life.

John Paul Vann was a man so committed to his responsibilities, to the South Vietnamese, and to his own country, that he took risks daily which others found unacceptable. He inspired leadership, courage, and confidence in those around him. He commanded a respect unequaled in South Vietnam.

Mr. President. the death of John Paul Vann is a crushing blow to those of us who knew him and respected him. At Arlington Cemetery R. W. Komer captured the very spirit of the man in a brief but stirring tribute to this extraordinary American. I ask unanimous consent that the tribute of Ambassador Komer to John Paul Vann be printed in the RECORD.

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

A TRIBUTE TO JOHN PAUL VANN

For me, as I suspect for most of you, it's hard to believe that John is dead. His mortal remains may lie here before us—but they can't evoke the courage, the spirit, the exuberant energy, the earthy vitality, the sheer gutsiness of the John Vann we knew.

To us who worked with him, learned from him, and were inspired by him, he was that scrawny, cocky little red-necked guy with a rural Virginia twang—always on the run like a human dynamo, sleeping only four hours a night, almost blowing a fuse at least twice a day, knowing more than any of us about what was really going on, and always telling us so. And any of us with his head screwed on right invariably listened.

That's the John Vann we remember. He was proud to be a controversial character—a role he played to the hilt.

I've never known a more unsparingly critical and uncompromisingly honest man. He called them as he saw them—in defeat as well as victory. For this, and for his long experience, he was more respected by the press than any other American official. And he told it straight to everyone—not just to them or his own people, but to presidents, cabinet officers, ambassadors and generals—letting the chips fall where they may. After one such episode I was told (and not in jest) to fire John Vann. I replied that I wouldn't—and couldn't; that in fact if I could only find three more John Vanns we could shorten the war by half.

If John had few illusions, he also had no torturing doubts about *why* he was in Vietnam—to help defend the right of the South Vietnamese people, whom he loved, to live in freedom. He probably knew more Vietnamese and worked more closely with them, sharing their trials as well as their joys, than any other American. He was more at home in the hamlets, where he so often spent the night, than in the offices of Saigon.

But John was more than a talented advisor. In uniform or out, he was a born leader of men. Personally fearless, he never asked anyone else to do what he wouldn't do himself. To him the role of a leader was to lead, regardless of the risk. He was the epitome of the "can do" guy. And I've never met one among the thousands of men who served with or under John who didn't admire him. He educated and inspired a whole wartime generation of Vietnamese and Americans—as our teacher, our colleague, our institutional memory, our hairshirt, and our friend.

But John's greatest achievement, which he fortunately lived to see come close to fruition, was to play a major role in shaping a more rational South Vietnamese response to internal rebellion and external attack. He passionately believed that the South Vietnamese could win their own war and that the belated pacification effort to which he contributed so much was essential to achieving that goal. Long a prophet without honor among his own colleagues, he ended up a widely influential member of the top U.S. advisory team—able to practice what he so ardently preached. When I last visited him this February in Kontum, Pleiku, and Bin Dinh, he felt we had finally achieved a high degree of security and development in the countryside, and was confident that Hanoi's pending use of its only remaining option—bringing down the rest of its regular army—would fail to reverse this trend.

I am sure John died the way he would have preferred—in action, again putting his finger in the dike—en route to buck up the defenders of Kontum. In his last letters he forecast that Kontum would hold. As so often, he seems proved right again.

It's also fitting that John should lie in Arlington, among our nation's fallen military men. For he was the highest type of professional soldier, whose last tour fulfilled his secret longing to be back in command of American troops. But John was more than a professional soldier—he understood well that firepower alone was not the answer to Vietnam's travail—and few did more to protect and build. Let us hope that his real monument will be the free and peaceful South Vietnam for which he fought so well.

Yet whether or not this tragic conflict ends with that aim fulfilled, all of us who served with Vann will long remember him. He is not a man who will be easily forgotten. So we salute one of the authentic heroes of a grim unpopular war, who gave all of himself to the cause he served, finally even his life. No, we shan't forget you, John. You were the best we had.

OMNIBUS CRIMINAL JUSTICE REFORM AMENDMENT OF 1972

Mr. MATHIAS. Mr. President, S. 3492, the Omnibus Criminal Justice Reform Amendment of 1972 was introduced on April 12, 1972. At that time, the text of the bill was not inserted in the CONGRESSIONAL RECORD. However, due to its popularity, I now ask unanimous consent that the full text of the bill appear in the RECORD. I urge Senators to read the bill, and on behalf of myself and the 12 sponsors of S. 3492, we welcome any additional cosponsorship.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Criminal Justice Reform Amendment of 1972".

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds that—

(1) the ever-increasing number of serious crimes committed in the United States, the backlog of criminal cases in the courts, and the overcrowded and inadequate conditions of correctional institutions are such that only comprehensive reform can achieve a truly adequate system of criminal justice in the United States;

(2) effective control and prevention of crime can best be attained if States and localities adopt comprehensive criminal justice reforms, including reforms in recruiting, training, compensating, and supervising police and other law enforcement personnel, expediting and improving criminal court procedure, and strengthening correctional systems;

(3) the recommendations of the President's Commission on Law Enforcement and the Administration of Justice, together with the planning and recommendations of a number of State planning agencies and commissions and other agencies, provide an excellent basis for the adoption of such reforms;

(4) the responsibility for law enforcement and the administration of criminal justice is essentially the responsibility of State and local governments, but the Federal Government has a responsibility and a unique opportunity to provide financial and technical assistance to encourage comprehensive criminal justice reform;

(5) the security, economic stability, peace, and tranquility of many of the cities of the Nation are threatened by an alarming rise

in the commission of serious crime, and by an incidence of personal injury and death from crime which is higher in the United States than in any other industrial nation in the world;

(6) the only genuine, long-range solution to the problem of crime is (A) a comprehensive approach to the causes of crime and the conditions which breed despair and social and economic deprivation, (B) a more effective and better equipped law enforcement capability, (C) a vastly improved correctional system which actually rehabilitates a significantly larger number of offenders than are currently being rehabilitated under present programs, (D) a more efficient court system, adequately supported by the collateral services so vital to the effective administration of justice, including the prosecution, defense, probation, and parole of offenders, and (E) a more effective treatment and comprehensive, rehabilitation of individuals who are addicted to narcotic drugs, particularly heroin, together with the elimination of the illicit sources of supply of such drugs;

(7) experience has shown that the development, administration, and delivery of effective programs designed to bring about reform of the entire criminal justice system pose extremely difficult, complex, and long-term problems for the offender, the State, and the local community;

(8) the escalating rates of violent crime, particularly within the victim communities of the economically disadvantaged in our major cities, require emergency financial assistance designed to bring about some reasonably rapid reduction in the level of crime;

(9) the crime rate in the United States would drop significantly if most convicted criminal offenders returned to the community as responsible citizens;

(10) a substantial percentage of convicted criminal offenders become recidivists, and for many such offenders, correctional institutions have often been a detriment to rehabilitation;

(11) a large proportion of convicted criminal offenders come from backgrounds of poverty and are members of groups that suffer from economic and social disadvantages;

(12) recidivism will be reduced among convicted criminal offenders who are offered vocational rehabilitation and training so that they may obtain and hold decent jobs;

(13) a major commitment by the Federal Government, including assistance to the State, is necessary to marshall the Nation's educational, training, vocational rehabilitation, and employment resources to institute an adequate and effective program for the rehabilitation of convicted criminal offenders;

(14) a reorganization of the Federal departments and agencies dealing with people, probation, and other activities relating to the disposition of Federal offenders is necessary to insure a unified and coordinated approach to the rehabilitation of such offenders, and the protection of society; and

(15) the Federal Government has unique responsibility for formulating coordinated Federal corrections policies with regard to prison construction, the appointment and training of corrections personnel, pretrial and posttrial release programs, alternatives to incarceration, the establishment of a national clearinghouse and study center for corrections, and other similar activities.

DEFINITIONS

SEC. 3. As used in this title—

(1) "administration" means the Law Enforcement Assistance Administration;

(2) "administrator" means the Administrator of the Law Enforcement Assistance Administration;

(3) "criminal offense" includes juvenile offense, except as otherwise specified;

(4) "locality" means any city or other municipality (or two or more municipalities acting jointly) or any county or other political subdivision or State (or two or more acting jointly) having general governmental powers;

(5) "Federal agency" means any department, agency, or independent establishment in the executive branch of the Government, including any wholly owned Government corporation; and

(6) "State" means each of the several States of the Union, and the District of Columbia.

TITLE I—GRANTS FOR CRIMINAL JUSTICE REFORM AMENDMENT TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 101. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended at the end thereof the following:

"PART K—GRANTS FOR COMPREHENSIVE CRIMINAL JUSTICE REFORM

"SEC. 701. It is the purpose of this part to encourage States and units of general local government to develop comprehensive programs to strengthen and reform the criminal justice system within the State.

"SEC. 702. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the administration establishes under section 704 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the administration for that fiscal year in accordance with section 302 of this title.

"SEC. 703. The administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive approach to a statewide program of criminal justice reform, including construction, acquisition, or renovation of facilities and improvements of practices in and throughout the State to recruit, train, compensate, and supervise police and other law enforcement personnel; expedite and improve criminal court procedures and strengthen correctional systems;

"(2) provides satifactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurance that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis of the development of statewide cooperation with all units of local government to facilitate criminal justice reform within the State; and

"(5) complies with the same requirements for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303.

"SEC. 704. The administration shall by regulation prescribe basic criteria for applicants and grantees under this part, and such regulations shall include the following:

"(1) such State and each such locality within such State eligible to receive assistance under this title must establish with respect to police and other similar law enforcement personnel—

"(A) standards for recruitment which are uniform throughout the States;

"(B) appropriate educational requirements for advancement which are uniform throughout the State;

"(C) beginning compensation and increases in compensation which are appropriate for a professional, considering the size of the community and the cost of living in the community in which such personnel serve;

"(D) a retirement system that is uniform throughout the State, and a statewide pension plan for such personnel;

"(E) to the extent possible, uniform promotional policies for such personnel throughout the State;

"(F) to the extent appropriate, standard operational procedures for such personnel throughout the State;

"(G) lateral entry between law enforcement agencies of each locality within the State and between Federal, State, and local law enforcement agencies located within the State, with appropriate conditions on the period of initial service for such personnel; and

"(H) facilities offering short-term mandatory training for all such personnel within the State;

"(2) each such State and locality within such State having jurisdiction over the trial of criminal offenses must implement such necessary reforms as will insure that (A) the trial of all such offenses (excluding juvenile offenses) will be commenced no later than sixty days from the date on which the defendant was charged by the authorities with such offense, whichever occurs first, and (B) the charges will be dismissed with prejudice for failure to comply with the requirements of this paragraph, except that the administrator shall, by regulation, provide for the exclusion from such sixty-day period of any periods of delay that he designates as may reasonably be necessitated in the interest of justice; and reforms under this paragraph may include, without limitation—

"(i) increasing the number of judges trying criminal offenses;

"(ii) improving the efficiency of criminal court procedures;

"(iii) appointing professional court administrators; and

"(iv) increasing personnel engaged in prosecuting and defending criminal cases;

"(3) each such State and, where appropriate, each such locality within such State eligible to receive assistance under this title—

"(A) shall establish a system for classifying persons charged with, or convicted of, criminal offenses so as to permit individualized treatment and security standards appropriate to the individual;

"(B) shall establish a range of correctional facilities that are adequately equipped and staffed to treat the particular classifications of inmates assigned there, including small-unit, community-based correctional institutions;

"(C) shall provide comprehensive vocational and educational programs designed for the special needs of rehabilitating each class of persons charged with or convicted of criminal offenses;

"(D) shall provide separate detention facilities for juveniles, including shelter facilities outside the correctional system for abandoned, neglected, or runaway children;

"(E) shall establish standards applicable throughout the State for local jails and misdemeanant institutions to be enforced by the appropriate State corrections agency;

"(F) shall provide parole and probation services for felons, for juveniles, for adult misdemeanants who need or can profit from community treatment, and supervisory services for offenders who are released from correctional institutions without parole;

"(G) shall establish caseload standards for parole and probation officers that vary in size and in type and intensity of treatment according to the needs and problems of the offender;

"(H) shall establish statewide job qualifications and compensation schedules for correctional officers, including probation and parole officers, along with a mandatory system of inservice training; and

"(I) shall develop and operate programs of treatment and rehabilitation for persons suffering from alcoholism and drug abuse, available both to inmates and as an alternative to incarceration;

"(4) each State eligible to receive assistance under this title shall have under study by an appropriate and responsible group for consolidation of law enforcement agencies within such State best suited to the particular needs of that State; and will report to the administrator on its findings not later than two years following the approval of its State plan;

"(5) each State and locality eligible to receive assistance under this title must have under study by appropriate and responsible group the application of the criminal laws, as well as the propriety of the application of such laws to—

"(A) alcoholism and drunkenness;

"(B) narcotics addiction and drug abuse;

"(C) gambling;

"(D) vagrancy and disorderly conduct; and

"(E) such other related areas which the State deems appropriate and will report to the administrator on its findings with respect to such matters not later than two years after the approval of its State plan.

"SEC. 705. The administration may, by regulation, waive some of the basic criteria, whenever the administrator deems that to do so would permit a less densely populated State to participate and would further the objectives of the Criminal Justice Reform Amendments of 1972.

"SEC. 706. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the administration as follows:

"(1) 50 per centum of the funds shall be available for State planning agencies; and

"(2) the remaining 50 per centum of the funds may be made available, as the administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. No funds awarded under this part may be used for land acquisition.

"SEC. 707. (a) The administration is authorized to make grants to and to provide technical assistance to States and to localities in accordance with the provisions of this part, beginning July 1, 1972, and ending

"(b) There is hereby authorized to be appropriated $300,000,000 to carry out the purposes of this part."

TITLE II—URBAN CRIME REDUCTION

SEC. 201. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is further amended by adding at the end thereof the following:

"PART L—EMERGENCY URBAN CRIME REDUCTION GRANTS

"AUTHORIZATION

"SEC. 801. (a) There is authorized to be appropriated to carry out the provisions of this part $300,000,000 for the fiscal year ending June 30, 1972, and for each of the two fiscal years thereafter.

"(b) The administrator is authorized to make grants to eligible cities that have applications approved under this title to pay the Federal share of the costs of carrying out the projects described in such applications.

SUBPART 1—EMERGENCY PROGRAM

"SEC. 802. It is the purpose of this part to encourage and aid eligible cities and units of local government to develop and implement programs to reduce urban crime.

"ALLOTMENTS TO ELIGIBLE CITIES

"SEC. 803. (a) Funds appropriated to carry out this part shall be allotted by the administrator to eligible cities on the basis of the population and crime index of each such city, as provided in subsection (b) of this section.

"(b) For the purpose of this part—

"(1) the term 'eligible city' means any city determined by the administrator to be among the first twenty-five cities in the United States in a crime index prepared by him for the purposes of this part; and

"(2) the term 'crime index' means a listing of designated cities in the United States, having a population of at least two hundred and fifty thousand persons, which shall be determined by the administrator after consultation with the Director of the Federal Bureau of Investigation, and shall be based upon the number of reported homicides, rapes, robberies, aggravated assaults, burglaries, arsons, larcenies over $50, kidnapings, auto thefts, and other felonies accompanied by the use or threatened use of force of violence per one hundred thousand inhabitants of each such city.

"(c) The crime index and the population of each eligible city shall be determined by the administrator in accordance with the provisions of this part on the basis of the most satisfactory data available to him for each fiscal year.

"(d) If the administrator determines that any portion of an eligible city's allotment for a fiscal year will not be required by such city for the period such allotment is available, that portion shall be available for reallotment from time to time, on such dates and during such period as the administrator may fix, to other eligible cities in proportion to the original allotments to such eligible cities for such year, but with such proportionate amount for any of such other eligible cities being reduced to the extent it exceeds the sum which the administrator estimates such eligible city needs and will be able to use for such period for carrying out such portion of its application approved under this part, and the total of such reduction shall be similarly reallotted among the eligible cities whose proportionate amounts are not so reduced. Any amount reallotted to an eligible city under this subsection during a year shall be deemed part of its allot * * * under section 224. Each such application shall—

"SEC. 804. (a) An eligible city desiring to receive its allotment of Federal funds under this subpart shall submit an application, consistent with the provisions of this section and other requirements as the administrator may establish under section 224. Each such application shall—

"(1) set forth a program for—

"(A) strengthening the police component of the criminal justice system within such city, including but not limited to projects designed to—

"(i) facilitate the recruitment and training of new law enforcement personnel;

"(ii) improve the organizational systems and administrative machinery of law enforcement agencies, in part, by recruiting, training, and utilizing, where feasible, civilian personnel to perform administrative and clerical and other duties heretofore performed by professional law enforcement personnel;

"(iii) establish, organize, and support auxiliary police organizations, consisting of unarmed citizen volunteers, whose purpose is to assist and supplement the efforts of duly constituted law enforcement agencies in patroling, surveillance, and other crime prevention activities, under the direct supervision of law enforcement authorities; and

"(iv) avoid and prevent the use and distribution of narcotics and improve the enforcement of narcotics laws generally, and in cooperation with local boards of education, provide for more effective identification and elimination of sources of the supply of narcotics within elementary and secondary school systems and institutions of higher learning;

"(B) reforming the courts component of the criminal justice systems within such city, including but not limited to projects designed to—

"(i) improve the efficiency of criminal court procedures, including the appointment of professional court administrators;

"(ii) improve the efficiency of, and where needed, increase the number of judges trying criminal cases, and of professional personnel engaged in prosecution, defense, probation, parole, and social welfare work in connection with the disposition of criminal cases;

"(iii) refine and apply uniform criteria for the pretrial detention of persons charged with criminal offenses who are held without bail or who are unable to obtain bail;

"(iv) provide alternatives to the bail bond system, including but not limited to model demonstration programs involving the funding of bail by nonprofit, private corporations, and community release programs; and

"(v) establish, on a demonstration basis, pretrial services agencies authorized to maintain effective supervision and control over, and to provide supportive services to defendants released prior to trial, including the collection, verification, and reporting of information pertaining to the conditions of release of such persons, and the operating or leasing of appropriate facilities for the custody or care of such persons, including, but not limited to, residential halfway houses, narcotic addict and alcoholic treatment centers, and counseling services;

"(C) improving the corrections component of the criminal justice system within such city, including but not limited to projects designed to—

"(i) establish appropriate qualifications and standards for correctional officers, including custodial and rehabilitation personnel, as well as probation and parole officers;

"(ii) facilitate the recruitment and training of such professional correctional officers;

"(iii) provide separate detention facilities for juveniles, including shelter facilities outside the correctional system for abandoned, neglected, or runaway children; and

"(iv) relieve the overcrowded and oppressive conditions in correctional facilities, jails, juvenile training schools, and detention facilities by renovating and remodeling existing correctional facilities and leasing additional facilities for such purposes;

"(2) provide assurances that not more than one-third of the funds made available to such city will be expended for projects described in clause (A) of the preceding paragraph, not more than one-third of such funds shall be expended for programs described in clause (B) of such paragraph, and not more than one-third of such funds shall be expended for programs described in clause (C) of such paragraph;

"(3) provide assurances that the city will pay from non-Federal sources the remaining costs of such a program;

"(4) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursal and accounting of Federal funds paid to the eligible city (including such funds paid by the eligible city to any agency of a political subdivision of such eligible city) under this part; and

"(5) provide for making such reasonable reports in such form and containing such information as the administrator may reasonably require to carry out his functions under this part and for keeping such records and for affording such access thereto as the administrator may find necessary to assure the correctness and verification of such reports.

"(b) The administrator shall approve any application and any notification thereof which complies with the provisions of subsection (a).

"SEC. 805. As soon as practicable after the enactment of this part, the administrator shall by regulations prescribe basic criteria for the full range of projects for which funds

may be used under clauses (A), (B), and (C) of section 804(a)(1).

"SEC. 806. (a) In order to carry out the provisions of this subpart, the administrator is authorized—

"(1) to promulgate such rules and regulations as may be necessary;

"(2) to employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(3) to appoint one or more advisory committees composed of such private citizens and officials of State and local governments as he deems desirable;

"(4) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local and private agencies and instrumentalities with or without reimbursement therefor;

"(5) without regard to section 529 of title 31 United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

"(6) to accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code; and

"(1) to request such information, data, and reports from any Federal agency as the administrator may from time to time require and as may be produced consistent with other law.

"(b) Upon request made by the administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the administrator in the performance of his functions.

"(c) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section shall receive $135 a day, including travel time, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"SEC. 807. (a) The administrator shall not finally disapprove any city plan submitted under this part, or any modification thereof, without first affording the city coordinating council submitting the plan reasonable notice and opportunity for a hearing.

"(b) Whenever the administrator after reasonable notice and opportunity for hearing to the council administering a plan of an eligible city approved under section 223, finds that—

"(1) the plan has been so changed that it no longer complies with the provisions of such section; or

"(2) in the administration of the plan there is a failure to comply substantially with any such provision, the administrator shall notify the council that the city will not be eligible to participate in the program under this part and no payments may be made to such city by the administrator until he is satisfied that there is no longer any such failure to comply.

"SEC. 808. (a) Payments under this part shall be made from an eligible city's allotment to any such city which administers an application approved under section 223. Such payments shall not exceed 90 per centum of the cost of carrying out such application. In determining the cost of carrying out an application, there shall be excluded any cost with respect to which payments were received under any other Federal program.

"(b) Payments to an eligible city under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to an eligible city or to one or more public agencies within such city designated for this purpose by the chief executive of such city, or to both.

"(c) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grants under this part.

"SEC. 809. In order to provide assistance to cities, municipalities, and units of local government that do not qualify as eligible cities under section 802, the administrator may provide grants not to exceed 20 per centum of the authorized amount of section 801 on a demonstration basis directed at aiding units of local government to concentrate their law enforcement resources on the reduction of violent street crime.

"Subpart 2—Street Crime Reduction

"SEC. 811. For the purpose of this subpart—

"(1) the term 'eligible city' means any city having a population of at least two hundred and fifty thousand persons desiring to participate in a program under this part and determined by the administrator to have a high incidence of street crime; and

"(2) the term 'street crimes' means robbery, rape, assault, and any other serious offense, committed by a stranger upon the victim either on the street or in his place of residence.

"SEC. 812. (a) Any eligible city desiring to participate in a program under this subpart shall submit an application to the administrator in such time and containing information as the administrator may reasonably require. Each application shall—

"(1) describe with particularity the programs and activities which that eligible city, after consultation with the administrator, determines will best contribute to reducing street crime, including—

"(A) public education concerning protection against and prevention of the commission of street crimes;

"(B) increased police patrolling and any new or innovative police activities or equipment designed to reduce street crime;

"(C) priority for the prosecution of offenders who have committed street crimes;

"(D) speedier trials and other strengthened procedures in the criminal courts located in that city to more expeditiously prosecute offenders who commit street crimes; and

"(E) special rehabilitative efforts in correctional institutions designed to help particularly first offenders who have committed street crimes;

"(2) provide assurances that the city will pay from non-Federal sources the remaining costs of such an application;

"(3) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursal and accounting of Federal funds paid to the eligible city (including such funds paid to the eligible city (including such funds paid by the eligible city to any agency of that city)) under this part; and

"(4) provide for making such reasonable reports in such form and containing such information as the administrator may reasonably require to carry out his functions under this part and for keeping such records and for affording such access thereto as the administrator may find necessary to assure the correctness and verification of such reports.

"(b) Before approving an application under his subpart the administrator shall consult with the applicant eligible city in order to develop jointly the most effective program for the reduction of street crimes in that city. The administrator shall approve any application and any modification thereof which complies with the provisions of this section and he shall not thereof without affording the eligible city notice and an opportunity for a hearing.

"SEC. 813. In order to carry out the provision of this subpart, the administrator is authorized—

"(1) to promulgate such rules and regulations as may be necessary;

"(2) to employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(3) to appoint one or more advisory committees composed of such private citizens and officials of State and local governments as he deems desirable;

"(4) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(5) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization; and

"(6) to accept voluntary and uncompensated service, notwithstanding the provisions of section 665 (b) of title 31, United States Code.

"(b) Upon request made by the administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the administrator in the performance of his functions.

"(c) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section shall receive $135 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"SEC. 814. (a) Payments under this part shall be made to an eligible city in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayment or underpayment, and may be made directly to an eligible city or to one or more public agencies within such city designated for this purpose by the governing party of such city, or to both.

"(b) The Federal share shall not exceed ——— per centum of the costs of carrying out such application.

"SEC. 815. Whenever the administrator, after giving reasonable notice and opportunity for hearing to an eligible city receiving a grant under this part, finds—

"(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this part; or

"(2) that in the operation of the program or project there is failure to comply substantially with any such provisions; the administrator shall notify such eligible city of his findings and no further payments may be made to such eligible city by the administrator until he is satisfied that such noncompliance has been, or will promptly be, corrected. The administrator may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such eligible city and which are not involved in the noncompliance."

TITLE III—JUVENILE DELINQUENCY

PART A—CONGRESSIONAL FINDINGS

SEC. 301. The Congress finds that:

(1) Delinquency among the youth of this country continues to be a national problem.

(2) While much progress has been made in developing services which can assist in solving the program of juvenile delinquency, obstacles to the effective provision of those services still exist.

(3) These obstacles often take the form of fragmentation among many agencies and organizations of the responsibility for providing services to juvenile delinquents and those in danger of becoming delinquent; structural rigidity and arbitrary categorization of Federal, State, and local programs; and lack of coordination and communication among agencies and organizations which provide services to youth.

(4) Apply and develop innovative means of dealing with the problem of juvenile delinquency.

(5) There is a need to assist States and units of local government in the prevention of juvenile delinquency and encourage and assist State and local agencies to enter into new cooperative arrangement.

(6) There is a need to encourage comprehensive youth services systems among the States which will—

(a) assist in the prevention of juvenile delinquency or the rehabilitation of youth who are delinquent;

(b) improve the delivery of services to individuals who are delinquent or in danger of becoming delinquent; and

(c) divert as many juveniles as possible from the established system of criminal justice and the traditional methods of law enforcement.

(7) There is a need to delineate the responsibilities of the Department of Justice and the Department of Health, Education, and Welfare with regard to their programs and activities in the area of the prevention, treatment, and rehabilitation of juvenile delinquency.

(8) There is a need to provide greater protection for juveniles in the Federal courts of the country.

PART B—THE CREATION OF THE JUVENILE DELINQUENCY PREVENTION AND COORDINATION ADMINISTRATION

DEFINITIONS

SEC. 311. For purposes of this title—

(1) The term "youth services" means services which assist in the prevention of juvenile delinquency or in the rehabilitation of youths who are delinquent, including, but not limited to: individual and group counseling, family counseling, diagnostic services, remedial education, tutoring, alternate schools (institutions which provide education to youths outside the regular or traditional school system), vocational testing and training, job development and placement, emergency shelters, halfway houses, extended probationary and parole services, aftercare services, health services, drug abuse programs, social cultural, and recreational activities, the development of paraprofessional or volunteer programs, community awareness programs, runaway homes, foster care and shelter care homes, group homes and any other community-based treatment or rehabilitative facility or service, and legal services.

(2) The term "comprehensive youth services system" means a coordinated system, separate from the system of juvenile justice (which encompasses agencies such as the juvenile courts, law enforcement agencies, and detention facilities) for providing youth services to an individual who is delinquent or in danger of becoming delinquent and to his family in a manner designed to—

(a) facilitate accessibility to and utilization of all appropriate youth services provided within the geographic area served by such system by any public or private agency, organization, or institution which desires to provide such services through such system;

(b) identify the need for youth services not currently provided in the geographic area covered by such system, and, where appropriate, provide such services through such system;

(c) make the most effective use of youth services in meeting the needs of young people who are delinquent or in danger of becoming delinquent, and their families;

(d) use available resources efficiently and with a minimum of duplication in order to achieve the purposes of this Act; and

(e) identify the types and profiles of individual youths who are to be served by such a comprehensive system.

(3) The term "State" includes the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(4) The term "Secretary" means the Secretary of Health, Education, and Welfare.

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

JUVENILE DELINQUENCY PREVENTION AND COORDINATION ADMINISTRATION

SEC. 312. There is hereby established within the Department of Health, Education, and Welfare the Juvenile Delinquency Prevention and Coordination Administration to be directed by an Administrator of Juvenile Delinquency Prevention, who shall be appointed by the President by and with the advice and consent of the Senate. The administrator shall be executive head of the agency and shall exercise all necessary powers subject to the direction of the Secretary of Health, Education, and Welfare.

PLANNING GRANTS

SEC. 313. (a) The purpose of this section is to encourage States and units of general local government to develop and administer a comprehensive youth services system for delinquency prevention and coordination.

(b) The administration shall make grants to the State for the establishment and operation of a Juvenile Delinquency Prevention and Coordination Planning Agency hereinafter referred to as the Juvenile Delinquency Planning Agency, for the preparation, development, and revision of State plans required under section 314 of this title. Any State may make application to the administration for such grant within one year of the enactment of this title.

(c)(1) The grant made under this subparagraph by a State shall be utilized by the State to establish and maintain a Juvenile Delinquency Planning Agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. Such agency must be given authority to coordinate activities of State operating agencies involved in education, mental health, public health, welfare, youth development and vocational education as they relate to delinquency prevention. The State planning agency shall be representative of these juvenile delinquency prevention and youth development agencies and units of general local government within the State. In order for a Juvenile Delinquency Planning Agency to be approved by the administrator, he must have assurances, pursuant to developed guidelines, that it represents a wide spectrum of disciplines and the social and economic facets of the community. Any existing statewide agency which meets these qualifications and fulfills the objectives of this Act may qualify and be designated by the Governor as the Juvenile Delinquency Planning Agency.

(c)(2) The Juvenile Delinquency Planning Agency, shall, in accordance with regulations and guidelines promulgated by the Administrator, (a) develop in accordance with section 314 a statewide comprehensive youth services system for juvenile delinquency prevention throughout the entire State, (b) define, develop, and coordinate juvenile delinquency prevention programs for the State and units of general local government in the State, (c) establish goals, standards, and priorities for the improvement of juvenile delinquency prevention throughout the State.

(c)(3) The Juvenile Delinquency Planning Agency shall make such arrangements, as are required by regulations developed by the administrator, to assure that adequate planning funds are made available to units of local government within the State. In allocating funds under this subsection the State planning agency, pursuant to regulations developed by the administrator, must assure that major cities and counties within the State receive adequate planning funds to develop comprehensive programs and coordinate functions at the local level.

(d) A Federal grant authorized under this section may provide 100 per centum of the expenses for establishment and operation of the State planning agency, for the preparation, development, or revision of the plan required by section 314, and for the coordination of juvenile delinquency prevention programs.

(e) Funds appropriated to make grants under this section for a fiscal year shall be allocated by the administration for use therein by the State planning agency or unit of general local government as the case may be. The administration shall allocate $250,000 to each of the States and it shall then allocate the remainder of such funds available among the States according to their relative population. Where the State has no clearly demonstrated need for $250,000 allocation, the administration after notice and opportunity for hearing may grant less than $250,000 to the State. Where the State fails to file an application for a planning grant, the administrator may grant the funds available in this section to units of local government within the State.

(f) No State shall receive planning money under this title, if, after two annual planning grants allocated to the Juvenile Delinquency Planning Agency, said agency has not had approved by the Administrator, a youth services system as required in section 314 of this title.

ASSISTANCE FOR JUVENILE DELINQUENCY PREVENTION AND COORDINATION

SEC. 314. (a) The Administrator is authorized to make grants to States having State comprehensive youth service systems for establishing and operating programs for juvenile delinquency prevention and for coordination of such efforts.

(b) Any State desiring to participate in the grant program under this section shall establish a State planning agency as described in section 313.

(c) The Administration shall make grants under this chapter to a Juvenile Delinquency Planning Agency if such agency has on file with the Administration an approved comprehensive youth services system plan which conforms to guidelines and regulations set forth by the Administrator. No State plan shall be approved as comprehensive unless the Administrator finds that the plan provides for, (a) adequate resources for urban areas or areas of high juvenile crime, and (b) the allocation of adequate resources to deal with alternative methods of handling traditional law enforcement problems in those geographic areas characterized by high juvenile delinquency incidence and activity. Each plan shall—

(1) provide for the administration, supervision, or coordination of such plan by the State planning agency and any local agency where appropriate;

(2) provide adequate opportunity for recipients of youth services and public or private agencies, organizations, or institutions rendering youth services within the State to present their view to the Juvenile Delinquency Planning Agency with respect to such plan;

(3) include a description of—

(A) the functions, programs, and services which will be coordinated and the agencies and organizations which have agreed to participate in this coordinated effort;

(B) the administrative program which will lead to a stated efficiency to be achieved by the plan;

(C) the procedure which will be established for protecting the rights under Federal, State, and local law of recipients of youth services and shall assure appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(D) the procedure which will be established for evaluation of programs supported with funds granted under this section; and

(E) such other information as the Administrator deems to be necessary for carrying out the purposes of this Act;

(4) provide for special programs dealing with minority and disadvantaged youth;

(5) provide a comprehensive data review of delinquency statistics and youth problems;

(6) clearly identify current delinquency prevention services in the State including manpower services, demonstration programs, vocational and career training programs;

(7) include five- and ten-year goals and clearly define the increase or modified State expenditures that will be used to fully implement program and concepts under this Act;

(8) set forth procedures and policies designed to assure that Federal funds made available under this section will be so used as not to supplant State or local funds but to increase the amount of such funds that would in the absence of such Federal funds be made available for law enforcement;

(9) provide for comprehensive State fiscal and audit control of expenditures in accordance with regulations promulgated by the Administrator; and

(10) provide for coordination with those programs which are funded through the Safe Streets Act of 1968, as amended.

(d) The funds appropriated each fiscal year to make grants under this section shall be allocated by the Administration as follows:

(1) 70 per centum of such funds shall be allocated among States according to their respective population for grants to juvenile delinquency planning agencies.

(2) 30 per centum of such funds, plus any additional amount made available by virtue of other sections, of this Act, may in the discretion of the Administrator, be allocated among the States for grants to units of general local government or combinations of such units, according to developed guidelines and criteria and on the terms and conditions the Administrator determines consistent with this Act. Grants made from funds available under this section may be up to 80 per centum of the costs of the programs or projects for which such grant is made. In the case of a grant or subgrant to an Indian tribe, or a low income area defined by the Administrator, if the Administrator determines that the tribe or such areas do not have sufficient funds available to meet the required share of the cost of any program or project to be funded, the Administrator may increase the Federal share of the costs thereof.

(e) If the Administrator determines a date certain that a portion of the funds allocated to a State for grants to the juvenile delinqueficy planning agency under this section will not be required by the State or that the State will be unable to qualify to receive any portion of the funds under the requirements of this Act, that portion shall be available for reallocation to other States under paragraph (1) of subsection (d) of this section.

(f) Juvenile delinquency planning agencies shall receive application for financial assistance from units of general local government and combinations of such units. When a planning agency determines that such an application is in accordance with the provisions of this Act and the comprehensive plan, the planning agency is authorized to disburse funds to the applicant.

(g) Where a State has failed to have youth services plan approved under this title within the period specified by the Administrator for such purposes, the funds allocated for such State under paragraph (1) of subsection (d) of this section shall be available for reallocation by the Administrator under paragraph (2) of subsection (d) of this section. The failure of any State to submit such comprehensive plan shall not deprive any city or local government located within such State to receive money under this Act if it complies with the criteria set forth by the Administrator. Such criteria shall include comprehensive planning for that geographical area. The Administrator in his discretion may reallocate among the States and these cities on a population basis planning funds originally allocated for such planning agencies under section 313 of this Act if such State has failed to have its comprehensive plan approved.

(h) Youth already under the authority of the juvenile justice system may be accepted for a specific type of care or service if—

(1) such care or service is ordered by the court which has jurisdiction over the child; and

(2) such care or service is consented to by the correctional agency which has jurisdiction over the child; and

(3) if the child consents to such a service or program.

PAYMENTS

SEC. 315. Payments under grants or contracts made under section 4 may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

EVALUATION AND TECHNICAL ASSISTANCE

SEC. 316. (a) The Secretary may, directly or by grant or contract, evaluate programs assisted under section 314 in order to determine the achievements of such programs and the efficiency and effectiveness of the youth services provided on a coordinated basis thereunder. In addition to funds otherwise available therefor, such portion of any appropriation to carry out this Act as the Administrator may determine, but not less than 1 per centum thereof, shall be available to him for carrying out this subsection.

(b) The Administrator shall disseminate the results conducted under subsection (a), as well as other information concerning comprehensive youth services systems and significant findings of research activities in the field of delinquency prevention and youth development, to interested agencies, organizations, institutions, and individuals.

(c) The Administrator shall provide, directly or by grant or contract, such technical assistance as he determnes to be necessary to assist public or nonprofit private agencies, organizations, or institutions in the planning, establishment, or operation of comprehensive youth services systems, or in the provision of youth services.

DEVELOPMENT OF RESEARCH AND INNOVATIVE METHODS

SEC. 317. The Administrator shall collect, synthesize, and formulate useful information and data on youth development, delinquency, delinquency prevention and rehabilitation, and related matters and disseminate upon request to Federal, State, local, and private agencies and concerned citizens. On the basis of the Administrator's research and analysis, he shall directly or by grant or contract, develop and test new and innovative methods whch, in his judgment, show promise of making a substantial contribution toward the prevention of juvenile delinquency or in the rehabilitation of youths who are delinquent or in danger of becoming delinquent.

INTERDEPARTMENT COORDINATION

SEC. 318. (a) It shall be the responsibility of the Administrator to coordinate the juvenile delinquency activities of all Federal agencies. Any Federal agency shall consult with and seek advice from the Administrator to insure fully coordinated efforts and the Administrator shall undertake to coordinate such efforts.

(b) There shall be an Advisory Council on Juvenile Delinquency (hereinafter in this section referred to as the "Council") composed of the Attorney General or his designee, the Administrator of Juvenile Delinquency Prevention and Coordination and the representatives of such other departments or agencies as the President may designate.

(c) The functions of the Council shall be to assist the Administrator in the coordination of all programs and activities within the Federal Government which relate to juvenile delinquency prevention or rehabilitation.

(d) The Administrator shall serve as the Chairman.

(e) The Council shall meet a minimum of six times per year and shall submit to the President an annual report which shall contain, among other things, a description of the activities of the Council and of the activities relating to juvenile delinquency of the Federal departments and agencies.

ADMINISTRATIVE PROVISIONS

SEC. 319. (a) The Administrator is authorized and shall establish within ninety days of enactment of this Act and where appropriate after consultation with representatives of States and units of general local government, such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this Act.

(b) The Administrator may delegate to any officer or official of the Administration, or, with the approval of the Secretary, to any officer of the Department of Health, Education, and Welfare, such functions as he deems appropriate.

(c) Subject to the civil service and classification laws, the Administrator is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out his powers and duties under this chapter.

(d) (1) Whenever the Administrator, after reasonable notice and opportunity, finds that, with respect to any payments made or to be made with this chapter, there is a substantial failure to comply with—

(A) the provisions of this Act;

(B) regulations promulgated by the Administrator under this chapter; or

(C) a plan or application submitted in accordance with the provisions of this chapter;

the Administrator shall notify such applicant or grantee that further payments shall not be made (or in its discretion that there is such failure), until there is no longer such failure.

(2) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this chapter, or any applicant or grantee is dissatisfied with the Administration's final action under this title, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action.

A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall hereupon file in the court the record of the proceedings on which the action of the Administration was based.

(3) Conclusiveness of determinations: The determinations and findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The Administration may thereupon make new or modified findings of facts and may modify its previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determination shall likewise be conclusive if supported by substantial evidence.

(4) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(e) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof: "(56) Administrator of Juvenile Delinquency Prevention and Coordination".

(2) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5.

(3) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this chapter as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(f) On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this chapter during the preceding fiscal year.

(g) (1) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

ACCESS, AUDITS, AND EXAMINATIONS

(2) The Administrator and the Comptroller General of the United States or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

Primary Grants or Contracts and Subgrants or Subcontracts

(3) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administrator.

AUTHORIZATION

SEC. 320. There are authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the next four fiscal years, $250,000,000 for carrying out this Act.

EFFECTIVE DATE

SEC. 321. The provisions of this Act shall become effective July 1, 1972.

REPEALER

SEC. 322. With respect to appropriations beginning after June 30, 1972, the Juvenile Delinquency and Control Act of 1968, other than section 407 thereof, is repealed. Section 407 of such Act is repealed effective with the close of June 30, 1972.

PART C—AMENDMENTS TO FEDERAL JUVENILE DELINQUENCY ACT

SEC. 331. (a) Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Proceedings against juvenile delinquents

"(a) A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court of a State (1) does not have jurisdiction over said juvenile with respect to such act of juvenile delinquency, or (2) there is not available to such State juvenile court the rehabilitation and treatment services which would be needed by such juvenile.

"(b) If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State for such action as they may deem legally warranted.

"(c) If the Attorney General does so certify, the Attorney General shall proceed against such juvenile as a juvenile delinquent by information and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency: *Provided*, That with respect to a juvenile who is alleged to have committed an act which if committed by an adult would be a felony, criminal prosecution may be begun against such juvenile with respect to such act if the Attorney General moves in the appropriate district court of the United States that such criminal prosecution be undertaken and such court finds, after hearing, that there are no reasonable prospects for rehabilitating such juvenile before his majority."

(b) Section 5033 of such title is amended by deleting everything after the second sentence thereof.

(c) Section 5034 of such title is amended by adding at the end of the third paragraph the following new sentence: "The Attorney General shall not cause any juvenile alleged or found to be delinquent to be detained or confined in any institution in which persons convicted of a crime or awaiting trial on criminal charges are confined."

(d) Section 5035 of such title is amended to read as follows:

"§ 5035. Detention of alleged juvenile delinquent

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the officer taking such juvenile into custody shall advise such juvenile of his legal rights, immediately notify the Attorney General, and forthwith take such juvenile before a committing magistrate.

"Such juvenile may be detained only in a juvenile home or such other suitable place as the Attorney General may designate by the officer taking such juvenile into custody but not for a longer period of time than is necessary to produce the juvenile before a committing magistrate.

"The committing magistrate shall, with all reasonable speed, release the juvenile to his parents, guardian, or custodian upon their promise to bring such juvenile before the appropriate court when requested by such court unless the committing magistrate determines, after hearing, that the detention of such juvenile is required—

"(a) to protect the person or property of others or of the juvenile; or

"(b) because the juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for such juvenile; or

"(c) to secure the timely presence of such juvenile before the appropriate court.

"Any child ordered to be detained by a committing magistrate shall be detained only in such juvenile home or other suitable place as the Attorney General may designate.

"No juvenile shall be detained in a jail, prison, or other similar place of confinement.

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, such juvenile and his parents, guardian, or custodian shall be advised by the officer or by any court before which such juvenile may be brought that such juvenile has the right to be represented by legal counsel at all stages of all proceedings. If legal counsel is not retained for such juvenile, or if it appears that legal counsel will not be retained, legal counsel shall be appointed by the court for such juvenile.

"Unless advised by legal counsel, the statements of a juvenile, while in custody, made to the officer taking such juvenile into custody, to any officer having custody of such juvenile, or to any court or court official shall not be used against such juvenile prior to the determination by the court that the juvenile did commit an act of juvenile delinquency.

"A juvenile charged with an act of juvenile delinquency shall be accorded the privilege against self-incrimination. Any extrajudicial statement which would be constitutionally inadmissible in a criminal proceeding against such juvenile shall not be received in evidence over objection made by or on behalf of such juvenile.

"Evidence with respect to such juvenile illegally seized or obtained shall not be received in evidence over objection made by or on behalf of such juvenile in order to establish that such juvenile committed the alleged act of juvenile delinquency.

"An extrajudicial admission or confession made by the juvenile shall be insufficient to support a finding that the juvenile committed the alleged act of delinquency unless such admission or confession is corroborated by other credible evidence.

"Criminal proceedings based upon an alleged act of juvenile delinquency shall be barred where the court has begun taking evidence with respect to such act or where the juvenile has in open court admitted that he committed the alleged act of delinquency."

PART D—AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

PLAN COMPONENT

SEC. 341. Section 303 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended by inserting immediately after the second sentence the following new sentence: "Within two years after the date of enactment of part F of this Act, no State plan shall be approved as comprehensive, unless it includes a juvenile justice component, as provided for in part F, and providing that at least a certain per centum as determined by the administrator each year on the basis of guidelines developed, of Federal assistance granted to the respective State planning agency for any fiscal year be allocated to the juvenile justice component of the State plan as provided for in part F."

GRANTS AUTHORIZED

SEC. 342. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended by inserting immediately after part E the following new part:

"PART F—GRANTS FOR JUVENILE DELINQUENCY

"PREVENTION AND REHABILITATION

"SEC. 471. It is the purpose of this part to assist States and units of general local government to develop and implement programs and projects for the rehabilitation and treatment of juvenile delinquents.

"SEC. 472. The Administration is authorized to make grants under this part to a State planning agency: *Provided*, That the application sets forth a comprehensive statewide program for the rehabilitation and treatment of juvenile delinquents which shall include the following requirements:

"(a) provides that no less than 50 per centum of the funds available to such State pursuant to section 474(a)(1) will be expended only on the development and use of facilities and services designed to provide an alternative method of rehabilitating or detaining juveniles other than confinement in training schools, reform schools, correctional institutions, detention centers, and other similar facilities as the Administrator shall designate as prohibited pursuant to its authority contained in section 473 of this Act;

"(b) provides that the applicant State will treat juveniles who have committed offenses that would be criminal offenses if committed by an adult in separate facilities with separate and distinct programs;

"(c) provides for advanced techniques in the design of services and facilities, such as, but not limited to the following:

"(1) community-based services and facilities for the rehabilitation and treatment of juvenile delinquents through the development of foster-care and shelter care homes, group homes, halfway houses, and any other designated residential community-based treatment or rehabilitative facility or service;

"(2) diagnostic facilities and services on a state-wide, regional, or local basis;

"(3) expanded use of probation as an alternative to incarceration, including programs of probation subsidies, probation caseloads commensurate with recognized optimum standards, the recruitment and training of probation officers and other personnel according to standards promulgated by the Administration pursuant to section 474 of this Act, and community-oriented programs for the supervision of juvenile probationers and parolees;

"(4) comprehensive programs of drug abuse education and programs for the treatment and rehabilitation of drug dependent youth (as defined in section 2 of the Public Health Services Act (42 U.S.C. 201) as amended);

"(d) provides for special training and other qualifications in order to meet personnel standards required in dealing effectively with juvenile delinquents;

"(e) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12), of section 303 of this title.

"SEC. 473. The Administration shall by regulation prescribe basic criteria for applicants, grantees, facilities, and services; and shall promulgate such rules and regulations as are necessary to effectuate the provisions of this part.

"SEC. 474. (a) The funds appropriated for each fiscal year for grants under this part shall be allocated by the Administration as follows:

"(1) 85 per centum of the funds shall be available for grants to State planning agencies on the basis of the respective populations of juveniles aged eleven through seventeen, inclusive, of eligible States; and

"(2) the remaining 15 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. Funds awarded under this part may be used for real estate acquisition, provided that a specific comprehensive audit by the Administration is made at the time of purchase and at the time of selling of said property.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

"SEC. 475. There are authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972, and $500,000,000 for the succeeding fiscal year."

TECHNICAL AMENDMENTS

SEC. 343. (a) Paragraph 4 of section 453 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by striking the word "delinquents,".

(b) Subsection 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by striking out the word "There" and inserting in lieu thereof "Except as provided in part F, there".

(c) Parts F, G, H, and I of title I of such Act are redesignated as parts G, H, I, and J, respectively.

TITLE IV—NEW TRAINING AND EDUCATION PROGRAMS FOR CORRECTIONAL AND OTHER LAW ENFORCEMENT PERSONNEL

DEFINITIONS

SEC. 401. As used in this title—

(1) "Council" means the Coordinating Council for Regional Law Enforcement Academies;

(2) "law enforcement" means any activities pertaining to the prevention or reduction of crime, including the correctional rehabilitation of criminal and juvenile offenders, and the enforcement of the criminal law, and activities pertaining to court administration;

(3) "regional academy" means any regional academy established pursuant to section 405;

(4) "regional board" means the governing body of the regional academy as defined in section 405;

(5) "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa; and

(6) "correctional personnel" includes all officers and employees of any public agency engaged in the operation or supervision of any penal or correctional institution and all other professional and semiprofessional personnel who are involved in the protection, instruction, discipline or rehabilitation of persons charged with or convicted of offenses (on a part-time as well as a full-time basis).

APPROPRIATIONS AUTHORIZED

SEC. 402. There are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and such sums thereafter as may be necessary to carry out the provisions of this part.

ESTABLISHMENT OF THE COORDINATING COUNCIL

SEC. 403. (a) There is hereby established a Coordinating Council for Regional Law Enforcement Academies, hereinafter referred to as "Council".

(b) The Council shall be composed of eleven members as follows:

(1) the Commissioner of Education;

(2) the Director of the Federal Bureau of Prisons;

(3) the Administrator of the Law Enforcement Administration in the Department of Justice;

(4) a member of the police community appointed by the Attorney General;

(5) a member of the correctional community appointed by the Attorney General;

(6) an educator appointed by the Secretary of Health, Education, and Welfare;

(7) an urbanologist appointed by the Secretary of Housing and Urban Development;

(8) a criminologist appointed by the Attorney General;

(9) a psychologist or psychiatrist appointed by the Secretary of Health, Education, and Welfare;

(10) an individual, who by reason of experience or training is acquainted with the special problems of the poor and law enforcement, appointed by the Director of the Office of Economic Opportunity; and

(11) a judge experienced in criminal law appointed by the Chief Justice of the United States.

(c) Members of the Council appointed pursuant to clauses (4) through (11) of subsection (a) of this section shall be appointed with the advice and consent of the Senate.

(d) Appointed members of the Council shall serve terms of five years, except that—

(1) of those initially appointed, two shall serve terms of two years, two shall serve terms of three years, two shall serve terms of four years, and three shall serve terms of five years as designated by the President at the time of appointment;

(2) in the event an appointed member should resign or be removed from the Council, such vacancy shall be filled in accordance with the provisions of section 3(a) of this Act but only for the unexpired portion of the vacant term; and

(3) members of the Council may be removed by the President for neglect of duty or malfeasance.

(e) A majority of the members of the Council shall constitute a quorum.

(f) The members of the Council shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) The Council is authorized without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of confidential Director. The Executive Director shall, by reason of training or experience, be specially qualified to carry out the duties of the office, serve at the pleasure of the Council, be an ex officio member of the Council, and carry out such duties as may be assigned to him by the Council.

FUNCTIONS OF THE COORDINATING COUNCIL

SEC. 404. In order to carry out the purposes of this title, the Council is authorized to—

(1) assist the Secretary of Health, Education, and Welfare and the Administrator of the Law Enforcement Assistance Administration to establish not less than seven regional academies in accordance with section 5 of this title;

(2) supervise the operation of such regional academies;

(3) establish general policies with respect to curriculum development, courses of instruction relevant to the field of law enforcement, corrections, and court administration, the hiring and firing of faculty and degree requirements, for such regional academies;

(4) establish general procedures for qualifications for applicants to such regional academies;

(5) grant a degree equivalent to the bachelor of arts degree to any candidate who satisfactorily completes the requirements set forth in section 8 of this title;

(6) report annually to the Congress on the operations of the Council;

(7) publish pertinent information in forms useful to individuals, agencies, and organizations concerned with correctional systems, law enforcement, and court administration;

(8) make legislative and policy recommendations to the Congress in the area of law enforcement; and

(9) perform such other functions as may be necessary to carry out the provisions of this title.

REGIONAL ACADEMIES

SEC. 405. (a) The Secretary of the Department of Health, Education, and Welfare, in conjunction with the Administrator of the Law Enforcement Assistance Administration of the Justice Department shall establish not less than seven regional law enforcement academies. The location of the academy shall be determined by guidelines published by the two departments. However, emphasis shall be placed upon the already existing law enforcement educational facilities to accommodate a particular region. The campus of a college or university shall be given priority in the location of a regional academy.

(b) The regional academy shall be administered by a regional board composed of two persons from each State within the region who by reason of experience or training are specially qualified to serve on such board and who shall be residents of the region which they are to serve. For purposes of the regional board, no State may be placed in more than one region.

(c) (1) The members of the regional board shall be appointed by the State planning board of each State for each region established pursuant to title I of the Omnibus Crime Control and Safe Streets Act of 1968.

(2) Members of the regional boards shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of any regional board.

(d) Each regional board is authorized to—

(1) appoint a chancellor of the regional academy from among those who are suitably qualified by reason of experience and training, who shall serve at the pleasure of the regional board, and who shall be an ex officio member of the regional board, and who shall carry out such duties as may be assigned to him by the regional board and who shall be compensated at the rate provided for GS–18 of the General Schedule of title 5 of the United States Code;

(2) develop, in accordance with general policy set by the Council, a curriculum of study with particular emphasis upon community relations, criminology, humanities, social and behavioral sciences, penology, government, law, court administration, riot control, and other subjects appropriate and relevant to the law enforcement, corrections and court administration of the region to be served by the regional academy;

(3) provide for a three-year period of instruction for persons engaging in or preparing to enter the field of law enforcement and assist in obtaining a one-year internship as described in section 407(2) of this title in the law enforcement, correctional, or court administration field in the region served by such academy;

(4) process and accept qualified applicants in accordance with the guidelines set forth by the Council;

(5) report annually to the Council on the operations of such regional academy and include therein any recommendations for Federal and State legislation, regulation and other relief in the area within the Regional Academy's jurisdiction;

(6) establish full- or part-time training programs for Federal correctional personnel and provide at the request of a State or unit of local government full- or part-time training programs for State and local correctional personnel;

(7) each regional academy is authorized to establish programs which shall enable the regional academy to serve as—

(a) a training institution for students and practitioners of criminal justice;

(b) a centralized channel for the recruitment of criminal justice personnel in conjunction with Federal, State, and local criminal justice agencies;

(c) a consultation center for criminal justice agencies and relevant professional schools; and

(d) a research center for basic and applied studies of criminal justice;

(8) the regional academy is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, or other appropriate public and private nonprofit organizations to assist them in planning, developing, strengthening, or carry out programs designed to provide training or academic educational assistance to persons for study in academic subjects related to correctional administration, rehabilitative services, court administration, and law enforcement;

(9) authorized to assist States and units of local government in recruitment for law enforcement personnel; and

(10) conduct seminars for attorneys, judges, administrators, Federal and State correctional officials, ex-offenders, and students of the correctional system.

(e) The authorized number of students at each regional academy shall be determined each fiscal year on the basis of population and need of each region by the Secretary of Health, Education, and Welfare and the Administrator of the Law Enforcement Assistance Administration.

STIPENDS

SEC. 406. Every full-time student at a regional academy as described in section 405 (13) shall receive during the period of instruction such reasonable stipends and allowances as the regional board upon approval of the Council determines to be necessary. Each student during the one-year internship described in section 407(2) of this title shall receive such stipends together with the compensation paid to such student intern by the State or local law enforcement agency for the year as the regional board upon approval of the Council determines is necessary to assure that such student intern receives not less than a minimum salary for such year.

AGREEMENTS

SEC. 407. Each student as described in section 405(c)5 selected for admission to a regional academy shall sign an agreement, that unless separated, he will to the best of his ability attempt to—

(1) complete a three-year course of instruction at the regional academy;

(2) serve, in an intern capacity with a State or local law enforcement agency acceptable to the appropriate regional board, in the region from which he was appointed, for a period of not less than one year immediately following the end of the period of instruction at the regional academy. The law enforcement agency shall certify to the regional board upon the satisfactory completion, as defined by the board, of the internship;

(3) after said internship program serve in a State, local or Federal enforcement agency within the region from which he was appointed or within any other region acceptable to the appropriate regional board for a period of not less than three years; and

(4) in the event he shall terminate the course of instruction prior to the end of three years, terminate his internship prior to the end of one year, or terminate service with a State or local enforcement agency within the appropriate region prior to the end of three years, he shall be required to repay 50 per centum of the stipends and allowances received under this title. Appropriate exceptions to this requirement may be made by the appropriate regional board pursuant to guidelines issued by the Council.

ADMINISTRATIVE PROVISIONS

SEC. 408. The Council, and each regional academy under the supervision and direction of the appropriate regional board is authorized—

(1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51, subchapter III, of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

(2) to procure temporary and intermittent services to the sum estimate as is authorized by section 3109 of title 5, United States Code;

(3) to promulgate such rules and regulations as may be necessary to carry out the provisions of this title.

(4) to acquire and hold necessary real and personal property;

(5) to accept in the name of the Council and the regional academies; and

(6) to use the services, personnel, facilities, and information of Federal executive agencies and private organizations pursuant to an agreement with the head of any such agency.

TITLE V—CORRECTIONAL REORGANIZATION AND STANDARDS

PART A—FEDERAL CIRCUIT OFFENDER DISPOSITION BOARD

SEC. 501. (a) There is hereby established the Federal Circuit Offender Disposition Board (hereinafter referred to in this part as the "Circuit Board"), which shall be composed of eleven members appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall represent diverse backgrounds, including, but not limited to, the fields of correction, psychiatry, psychology, sociology, law, medicine, education, and vocational training. Such members shall serve for terms of four years, except that, of the members first appointed, three shall serve for terms of one year, three shall serve for terms of two years, three shall serve for terms of three years, and two shall serve for terms of four years, as designated by the President at the time of their appointments. Members shall be eligible for reappointment. At the time of his appointment, each member shall be designated by the President to represent a specific judicial circuit. The Attorney General shall call the first meeting of the Circuit Board within six months of enactment.

(b) The Circuit Board shall elect, from among its members, one member to serve as Chairman. The Chairman shall represent the circuit and fix the compensation of such employees as it determines necessary to carry out its duties under this Act.

(c) Members of the Board shall receive compensation at the rate of $100 for each day on which they are engaged in the performance of the duties of the Board, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Board.

(d) The Circuit Board is authorized to enter into contracts or other arrangements for goods or services, with public or private profit organizations, to assist it in carrying out its duties and functions under this Act.

FUNCTIONS OF THE CIRCUIT BOARD

SEC. 502. It shall be the function of the Circuit Board to formulate, promulgate, and oversee a national policy on the treatment of offenders under the jurisdiction of any court of the United States on the basis of a charge of having violated any of the laws of the United States. In carrying out such function, the Circuit Board shall, among other things—

(1) establish and recommend sentencing guidelines and standards for the United States courts, and provide periodic review thereof;

(2) establish guidelines and standards for the United States courts in probation, parole, or other forms of release of offenders;

(3) hear appeals by offenders denied parole on the sole ground that a district board deviated from the established national guidelines and standards established pursuant to clause (2) of this section;

(4) assign to each member of the Board the responsibility of overseeing the direction and operation of the various District Boards within the circuit which such member represents; and

(5) assign each member of the Board the responsibility of notifying the President of the United States of any vacancy on the various District Boards within the circuit which such member represents.

REPORTS

SEC. 503. The Board shall, not less than annually, made a written report to the Attorney General concerning the carrying out of its functions and duties under this Act.

DISTRICT COURT DISPOSITION BOARDS

SEC. 504. (a) There is hereby established in each judicial district a District Court Disposition Board (hereinafter referred to in this Act as the "District Board"), which shall be composed of not less than five members appointed by the President of the United States, by and with the advice and consent of the Senate, and representing diverse backgrounds, including, but not limited to, the fields of correction, psychiatry, psychology, sociology, law, medicine, education, and vocational training. The Board shall elect, from among its members, one member to serve as Chairman. The Board may appoint and fix the compensation of such employees as it determines are necessary to carry out its duties under this Act. The Attorney General shall call the first meeting of each District Board.

(b) Each member of a District Board shall be compensated in an amount equal to $—— per annum, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Board.

(c) Such District Board may establish such units as it determines necessary, which may include an investigation unit, a pretrial evaluation unit, a presentence unit, a youthful offender unit, and a narcotics and alcohol unit. Each unit shall consist of such members as shall be determined by the Board. Each unit, with the approval of the Board, shall be authorized to appoint and fix the compensation of such employees as it determines are necessary to carry out its duties

(d) Immediately following the arraignment of a person charged with a Federal offense, the case shall be assigned to the District Board, which shall—

(1) investigate the defendant's background, family ties, relationship with the community, employment history, and the circumstances surrounding the alleged offense, and other information which it deems pertinent;

(2) recommend, if indicated, mental observation, or medical observation for problems such as alcoholism, drug addiction, or other mental or physical disabilities; and

(3) submit, within thirty days of arraignment, a written report to the counsel of record for such defendant, and the office of the United States attorney having jurisdiction over the case.

(e) The report shall set forth the findings and conclusions of the District Board, including its conclusions as to any physical, mental, social, economic, or other problems of the defendant and shall recommend whether and what type of diversion of the defendant from the criminal justice system of prosecution is desirable. The report shall be made part of the permanent record of the defendant's case.

(f) The report shall be the basis for discussion between the United States Attorney and counsel of record for the defendant at a formal precharge conference, during which the report and alternatives to prosecution shall be considered. If the United States Attorney and counsel for the defendant agree that diversion of the defendant from the criminal prosecution system would be desirable, and an appropriate authorized diversion program exists, then the charges against the defendant shall be suspended for up to twelve calendar months subject to the defendant agreeing to participate in that program. The board shall file with the court a statement of the date the defendant has commenced participation in the program. The United States Attorney shall make periodic reviews as to the progress of the defendant while participating in the program, and if the United States Attorney is not satisfied with the defendant's progress, he may resume prosecution of the charges by filing within one year after the defendant commenced participation in the program, a statement of intention to resume prosecution, which shall include the reasons for resumption of prosecution. If the United States Attorney does not file a timely statement of intention to resume prosecution of the charges against the defendant, the charges shall be permanently dismissed. The statement of intention by the United States Attorney to resume prosecution shall be included in the record of the case.

(g) If a defendant is prosecuted for and convicted of, a Federal offense, the court shall refer the record of the case to the appropriate district board for review and consideration prior to sentencing. The board shall examine and review the record, the pretrial evaluation report and other pertinent information concerning the case, including the recommendations of counsel for the defendant. Within thirty days after receiving the record, the board shall file a written report with the court, the counsel for the defendant, and the United States Attorney. Such report shall include—

(1) the sentence recommended by the Board, which may be a suspended sentence, probation, imprisonment, or any alternative authorized by law to imprisonment

(2) the reasons for the sentence recommended; and

(3) if imprisonment is recommended—

(A) the reason imprisonment is recommended (such as for reasons of punishment, deterrence, or rehabilitation) and what alternatives were considered as inapplicable, and the reasons therefor;

(B) the term of imprisonment recommended and the institution or facility in which the imprisonment is recommended to be carried out; and

(C) the goals for the offender to attain while so imprisoned which, when attained, should entitle him to parole, but the goals may, from time to time, be revised by the District Board.

(h) If the court determines not to follow the recommendations of the District Board, it shall so state in writing along with the reasons therefor, and the purposes and goals of its sentence.

(i) The District Board shall carry out, with respect to a defendant who has been sentenced, the functions relating to probation, parole, or other form of release (as the case may be) transferred to the Board pursuant to section 508 of the Act. In carrying out these functions, the District Board shall hold an annual hearing with respect to each offender who has been sentenced to imprisonment. In the hearing, all pertinent information concerning the offender shall be reviewed with a view to determining the progress of the offender in attaining the goals established for him by the District Board. At the hearing the offender shall have the right to be represented by counsel, to submit evidence, and to cross-examine witnesses. Within fourteen days following the conclusion of the hearing, the Board shall make its determination as to whether the offender should be released on parole or other authorized alternative action taken. A determination by the Board to authorize release on parole of an offender eligible for parole shall be accompanied by a statement of the conditions of parole. If the Board determines that an offender who is not eligible for parole should be released on parole, it shall recommend to the appropriate court that the sentence of the offender may be so reduced so that the offender may be so released, or that an authorized alternative disposition be made, and within fourteen days after the determination, the District Board shall submit to the offender and to the appropriate court a written report containing the decisions of the Board and the reasons therefor, including the views of the Board with respect to the goals the offender has attained and the goals he has not yet attained.

(j) A quorum for any hearing held pursuant to subsection (i) shall be not less than three members of the District Board.

(k) The decision of the District Board may be appealed to the Circuit Board by the offender affected by the decision solely on the basis that the District Board, in conducting the hearing, failed to follow the standards and guidelines established by the Circuit Board pursuant to section 505(2) of this Act. Nothing in this section shall be construed as abridging the right of an offender to appeal a sentence to the Federal courts.

(l) The District Boards are authorized to enter into contracts or other arrangements for goods or services, with public or private profit organization to assist them in carrying out its duties and functions under this Act.

TRANSFER OF FUNCTIONS PAROLE: PROBATION

SEC. 505. There are hereby transferred to the District Boards established by this Act all functions which were carried out immediately before the effective date of this section—

(1) by the Federal Board of Parole;

(2) by any United States court relating to the appointment and supervision of probation officers;

(3) by the Attorney General relating to the prescribing of duties of probation officers; and

(4) by the Director of the Administration Office of the United States courts relating to probation officers and the operation of the probation system in the United States courts.

TECHNICAL PROVISIONS

SEC. 506. (a) With respect to any function transferred by this title and exercised after the effective date of this section, reference in any other Federal law, rule or regulation to any Federal instrumentality or officer from which or whose functions transferred by this Act shall be deemed to mean the instrumentality or officer in which or whom such function is vested by this Act.

(b) In the exercise of any function transferred by this Act, the appropriate officer of the District Board to which such functions were so transferred shall have the same authority as that vested in the officer exer-

cising such function immediately preceding its transfer, and such officer's actions in exercising such functions shall have the same force and effect as when exercised by such officer having such function prior to its transfer by this title.

(c) All personnel (other than the members of the Board of Parole), assets, liabilities, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred by this title are hereby transferred to the District Boards in such manner and to such extent as the said Director shall prescribe. Such personnel shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions.

(d) Effective on the effective date of section 401 of this Act, the Board of Parole shall lapse.

(e) As used in this Act, the term "function" included powers and duties.

EFFECTIVE DATE

SEC. 507. Sections 502, 503, 505, subsections (d), (e), (f), (g), (h), (i), (j), and (k) of section 507, and sections 508 and 509 of this Act shall take effect upon the expiration of the one hundred and twenty-day period following the date of the enactment of this Act. All other provisions of this Act shall take effect upon the date of its enactment.

DEFINITION

SEC. 508. As used in this part, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

AUTHORIZATIONS

SEC. 509. (a) On and after the date of the enactment of this Act, all moneys received by any court of the United States as fines, penalties, forefeitures, and otherwise shall be deposited in the Treasury to the credit of Federal Circuit Offender Disposition Board and shall he available for carrying out the purposes of this Act.

(b) There are authorized to be appropriated such sums as may be necessary in addition to those available pursuant to subsection (a) of this section to carry out the provisions of this part.

PART B—CORRECTIONAL STANDARDS

NATIONAL ADVISORY COMMISSION ON CORRECTIONAL STANDARDS

SEC. 511. Section 454 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 454. (a) The President shall, within sixty days after enactment of this section, in consultation with the Attorney General, appoint, without regard to the provisions of title 5, United States Code, a National Advisory Commission on Correctional Standards.

"(b) The Commission shall consist of fifteen members, who shall be appointed, by and with the advise and consent of the Senate, from among persons who are broadly representative of experience in the fields of correctional administration and rehabilitation at the Federal, State, and local level, probation and parole services, correctional manpower and training activities, law, the social and behavioral sciences, and public and private agencies and organizations engaged in correctional rehabilitation programs and overall correctional reform. The Chairman of the Commission shall be selected by the President from among the members, except that such Chairman shall be selected from the private sector and shall not be an officer of any Federal, State or local governmental department or agency.

"(1) It shall be the duty of the Commission within one year of its appointment to establish minimum standards relating to the administration of correctional and pretrial detention institutions and facilities, consistent with the provisions of subparagraph (d) of this section, and to hold public hearings on the proposed standards prior to submitting its final recommendations to the Attorney General for his approval. Eight members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

"(2) The Commission shall cease to exist sixty days after its final recommendations are submitted under this section.

"(3) The Commission shall meet at the call of the Chairman, or at the call of a majority of the members thereof.

"(c) The Attorney General shall approve the standards as a whole or secure the concurrence of the Commission by majority vote of its members to changes therein. Upon approval, such standards shall be published and shall be applicable to all correctional and pretrial detention facilities receiving Federal financial assistance, or in which programs receiving Federal financial assistance are operated pursuant to this Act.

"(1) The Administration shall not make any grant under this Act to any State planning agency, unit of general local government, or combination of such units, unless the applicant—

"(A) provides satisfactory assurances that such grant will be employed to implement the minimum standards established under this section by the Commission within a reasonable time, and

"(B) demonstrates, following the establishment of such minimum standards, that such standards are being implemented to the reasonable satisfaction of the Attorney General.

"(2) The Attorney General shall take whatever action is necessary to assure that all Federal correctional instiutions meet the standards established by the Commission under this section.

"(D) To the extent practicable and consistent with the findings of the Commission and of other public and private organizations and agencies the minimum standards established pursuant to subsection (b) (1) of this section shall relate to—

"(1) the maintenance of the physical and mental health of persons detained within correctional departments and agencies including the quality of medical, hospital, and infirmary facilities and services, and the availability of physicians, psychiatric and psychological counseling, therapy for drug users and alcoholics, adequate food services and appropriate facilities for exercise and recreation;

"(2) the personal, hygienic necessities of inmates, including availability of soap, towels, showers, laundry services, and the inspection and compliance of correctional and detention facilities with local health and sanitary codes;

"(3) the availability of bilingual programs for the basic and vocational education and training of inmates, including library services;

"(4) the publication and notice to inmates of rules governing the conduct of persons detained in correctional institutions and detention facilities, and of correctional, custodial and administrative personnel, and the procedures to be followed in adjudicating charges for violations of such rules, and the minimum and maximum penalties applicable to such violations;

"(5) the impartial hearings and adjudication of complaints and grievances concerning discipline or other actions, policies or practices of a correctional department or agency, or any employee thereof, including the feasibility of ombudsman or similar services;

"(6) the forms of discipline and punishment that may be administered as well as the procedural practices applicable to the disposition of disciplinary actions against inmates resulting in loss of good time, loss of privileges, restricted confinement within the general population, or punitive segregation for a specified period;

"(7) rules and regulations pertaining to the sending and receiving of mail, including the opening, censoring, and confiscating or correspondence, and the transmitting of written material for publication;

"(8) rules and regulations pertaining to visitation opportunities afforded to inmates, and the use of telephone service for communication with family, attorneys, and others;

"(9) rules and regulations governing eligibility for parole and probation, the disposition of applications for such action and the publication and notice to inmates of such procedures;

"(10) rules and regulations pertaining to the registration of inmates eligible to vote consistent with the provisions of State and local law;

"(11) rules and regulations pertaining to the availability and frequency of religious services, including counseling;

"(12) the employment and utilization of custodial, administrative, and rehabilitative professional and paraprofessional personnel who are representative of minority groups; and

"(13) special rules and regulations applicable to the incarceration and detention of those who have been charged with, but not convicted of any crime, those who are juvenile delinquents and youth offenders, those who are felons and misdemeanants, and persons of different sex.

"(e) (1) Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Commission. Members of the Commission from private life shall receive $125 per diem while engaged in the actual performance of the duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

"(2) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 5, and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

"(3) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of $75 per diem, including traveltime. While away from his home or regular place of business in the performance of services for the Commission, such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(4) The Commission shall secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this section. Upon request of the chairman, such department or agency shall furnish such information expeditiously to the Commission.

"(f) There are hereby authorized to be appropriated $500,000 for the purpose of carrying out this part."

TITLE VI—CRIMINAL OFFENDER'S REHABILITATION AND RESTORATION OF RIGHTS

PART A—PAYMENT OF MINIMUM WAGE AND SOCIAL SECURITY BENEFITS TO INMATES

MINIMUM WAGE FOR INMATES EMPLOYED IN CONNECTION WITH PRISON-MADE PRODUCTS

SEC. 601. Section 4126 of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"Notwithstanding any other provision of this title or any other law, any inmate employed in any industry, or performing outstanding services in institutional operations shall be compensated at an hourly rate of not less than seventy-five cents, but in no event shall the Attorney General be precluded from authorizing, by regulation, a higher rate in connection with promotions or other incentive purposes."

SEC. 2. The first pargraph of section 4124 of title 18, United States Code, is amended by adding at the end thereof the following new sentence: "Such departments, agencies, and institutions may purchase, at not to exceed current market prices, prison-made products from State penal or correctional systems, if the inmates employed in connection with the making of such products were compensated therefor at an hourly rate of not less than seventy-five cents."

SOCIAL SECURITY COVERAGE

Coverage of Inmates of Federal Penal Institutions

SEC. 602. (a) Section 210(a)(6)(C) of the Social Security Act is amended by striking out clause (iii) thereof.

(b) Section 3121(b)(6)(C) of the Internal Revenue Code of 1954 is amended by striking out clause (iii) thereof.

(c) The amendments made by this section shall apply with respect to service performed on and after the first day of the first calendar quarter which begins on or after the date of enactment of this Act.

PART B—CIVIL ACTIONS FOR DEPRIVATION OF RIGHTS

CIVIL ACTIONS AUTHORIZED

SEC. 611. Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended by adding at the end thereof the following new sentence: "Nothing in this section shall be construed to deny to any person who has been convicted of a criminal offense, the right to bring an action, suit, or other proceeding under the provisions of this chapter and title 18, United States Code, for the protection of all persons in the United States in their civil rights, and for their vindication."

PART C—USE OF CERTAIN FEDERAL PRISON EARNINGS FOR TRAINING

INMATE VOCATIONAL TRAINING AND REHABILITATION FUNDS

SEC. 621. The third paragraph of section 4126 of title 18, United States Code, is amended by striking out "in the vocational training of inmates without regard to their industrial or other assignments;" and inserting at the end thereof the following: "With respect to the earnings that accrue to the corporation each year, the Attorney General shall direct the employment of not less than 100 per centum of such earnings for the purpose of providing vocational and rehabilitational training for inmates. Such training shall take into consideration the vocational and rehabilitative needs of the inmates and shall be undertaken without regard to the needs arising in connection with the industrial and other activities of the Federal prison industries."

PART D—SURPLUS FOOD FOR CORRECTIONAL INSTITUTIONS

PROGRAM AUTHORIZED

SEC. 631. Section 210 of the Agricultural Act of 1956 is amended to read as follows:

"SEC. 210. Notwithstanding any other limitations as to the disposal of surplus commodities acquired through price-support operations, the Commodity Credit Corporation is authorized on such terms and under such regulations as the Secretary of Agriculture may deem in the public interest, and upon application, to donate food commodities acquired through price-support operations to Federal penal and correctional institutions, to State (including the District of Columbia and the Commonwealth of Puerto Rico) penal and correctional institutions, and to penal and correctional institutions (including jails) of any political subdivision of any such State, other than those in which food services is provided for inmates on a fee, contract, or concession basis."

PART E—RIGHT TO VOTE FOR REHABILITATED OFFENDERS

AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965

SEC. 641. The Voting Rights Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IV—RESTORATION OF RIGHT TO VOTE OF PERSONS CONVICTED OF CRIMES

"DEFINITIONS

"SEC. 401. As used in this title, the term—

"(1) 'Federal election' means a primary, general or special election held to vote for electors for President and Vice President, President or Vice President, Senator, Representative, or Delegate or Resident Commissioner to the Congress; and

"(2) 'State' means each of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

"RIGHT TO VOTE

"SEC. 402. No citizen of the United States who is otherwise qualified to vote in a Federal election shall be denied the right to vote in any Federal election because he has been convicted of any crime in any Federal or State court if subsequent to such conviction he has been pardoned or if he is no longer subject to the jurisdiction of any court with respect to such conviction.

"JUDICIAL RELIEF

"SEC. 403. Whenever the Attorney General has reason to believe that a State or political subdivision is undertaking to deny the right to vote in any Federal election in violation of this title, he may institute for the United States, or in the name of the United States an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

"PENALTY

"SEC. 404. Whoever shall deprive or attempt to deprive any person of any right secured by this title shall be fined not more than $5,000, or imprisoned not more than five years, or both."

TITLE VII—COMMISSION ON VICTIMLESS CRIMES

DEFINITIONS

SEC. 701. For the purpose of this part—

(1) "victimless crime" means—

(A) prostitution;

(B) narcotic addiction and drug abuse;

(C) gambling;

(D) vagrancy and disorderly conduct;

(E) juvenile delinquency and related offenses committed by juveniles which, if committed by an adult, would not be a crime; and

(F) any other similar offense determined by the Commission to be victimless crime; and

(2) "Commission" means the National Commission on Victimless Crimes.

COMMISSION ESTABLISHED

SEC. 702. (a) There is established a Commission on Victimless Crimes composed of fifteen members appointed by the President, by and with the advice and consent of the Senate, from among individuals who by virtue of their experience or training are especially qualified to serve on the Commission. In making appointments to the Commission, the President shall appoint individuals who represent a broad range of occupations and who will provide, collectively, broad expertise in the field of victimless crimes, and will provide, collectively, an appropriate regional balance.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) The Commission shall elect a Chairman and Vice Chairman from among its members.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 703. (a) The Commission shall make a complete and full study and investigation of the application of criminal law to victimless crimes, with a view to determining the propriety of applying such laws to victimless crimes, and establishing alternative means of dealing with the effects upon society of dealing with such crimes.

(b) Within one year after the enactment of this title, the Commission shall submit to the President and the Congress interim reports with respect to its study and investigation and a final report, not later than one year after the date of enactment of this Act, which shall include recommendations and proposals, including legislative proposals necessary to carry out its recommendations.

(c) The Commission shall cease to exist 90 days after the submission of its final report.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 704. (a) The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings as may be required for the performance of its functions under this title, administer oaths for the purpose of taking evidence in any such hearings and issue subpenas to compel witnesses to appear and testify and to compel the production of documentary evidence in any such hearing. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this title.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director who may be compensated at a rate not in excess of that provided for level V of the Executive Schedule in title 5, United States Code; and

(2) to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(d) (1) Subpenas issued pursuant to subsection (a) of this section shall bear the signature of the Chairman of the Commission and may be served by any person designated by the Chairman of the Commission for that purpose.

(2) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any such hearing. The per diem and mileage allowances of witnesses so summoned under authority conferred by this section shall be paid from funds appropriated to the Commission.

(3) Any person who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify, or to produce any evidence in obedience to any subpena duly issued under authority of this section shall be fined not more than $500, or imprisoned for not more than six months, or both. Upon the certification by the Chairman of the Commission of the facts concerning any such willful disobedience by any person to the United States attorney for any judicial district in which such person resides or is found, such attorney shall proceed by information for the prosecution of such person for such offense.

COMPENSATION OF MEMBERS

SEC. 705. (a) Members of the Commission who are otherwise employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(b) Members of the Commission not otherwise employed by the Federal Government shall receive compensation at the rate of $_____ a day, including traveltime, for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

EXPENSES OF THE COMMISSION

SEC. 706. There are authorized to be appropriated $1,000,000 to carry out the provisions of this title.

TITLE VIII—LAW ENFORCEMENT PERSONNEL DEATH BENEFITS PROGRAM

PROGRAM AUTHORIZED

SEC. 801. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new part:

"PART L—PUBLIC SAFETY AND CRIMINAL JUSTICE AND CORRECTIONAL PERSONNEL DEATH BENEFITS

"SEC. 701. (a) Under regulations issued by the Administration under this title, upon certification to the Administration by the Governor of any State that a law enforcement officer employed on a full- or part-time basis by that State or a unit of general local government within the State has been killed as a result of his employment, leaving a spouse or one or more eligible dependents, the Administration shall pay a gratuity of $50,000, in the following order of precedence:

"(1) If there is no dependent child, to the spouse.

"(2) If there is no spouse, to the dependent child or children, in equal shares.

"(3) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares.

"(4) If there is no survivor in the above classes, to the parent or parents dependent for support on the decedent, in equal shares.

"(b) As used in this section, a dependent child is one who is unmarried and who was either living with or was receiving regular support contributions from the law enforcement officer at the time of his death, including a stepchild, an adopted child, or a posthumous child, and who is—

"(1) under eighteen years of age; or

"(2) over eighteen years of age and incapable of self-support because of physical or mental disability; or

"(3) over eighteen years of age and a student as defined by section 8101 of title 5, United States Code.

"(c) As used in this section, spouse includes one living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of desertion by the decedent.

"(d) As used in this section, the term 'law enforcement officer' means all public safety and criminal justice personnel including police, sheriffs, deputy sheriffs, highway patrolmen, firemen, including volunteer firemen, parole and probation officers, investigatory and correctional personnel, alcoholic beverage control agents, judges, magistrates, justices of the peace, and other officers of the court.

"SEC. 702. The gratuity payable to any person under this part is in addition to any benefits to which he may be entitled under any other law."

APPROPRIATIONS AUTHORIZED

SEC. 802. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by changing the period at the end of subsection (c) of that section to a comma and adding, "except that for the purposes of part L the term does not include the District of Columbia".

AMENDMENT TO THE INTERNAL REVENUE CODE OF 1954

SEC. 804. Section 101(b)(2)(A) of the Internal Revenue Code of 1964 (relating to death benefits excluded from gross income) is amended to read as follows:

"(A) $5,000 LIMITATION.—The aggregate amounts excludable under paragraph (1) with respect to the death of any employee shall not exceed $5,000, except that an amount not to exceed $50,000 shall be excludable under such paragraph if such sum is paid under the provisions of part J of the Omnibus Crime Control and Safe Streets Act of 1968."

EFFECTIVE DATE

SEC. 805. This title shall become effective with respect to any death of a law enforcement officer on or after January 1, 1967.

TITLE IX—CRIMINAL INJURIES COMPENSATION PROGRAM

PART A—DEFINITIONS AND APPLICABILITY

DEFINITIONS

SEC. 901. As used in this title the term—

(1) "child" means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child, and a child conceived prior to but born after the death of the victim;

(2) "Commission" means the Violent Crimes Compensation Commission established by this Act;

(3) "dependent" means those who were wholly or partially dependent upon the income of the victim at the time of the death of the victim or those for whom the victim was legally responsible;

(4) "personal injury" means actual bodily harm and includes pregnancy, mental distress, nervous shock, and loss of reputation;

(5) "relative" means the spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, spouse's parents;

(6) "victim" means a person who is injured, killed, or dies as the result of injuries caused by any act or omission of any other person which is within the description of any of the offenses specified in section 922 of this Act;

(7) "guardian" means one who is entitled by common law or legal appointment to care for and manage the person or property or both of a child or incompetent; and

(8) "incompetent" means a person who is incapable of managing his own affairs, whether adjudicated or not.

APPLICABILITY

SEC. 902. Notwithstanding any other provision of this title, no claim shall be paid by the Violent Crimes Compensation Commission or by any State commission unless the victim provides satisfactory evidence of a good faith attempt to recover damages from the criminal offender.

PART B—VIOLENT CRIMES COMPENSATION COMMISSION

COMMISSION ESTABLISHED

SEC. 911. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the Violent Crime Compensation Commission. The Commission shall be composed of three members to be appointed by the President, by and with the advise and consent of the Senate. The President shall designate one of the members of the Commission as Chairman, who shall have been a member of the bar of a Federal Court or of the highest court of a State for at least eight years.

(b) There shall be appointed by the President, by and with the advice and consent of the Senate, an Executive Secretary and a General Counsel to perform such duties as the Commission shall prescribe in accordance with the objectives of this title.

(c) No member of the Commission shall engage in any other business, vocation, or employment.

(d) Except as provided in section 916(1) of this title, the Chairman and one other member of the Commission shall constitute a quorum. Where opinion is divided and only one member is present, the opinion of the Chairman shall prevail.

(e) The Commission shall have an official seal.

FUNCTIONS OF THE COMMISSION

SEC. 912. In order to carry out the purposes of this Act, the Commission shall—

(1) receive and process applications under the provisions of this title for compensation for personal injury resulting from violent acts in accordance with part C of this title;

(2) pay compensation to victims and other beneficaries in accordance with the provisions of this title;

(3) hold such hearings, sit and act at such times and places, and take such testimony as the Commission or any member thereof may deem advisable;

(4) promulgate standards and such other criteria as required by section 944 of this title; and

(5) make grants in accordance with the provisions of part D of this title.

ADMINISTRATIVE PROVISIONS

SEC. 913. (a) The Commission is authorized in carrying out its functions under this title to—

(1) appoint and fix the compensation of such personnel as the Commission deems necessary in accordance with the provisions of title 5, United States Code;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals;

(3) promulgate such rules and regulations as may be required to carry out the provisions of this title;

(4) appoint such advisory committees as the Director may determine to be desirable to carry out the provisions of this title;

(5) designate representatives to serve or assist on such advisory committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the purposes of this title;

(6) use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

(7) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(8) request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law; and

(9) arrange with the heads of other Federal agencies for the performance of any of his functions under this title with or without reimbursement and, with the approval of the President, delegate and authorize the redelegation of any of his powers under this title.

(b) Upon request made by the administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the administration in the performance of its functions.

(c) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section shall receive $_____ a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of the committee. Each such member shall also be reimbursed, for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

TERMS AND COMPENSATION OF COMMISSION MEMBERS

SEC. 914. (a) Section 5314. title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) Chairman, Violent Crimes Commission."

(b) Section 5315, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Members, Violent Crimes Commission."

(c) Section 5316, title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(131) Executive Secretary, Violent Crimes Commission.

"(132) General Counsel, Violent Crimes Commission."

(d) The term of office of each member of the Commission taking office after December 31, 1971, shall be eight years, except that (1) the terms of office of the members first taking office after December 31, 1971, shall expire as designated by the President at the time of the appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, after December 31, 1971; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(e) Each member of the Commission shall be eligible for reappointment.

(f) A vacancy in the Commission shall not affect its powers.

(g) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(h) All expenses of the Commission, including all necessary traveling and subsistence expenses of the Commission outside the District of Columbia incurred by the members or employees of the Commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Executive Secretary, or his designee.

PRINCIPAL OFFICE

SEC. 915. (a) The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise in any place.

(b) The Commission shall maintain an office for the service of process and papers within the District of Columba.

PROCEDURES OF THE COMMISSION

SEC. 916. The Commission may—

(1) subpena and require production of documents in the manner of the Securities and Exchange Commission as required by subsection (c) of section 18 of the Act of August 26, 1935, and the provisions of subsection (d) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Commission, except that no subpena shall be issued except under the signature of the Chairman, and application to any court for aid in enforcing such subpena may be made only by the Chairman. Subpenas shall be served by any person designated by the Chairman; and

(2) administer oaths, or affirmations to witnesses appearing before the Commission, receive in evidence any statement, document, information, or matter that may in the opinion of the Commission contribute to its functions under this Act, whether or not such statement, document, information, or matter would be admissible in a court of law, except that any evidence introduced by or on behalf of the person or persons charged with causing the injury or death of the victim, any request for a stay of the Commission's action, and the fact of any award granted by the Commission shall not be admissible against such person or persons in any prosecution for such injury or death.

PART C—AWARD AND PAYMENT OF COMPENSATION

AWARDING COMPENSATION

SEC. 921. (a) In any case in which a person is injured or killed by any act or omission of any other person which is within the description of the offenses listed in section 922 of this title, the Commission may, in its discretion, upon an application, order the payment of, and pay, compensation in accordance with the provisions of this title, if such act or omission occurs—

(1) within the "special maritime and territorial jurisdiction of the United States" as defined in section 7 of title 18 of the United States Code; or

(2) within the District of Columbia.

(b) The Commission may order the payment of compensation—

(1) to or on behalf of the injured person;

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person;

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents;

(4) in the case of a payment for the benefit of a child or incompetent the payee shall file an accounting with the Commission no later than January 31 of each year for the previous calendar year; or

(5) in the case of the death of the victim, to any one or more persons who suffered pecuniary loss with relation to funeral expenses.

(c) For the purposes of this title, a person shall be deemed to have intended an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the Commission may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the Commission, supported by substantial evidence, finds that—

(1) such an act or omission did occur; and

(2) the injury or death resulted from such act or omission.

(f) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act or omission, or if such act or omission is the subject of any other legal action. Upon application from the Attorney General or the person or persons alleged to have caused the injury or death, the Commission shall suspend proceedings under this title until such application is withdrawn or until a prosecution for an offense arising out of such act or omission is no longer pending or imminent. The Commission may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

OFFENSES TO WHICH THIS ACT APPLIES

SEC. 922. The Commission may order the payment of, and pay compensation in accordance with the provisions of this title for personal injury or death which resulted from offenses in the following categories:

(1) assault with intent to kill, rob, rape;
(2) assault with intent to commit mayhem;
(3) assault with a dangerous weapon;
(4) assault;
(5) mayhem;
(6) malicious disfiguring;
(7) threats to do bodily harm;
(8) lewd, indecent, or obscene acts;
(9) indecent act with children;
(10) arson;
(11) kidnaping;
(12) robbery;
(13) murder;
(14) manslaughter, voluntary;
(15) attempted murder;
(16) rape;
(17) attempted rape; or
(18) other crimes involving force to the person.

APPLICATION FOR COMPENSATION

SEC. 923. (a) In any case in which the person entitled to make an application is a child, or incompetent, the application may be made on his behalf by any person acting as his parent or attorney.

(b) Where any application is made to the Commission under this title, the applicant or his attorney, and any attorney of the Commission, shall be entitled to appear and be heard.

(c) Any other person may appear and be heard who satisfies the Commission that he has a substantial interest in the proceedings.

(d) Every person appearing under the preceding subsections of this section shall have the right to produce evidence and to cross-examine witnesses.

(e) If any person has been convicted of any offense with respect to an act or omission on which a claim under this title is based, proof of that conviction shall, unless an appeal against the conviction or a petition for a rehearing or certiorari in respect of the charge is pending or a new trial or rehearing has

been ordered, be taken as conclusive evidence that the offense has been committed.

ATTORNEY'S FEES

SEC. 924. (a) The Commission shall publish regulations providing that an attorney shall, at the conclusion of proceedings under this title, file with the agency a statement of the amount of fee charged in connection with his services rendered in such proceedings.

(b) After the fee information is filed by an attorney under subsection (a) of this section, the Commission may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the Commission and the attorney fail to agree upon a fee, the Commission may, within 90 days after the receipt of the information required by subsection (a) of this section, petition the United States district court in the district in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who willfully charges, demands, receives, or collects for services rendered in connection with any proceedings under this title any amount in excess of that allowed under this section, if any compensation is paid, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

NATURE OF THE COMPENSATION

SEC. 925. The Commission may order the payment of compensation under this title for—

(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(2) loss of earning power as a result of total or partial incapacity of such victim;

(3) pecuniary loss to the dependents of the deceased victim;

(4) pain and suffering of the victim; and

(5) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

FINALITY OF DECISION

SEC. 926. The orders and decisions of the Commission shall be reviewable in the appropriate court of appeals, except that no trial de novo of the facts determined by the Commission shall be allowed.

LIMITATIONS UPON AWARDING COMPENSATION

SEC. 927. (a) No order for payment of compensation shall be made under this title unless the application has been made within two years after the date of the personal injury or death.

(b) No compensation shall be awarded under this title to or on behalf of any victim in an amount in excess of $25,000.

(c) No compensation shall be awarded if the victim was at the time of the personal injury or death living with the offender as his spouse or in situations when the Commission at its discretion feels unjust enrichment to or on behalf of the offender would result.

TERMS AND PAYMENT OF THE ORDER

SEC. 928. (a) Except as otherwise provided in this section, any order for the payment of compensation under this Act may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 921 of this title any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this title), a State or any of its subdivisions, for personal injury or death compensable under this title, but only to the extent that the sum of such payments and any awarded under this title are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission shall pay to the person named in the order the amount named therein in accordance with the provisions of such order.

PART D—RECOVERY OF COMPENSATION

RECOVERY FROM OFFENDER

SEC. 931. (a) Whenever any person is convicted of an offense and an order for the payment of compensation is or has been made under this title for a personal injury or death resulting from the act or omission constituting such offense, the Attorney General may within a year institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States or any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action.

(b) Process of the district court for any judicial district in any action under this section may be served in any judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(c) The Commission shall provide to the Attorney General such information, data, and reports as the Attorney General may require to institute actions in accordance with this section.

EFFECT ON CIVIL ACTIONS

SEC. 932. An order for the payment of compensation under this title shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

PART E—VIOLENT CRIMES COMPENSATION GRANTS

GRANTS AUTHORIZED

SEC. 941. Under the supervision and direction of the Commission the Executive Secretary is authorized to make grants to States to pay the Federal share of the costs of State programs to compensate victims of violent crimes.

ELIGIBILITY FOR ASSISTANCE

SEC. 942. (a) A State is eligible for assistance under this title only if the Executive Secretary, after consultation with the Attorney General, determines, pursuant to objective criteria established by the Commission under section 504, that such State has enacted legislation of general applicability within such State—

(1) establishing a State agency having the capacity to hear and determine claims brought by or on behalf of such victims of violent crimes and order the payment of such claims;

(2) providing for the payment of compensation for personal injuries or death resulting from offenses in categories established pursuant to section 944;

(3) providing for the payment of compensation for—

(A) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(B) loss of earning power as a result of total or partial incapacity of such victim;

(C) pecuniary loss to the dependents of the deceased victims;

(D) pain and suffering of the victim; and

(E) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable, and which is based upon a schedule substantially similar to that provided in part C of this title;

(4) containing adequate provisions for the recovery of compensation substantially similar to those contained in part D of this title.

STATE PLANS

SEC. 943. (A) Any State desiring to receive a grant under this title shall submit to the Commission a State plan. Each such plan shall—

(1) provide that the program for which assistance under this title is sought will be administered by or under the supervision of a State agency;

(2) set forth a program for the compensation of victims of violent crimes which is consistent with the requirements set forth in section 942;

(3) provide assurances that the State will pay from non-Federal sources the remaining cost of such program;

(4) provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this part; and

(5) provide that the State will submit to the Executive Secretary—

(a) periodic reports evaluating the effectiveness of payments received under this part in carrying out the objectives of this title; and

(b) such other reports as may be reasonably necessary to enable the Executive Secretary to perform his functions under this title, including such reports as he may require to determine the amounts which local public agencies of that State are eligible to receive for any fiscal year and assurances that such State will keep such records and afford such access thereto as the Executive Secretary may find necessary to assure the correctness and verification of such reports.

(B) The Executive Secretary shall approve a plan which meets the requirements specified in subsection (a) of this section and he shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

BASIC CRITERIA

SEC. 944. As soon as practicable after the enactment of this Act, the Commission shall by regulations prescribe criteria to be applied under section 942. In addition to other matters, such criteria shall include standards for—

(1) the categories of offenses for which payment may be made; and

(2) such other terms and conditions for the payment of such compensation as the Commission deems appropriate.

PAYMENTS

SEC. 945. (a) The Executive Secretary shall pay in any fiscal year to each State which has a plan approved pursuant to this title for that fiscal year the Federal share of the cost of such plan as determined by him.

(b) The Federal share of programs covered by the State plan shall be 75 per centum for any fiscal year.

(c) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(d) Grants made under this section pursuant to a State plan for programs and projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated under section 953.

WITHHOLDING GRANTS

SEC. 946. Whenever the Executive Secretary, after reasonable notice and opportunity for a hearing to any State, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 943; or

(2) that in the operation of any program assisted under this part there is a failure to comply substantially with any applicable

provision of this part; the Executive Secretary shall notify such State of his findings and that no further payments may be made to such State under this part until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected.

REVIEW AND AUDIT

SEC. 947. The Executive Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee that are pertinent to the grant received.

DEFINITION

SEC. 948. For the purpose of this part the term "State" means each of the several States.

PART F—MISCELLANEOUS

REPORTS TO THE CONGRESS

SEC. 951. The Commission shall transmit to the President and to the Congress annually a report of its activities under this Act.

SEC. 952. There is hereby authorized to be appropriated as much money as necessary to carry out the purposes of this title.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDENT pro tempore. Under the previous order the Chair lays before the Senate the unfinished business (S. 3390), which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now lay aside temporarily the unfinished business and proceed to the consideration of S. 3010, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 3010) to provide for the continuation programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The Senate resumed the consideration of the bill.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

AUTHORIZATION OF APPROPRIATIONS FOR ACTIVITIES OF NATIONAL SCIENCE FOUNDATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on Friday by which the bill (S. 3511), National Science Foundation authorizations, was passed be vitiated.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be discharged from further consideration of H.R. 14108 and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? Without objection, the committee is discharged from further consideration of the bill and the Senate will proceed to its immediate consideration.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all after the enacting clause of H.R. 14108 be stricken and that there be substituted in lieu thereof the text of S. 3511 as passed by the Senate on last Friday.

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

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 14108) was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 3511 be indefinitely postponed.

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

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that the following professional staff members of the Committee on Labor and Public Welfare be admitted to the floor during the consideration of S. 3010: Mr. Richard E. Johnson, Mr. William J. Spring, Mr. Jonathan Steinberg, Mr. John Scales, Mr. Richard Siegel, and Mr. Steve Engleberg.

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

The question is on agreeing to the committee amendment.

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

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

The legislative clerk proceeded to call the roll.

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

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

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, the Senate has now been in session for 1 hour and 20 minutes. Fifty-five minutes have expired since the close of morning business. The pending business, the economic opportunity amendments, is now before the Senate.

The leadership would ask Senators who have amendments thereto to come to the Chamber and to be prepared to offer amendments so that progress can be made in disposing of this bill today if at all possible. Much remains to be done during the remainder of the week, and I feel it would be appropriate at this time to suggest the absence of a quorum and justifiable to state that this will be a live quorum so that the cloak room personnel can notify Senators on both sides accordingly.

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

The PRESIDING OFFICER (Mr. MONDALE). The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators answered to their names:

[No. 245 Leg.]

Brock	Cook	Ribicoff
Buckley	Griffin	Saxbe
Byrd, Harry F., Jr.	Hruska	Stafford
	Mondale	Stevens
Byrd, Robert C.	Nelson	Stevenson

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to execute the order of the Senate.

After a delay the following Senators entered the Chamber and answered to their names:

Aiken	Ervin	Miller
Allen	Fannin	Montoya
Allott	Fong	Moss
Anderson	Fulbright	Packwood
Bayh	Goldwater	Pastore
Beall	Gurney	Pearson
Bellmon	Hansen	Percy
Bennett	Hart	Proxmire
Bentsen	Hartke	Randolph
Bible	Hatfield	Roth
Boggs	Hollings	Schweiker
Burdick	Humphrey	Scott
Cannon	Inouye	Smith
Case	Jackson	Sparkman
Chiles	Jordan, N.C.	Stennis
Church	Jordan, Idaho	Talmadge
Cooper	Kennedy	Thurmond
Cranston	Long	Tower
Curtis	Magnuson	Tunney
Dole	Mathias	Weicker
Dominick	McClellan	Williams
Eagleton	McIntyre	Young
Ellender	Metcalf	

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Sena-

tor from South Dakota (Mr. McGOVERN), the Senator from Rhode Island (Mr. PELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Iowa (Mr. HUGHES), the Senator from Virginia (Mr. SPONG), the Senator from Maine (Mr. MUSKIE), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). A quorum is present.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding, after a discussion with the able assistant Republican leader, that he is prepared to offer an amendment shortly, within the next 3 or 4 minutes. Therefore, I suggest the absence of a quorum, and I hope that it will be only a brief quorum.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRIFFIN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 138, strike out line 23, and insert in lieu thereof the following:

"AMENDMENT WITH RESPECT TO VOLUNTEER PROGRAMS"

On page 138, between lines 23 and 24, insert the following:

"SEC. 24. (a) Section 801 of the Economic Opportunity Act of 1964 is amended as follows:

In the second sentence of Section 801, after the words "to eliminate poverty" insert the words "and to deal with environmental needs."

"(b) Section 811(a) of such Act is amended:

"(1) by striking out the first sentence thereof, and

"(2) by inserting in lieu thereof: 'Volunteers under this part shall be required to make a full-time personal commitment to achieving the purposes of this title and the goals of the projects or programs to which they are assigned.'

"(c) Section 820(a) of such Act is amended:

"(1) by striking out the first sentence of subsection (a) and

"(2) by inserting in lieu thereof: 'The Director shall develop programs designed to expand opportunities for persons to participate in a direct and personal way, on a part-time basis or for short periods of service either in their home or nearby communities or elsewhere, in volunteer activities contributing to the elimination of poverty or otherwise in furtherance of the purposes of this title.'."

On page 138, beginning with line 24, strike out through "1964" in line 25 and insert in lieu thereof the following:

"(d) The first sentence of section 821 of such Act".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on this amendment be limited to 30 minutes, to be equally divided between the able Senator from Michigan (Mr. GRIFFIN) and the able Senator from Wisconsin (Mr. NELSON); and that time on any amendment to an amendment, debatable motion, or appeal in relation thereto, be limited to 10 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

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

Mr. ROBERT C. BYRD. Mr. President, does the distinguished Senator from Michigan, the author of the amendment, wish to have a rollcall vote on it, and would he want to get the yeas and nays shortly, or would he wish to wait?

Mr. GRIFFIN. Perhaps we should wait. It may not be necessary to have a rollcall vote.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, this amendment will broaden the authority of VISTA, the volunteer organization, so that it would be able to enlist and use volunteers in environmental cleanup projects.

At the present time, the basic legislation which established VISTA is restrictive in its terminology and requires that volunteers in VISTA can only operate with respect to the problems of poverty.

To be sure, there is plenty of work to do in connection with the problems of poverty and we can use all the volunteers available to work with that particular problem. But one of the unfortunate things is that there are many volunteers, particularly among young people, who would like to devote themselves to various programs and projects which have to do with cleaning up the environment.

In a real sense, the problem of poverty and the problem of pollution are inseparable. I do not think there is any question that the segment of our society which suffers most from pollution is the poor, in the inner cities—those who suffer from pollution of the air, and water, from rats and from unsightly conditions that exist in some areas because of litter. This group would benefit the most from the use of volunteers in environmental projects.

Mr. President, this amendment does not require the director of VISTA to put any particular number of volunteers to work in environmental projects. It merely expands the authority of the agency so that it can utilize volunteers who are able and willing to devote themselves primarily to environmental problems and environmental needs.

Personally I think that legislation of this kind should have been on the books years ago. In fact, when my staff people advised me that in our range of volunteer programs there is no present authority to utilize volunteers for environmental programs, I could hardly believe it. And I insisted that they do a good deal of research to be sure that is the case, because we are all aware of the great interest in environmental problems and the interest of many young people to do something about these problems.

So, the amendment is very simple. In my opinion it should not be controversial. It would merely provide that those who are operating the VISTA program would be able to enlist and utilize volunteers not only for projects that directly relate to poverty, but also for projects such as cleaning up the environment. I would hope that this amendment would be adopted by the Senate.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, on the question of authorizing VISTA volunteers to work in the area of environmental needs, I think that the authorization is already in the law so long as the activity that the VISTA volunteers are involved in is beneficial to poor people. Is that not correct?

Mr. GRIFFIN. Mr. President, I would say that is not the understanding. And it is not at all clear that is the case. If the floor manager of the bill believes that is so, then the amendment I propose would not be objectionable and he would agree to it.

Mr. NELSON. Mr. President, the distinguished Senator from Michigan mentioned lead-based paint. As I recall it, the testimony of Mr. Blatchford before our committee was in fact that VISTA volunteers work in that field now.

Is it the intent of the distinguished Senator from Michigan, concerning the environmental matters in which we would authorize VISTA volunteers to involve themselves, that these activities be for the specific and direct purpose of helping people in poverty.

Mr. GRIFFIN. Mr. President, it would be my thinking that we should not restrict it in that way. However, I have indicated that I have no doubt in my own mind that the group or segment of our society that would benefit most from volunteers working in the area of environmental problems would be the people who are in the inner city and the poor, because they are the ones that suffer the most from air and water pollution, and from the various other problems that are related to the abuse of the environment.

Mr. President, this would leave the discretion within the agency. It does not strike at the fact that the primary purpose of VISTA is directed at poverty. I am sure that should be taken into ac-

count even in interpreting the language which I am suggesting. However, I do not think I would want to be confined to that. I think that if we can get volunteers who are willing and able to go out and pick up litter and trash and help to clean up our environment, I am for using them whether it happens to be in a situation that is directly involved with poverty or not.

Mr. NELSON. Mr. President, one of the problems, as the Senator from Michigan is aware, is that very frequently the environmental movement is attacked as being a movement of the affluent and the middle and upper classes. I happen to agree with the Senator from Michigan that such is not the case, and that in fact the environment that is the worst in this country is in the city ghettos where the environmental noise is the worst, where the air pollution is the worst, where there is less clean space, less open space, less playgrounds, and less of all of the amenities of life.

It would be very disturbing to me if, for example, in a public park in a city in which the accessibility to the park was confined to affluent suburban and middle-class people, we had VISTA volunteers in there cleaning up the park and making the public park a nice place, whereas we have a much worse situation in a park down in the ghetto and the VISTA volunteers are not working there.

I do not think it would be defensible under this program, which is oriented toward helping the poor, to allow discretion in the VISTA program for them to do environmental clean-up work in well-to-do areas in which the environment is still much better than it is in the ghettos. That would concern me.

If the Senator is saying that they should be authorized to work on environmental problems, as he mentioned, in helping in the matter of lead-based paint, cleaning up of playgrounds, and supervising playgrounds oriented toward the poor, I would find no trouble in accepting the amendment. However, if the Senator proposes that these volunteers can be used in the other areas, I think it would be highly questionable.

Mr. GRIFFIN. Mr. President, if I may respond to the distinguished floor manager of the bill, I ask him if it would not make sense to agree to the amendment and give those who run the VISTA program a reasonable opportunity to operate and let us see how they use their authority. If it should be that volunteers are only used to clean up the parks in the affluent areas, if they are ignoring the problems of the inner city, I would be the first to join with the Senator from Wisconsin in asking for some kind of further restriction. However, I do not think that at this point it is necessary. I would assume without question that the Director of VISTA would not confine the use of volunteers to the areas that the Senator from Wisconsin referred to and that certainly a large percentage of these people would be used in the inner city.

Mr. NELSON. What puzzles me a bit is the reluctance of the Senator from Michigan to agree in the colloquy that the funds expended on environmental matters here should be oriented to the environmental problems of the poor. The thing that puzzles me is that if there were appropriated 10 times as much or 200 times as much there would not be enough money to make a significant dent in the disgraceful, deteriorating environmental circumstances in the poverty area. So I would be most reluctant to give the Director the discretion to use VISTA volunteers in the improvement of the environment in areas other than poverty areas. The Senator said he is sure that any Director would emphasize the poor, but why not agree to saying so in the amendment. I do not understand the reluctance to do that. I am for authorizing these activities but not to do work that benefits people who are not poor.

Mr. GRIFFIN. Mr. President, how much much times remains to each side?

The PRESIDING OFFICER. The Senator from Michigan has 10 minutes remaining and the Senator from Wisconsin has 5 minutes remaining.

Mr. NELSON. Mr. President, how do I have 5 minutes remaining when the Senator from Michigan took more time speaking than I did? Did the Chair count all of the Senator's answers to my questions on my time instead of his time?

Mr. GRIFFIN. I will be generous and yield time to the Senator.

The PRESIDING OFFICER. When the Senator from Michigan first took the floor he yielded. The Senator from Wisconsin was recognized. Everything since has been on the time of the Senator from Wisconsin.

Mr. GRIFFIN. Mr. President, I respond to the Senator from Wisconsin in this way. It may well be that the authorization, in terms of money, does need to be increased and it may be we will not, as a Congress, be willing to use the authorization in funding to the extent we could utilize all the volunteers who might be available to work in environmental projects. But I think it a tragedy that at the present time there are people willing to volunteer and work to clean up the environment and we do not have a program to utilize them.

We have the Teachers Corps, the Peace Corps, and VISTA, and the authorization is so restrictive and limited that people who are interested in working in cleaning up the environment have no place to go and say, "I want to work."

Now, I think that we should start by providing that authority in the law. That is what my amendment would do. In other portions of the bill I am willing to consider an increase in the authorization funds to make sure that by broadening this authority we are not going to cut back on the amount of work that the volunteers will do that will be directed specifically at poverty programs not related to the environment. But I would hope that the Senate would see the wisdom finally, after these many years, of making it possible for the VISTA program to enlist and use young people who do want to work in this area of cleaning up the environment. We certainly talk enough about it. We read about it. We know pollution is a serious problem. I rather imagine that most of the citizens of the country and our constituents would be a shocked as I to learn we have no way now under existing programs to utilize those who want to work in cleaning up the environment.

I think the justification for it and the good sense of it are apparent on the face. Again I urge that the floor manager and other Senators support the amendment.

Mr. NELSON. Mr. President, I find the objective of the amendment commendable. I suppose that in the 24 years I have been in public office no one in either House of Congress has spent more time on the issue of the environment than I have. I agree that this is a fundamental and important activity. I agree that VISTA workers should be eligible to participate in that kind of work. I think they are under the present law. I have no objection to broadening the scope of the authorization to make it more clear. I agree with the Senator that the Director of the program is likely to use good sense and to emphasize that the effort in the environmental field through VISTA workers be performed for the benefit of the poor. I suspect that if he has a choice between sending them to fix up a playground in a poverty as against an affluent area, he would choose to have them do work in the poverty area. Dealing with the problems of the poor is the objective of the efforts of VISTA workers. I assume that is what the Director would do in this program and I assume that because of the emphasis on that very aspect by the Senator from Michigan in his opening remarks that the Director of the program would take note of that and the intent would be clear.

I am willing to accept the amendment but I would make it clear in the legislative history that if the emphasis of the program is not on the poor I will return to the floor to take that authority away from the ACTION program and the VISTA program at the first feasible moment.

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

Mr. NELSON. I yield.

Mr. GRIFFIN. Mr. President, I am delighted that the manager of the bill has taken that position, but I believe that to maintain the position of the Senate in conference I nevertheless would like to ask for the yeas and nays. The requisite number of Senators are in the Chamber. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRIFFIN. I thank the Senator.

Mr. NELSON. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 21 minutes remaining.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum, and I ask that the time be charged equally against the author of the amendment and myself.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. 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. CRANSTON. Mr. President——

The PRESIDING OFFICER. The Senate is operating on limited time. All time has expired on the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on each side be extended by 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. GRIFFIN. Mr. President, I yield to the Senator from California.

Mr. CRANSTON. I thank the Senator from Michigan.

Mr. President, the present Economic Opportunity Act provisions make plain in section 810(a)(3) that VISTA Volunteers may be assigned to work in connection with programs or activities authorized, supported, or of a character eligible for assistance under this act. There is a section in the pending bill—section 7—providing for a special emphasis program to be added to section 222(a) of the Economic Opportunity Act to authorize an environmental action program that focuses on environmental problems in the poverty community.

I ask unanimous consent that that provision may appear in the RECORD as a part of my remarks.

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

NEW SPECIAL EMPHASIS PROGRAMS

SEC. 7. Section 222(a) of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for work (which would not otherwise be performed) on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment; and the improvement of the quality of life in urban and rural areas.

Mr. CRANSTON. Mr. President, we have held long and detailed hearings in the Human Resources Subcommittee of the Committee on Labor and Public Welfare on the Action program. I introduced an Action Agency bill—S. 3450—by request, and in those hearings the matter of environmental work and other nonpoverty work for VISTA volunteers was discussed. Every witness before us on this matter made plain their opposition to any environmental work that competed for scarce dollars committed to the war on poverty. We had testimony from Community Action Agency representatives, VISTA representatives, labor representatives, the poor themselves and others.

I believe that a simple amendment to the amendment of the Senator from Michigan would deal with this problem in an adequate way, and I therefore ask if he would accept an amendment on page 2, line 1, to strike out the word "needs" and insert "problems focused primarily upon the needs of low-income persons and the communities in which they reside." Would that be satisfactory?

Mr. GRIFFIN. I would say to the Senator from California that that would be satisfactory. It is not absolutely restrictive, but it recognizes that we should extend the benefits of the bill, and the primary thrust of the bill should be directed toward the solution of problems of poverty and environmental problems associated therewith. I think it is a constructive amendment, and I am glad to accept it.

Mr. CRANSTON. I thank the Senator. With that understanding, I have no objection to the amendment.

On another matter regarding the amendment, I ask unanimous consent that lines 3, 4, and 5 on page 3 be stricken.

Mr. GRIFFIN. Could we take care of the first one first?

The PRESIDING OFFICER. It takes unanimous consent to adopt the amendment.

Mr. GRIFFIN. I think we can adopt it by voice vote, Mr. President. I refer to the amendment of the Senator from California.

Mr. CRANSTON. Mr. President, I offer that amendment.

Mr. GRIFFIN. Mr. President, would it have to be done when the time expires?

The PRESIDING OFFICER. That is correct.

Mr. GRIFFIN. Mr. President, I am prepared to yield back the remainder of my time, if we may do so, except there is a technical error the staff has found.

I ask unanimous consent that the language on lines 3, 4, and 5 on page 3 of the printed amendment be stricken.

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

Mr. GRIFFIN. Mr. President, I yield back the remainder of my time.

Mr. CRANSTON. Mr. President, I offer an amendment to the amendment of the Senator from Michigan as follows:

On page 2, the top line, strike out "needs" and insert in lieu thereof "problems focused primarily upon the needs of low income persons and the communities in which they reside".

The PRESIDING OFFICER. Will the Senator send his amendment to the desk so that it may be reported?

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 1 of the modified amendment, strike out "needs" and insert in lieu thereof "problems focused primarily upon the needs of low income persons and the communities in which they reside".

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. GRIFFIN. Mr. President, I yield back my time.

Mr. CRANSTON. I yield back whatever time I may have remaining.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER (Mr. SPARKMAN). The question now is on agreeing to the amendment of the Senator from Michigan as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Virginia (Mr. SPONG), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oklahoma (Mr. BELLMON) and the Senator from Colorado (Mr. DOMINICK) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) would vote "yea."

The result was announced—yeas 79, nays 0, as follows:

[No. 246 Leg.]

YEAS—79

Aiken	Ervin	Moss
Allen	Fannin	Nelson
Allott	Fong	Packwood
Anderson	Fulbright	Pastore
Bayh	Goldwater	Pearson
Beall	Griffin	Percy
Bennett	Gurney	Proxmire
Bentsen	Hansen	Randolph
Bible	Hart	Ribicoff
Boggs	Hartke	Roth
Brock	Hatfield	Saxbe
Buckley	Hollings	Schweiker
Burdick	Hruska	Scott
Byrd, Harry F., Jr.	Humphrey	Smith
Byrd, Robert C.	Inouye	Sparkman
Cannon	Jackson	Stafford
Case	Jordan, N.C.	Stennis
Chiles	Jordan, Idaho	Stevens
Church	Kennedy	Stevenson
Cook	Long	Talmadge
Cooper	Magnuson	Thurmond
Cranston	Mathias	Tower
Curtis	McClellan	Tunney
Dole	McIntyre	Weicker
Eagleton	Miller	Williams
Ellender	Mondale	Young
	Montoya	

NAYS—0

NOT VOTING—21

Baker	Gravel	Metcalf
Bellmon	Harris	Mundt
Brooke	Hughes	Muskie
Cotton	Javits	Pell
Dominick	Mansfield	Spong
Eastland	McGee	Symington
Gambrell	McGovern	Taft

So Mr. GRIFFIN's amendment (No. 1268), as modified, was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

Mr. BROCK. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

Page 71, line 1, strike out "IX, and X", and insert in lieu thereof "and IX".

Page 71, line 13, place a period after "1964", and strike out "and" and all that follows down through and including line 15 on page 71.

Page 71, strike out lines 24 and 25, and insert in lieu thereof the following:

"$466,400,000 shall be for the purpose of carrying out title II of which $71,500,000 shall be for the purpose of carrying out the Legal Services program described in section 222(a)(3), $114,000,000 shall be".

Page 75, strike lines 10 through 12 inclusively, and renumber succeeding paragraphs.

Page 100, strike out line 22 and all that follows down through and including line 21 on page 129.

Page 130, strike "Title X", insert in lieu thereof "Title IX", and redesignate section numbers therein accordingly.

AUTHORIZATION OF APPROPRIATIONS FOR COAST GUARD, FISCAL YEAR 1973—CONFERENCE REPORT

Mr. LONG. 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. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4 and 6 and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "39,449, and an end of year strength of 39,541."

And that the Senate agree to the same.

RUSSELL B. LONG,
PHILIP A. HART,
ERNEST F. HOLLINGS,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

Mr. LONG. Mr. President, the Managers on the part of the Senate were successful in getting the Managers on the part of the House to accept all of the Senate amendments to H.R. 13188, with one exception in which the Managers on the part of both Houses felt a slight revision was in order.

To all intents and purposes, the House agreed to the Senate amendment other than that they wanted the amendments to be of general application, which was agreed to.

Mr. President, I ask unanimous consent that the statement of explanation of the joint managers be printed in the RECORD, and that the requirement to print the report as a separate document be waived.

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

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the act (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

AMENDMENT NO. 1

House bill

The House authorized to be appropriated $81,070,000 for procurement and increasing capability of vessels.

Senate amendment

Senate amendment No. 1 increased this amount by $670,000, with the intent that the funds be allocated for expedited action to equip Coast Guard vessels assigned to the Great Lakes with pollution abatement capabilities.

Conference substitute

The conference report authorizes to be appropriated $81,740,000, with the intent that the funds be allocated for expedited action to equip Coast Guard vessels with pollution abatement capabilities and your conferees expect that the Coast Guard will use such funds to abate pollution from vessels assigned to restricted waters where pollution problems are most acute, such as in inland lakes, rivers, and the Great Lakes, on the basis of the most urgent environmental needs.

AMENDMENT NO. 2

House bill

The House bill authorized to be appropriated $15,100,000 for the procurement and extension of service life of aircraft.

Senate bill

The Senate bill authorized to be appropriated $18,100,000.

Conference substitute

The conference report authorizes to be appropriated $18,100,000. Your conferees agreed that the Coast Guard should be authorized additional funds to procure the long-range search and rescue helicopter authorized by Senate amendment No. 3.

AMENDMENT NO. 3

House bill

No comparable provision.

Senate bill

Senate amendment No. 3 provided for the authorization of one long-range search and rescue helicopter, and the Senate report expressed the intent that the Coast Guard should station the helicopter at Alaskan Coast Guard facilities.

Conference substitute

The conference report authorizes the procurement of one long-range search and rescue helicopter, and your conferees believe that the Coast Guard should locate the helicopter wherever it would be most useful to protect human life.

AMENDMENT NO. 4

House bill

The House bill provided $45,650,000 for construction of certain designated projects, including the rebuilding of the moorings of the Cutter *Mackinaw* at Cheboygan, Michigan.

Senate bill

The Senate bill increased this amount by $390,000 to allow additional funds for the project at Cheboygan, Michigan. This increase was provided as a result of revised cost studies submitted by the Coast Guard.

Conference substitute

The conference report authorized the appropriation of the additional amount provided by Senate amendment No. 4, making the total amount authorized for construction projects $46,040,000.

AMENDMENT NO. 5

House bill

The House bill authorized the Coast Guard to have an average active duty strength of 39,074.

Senate bill

The Senate bill authorized an average active duty strength of 39,449. The Senate increased this authorized strength in order to reflect the recall of two cutters from the reserve fleet, which was funded by appropriations not subject to authorization, and to reflect the transfer from the Navy to the Coast Guard of the responsibility for providing essential services for Coast Guard operations at Kodiak, Alaska necessitated by the closure of the Naval Station at Kodiak.

Conference substitute

In order to conform to the recent action of the Congress requiring that authorized personnel ceilings be stated in terms of the authorized strength at the end of the fiscal year, your conferees agreed to authorize an end of year personnel strength at 39,541, which does not reflect an increase over the ceiling set by the Senate, but states the figure in a manner compatible with the method adopted by the Armed Services Committees of the two Houses; and your conferees agreed to the increases provided in Senate amendment numbered 5.

AMENDMENT NO. 6

House bill

No comparable provision.

Senate bill

Senate amendment No. 6 authorized the extension of the authority for the Coast Guard to lease housing for military personnel, now scheduled to expire on June 30,

1972, at the request of the Coast Guard. The Senate made the authority permanent, contingent upon an annual report to the Congress as to the utilization of the authority for the previous calendar year.

Conference substitutes

The conference report grants the Coast Guard permanent authority to lease housing for military personnel subject to the filing of an annual report to the Congress as to the utilization of the authority during the preceding calendar year.

Mr. LONG. Mr. President, I move adoption of the conference report.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

H.R. 632. An act for the relief of the village of River Forest, Illinois;

H.R. 3227. An act for the relief of Staff Sergeant J. C. Bell, Junior, United States Air Force;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 6820. An act for the relief of John W. Shafer, Junior;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Virginia, its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, The Robert E. Lee Memorial;

H.R. 13918. An act to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes;

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions;

S.J. Res. 72. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; and

H.J. Res. 812. Joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) subsequently signed the enrolled bills and joint resolutions.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. BROCK. Mr. President, I rise to offer an amendment which would keep the legal services program within the office of the OEO.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield, I should like to ask the able Senator whether there is any chance of getting a time limitation on his amendment at this time.

Mr. BROCK. I wish I could accommodate the distinguished majority whip, but I cannot at this time as I have a number of requests for time and I do not know how much will be used.

Mr. ROBERT C. BYRD. I thank the able Senator.

Mr. BROCK. Mr. President, the amendment does not strike any program of the legal services for the poor. During the past few months, we have heard certain aspects of the House and Senate debate on this proposal which infers that a motion to strike proposed title IX of the Economic Opportunity Act of 1964, as amended, would be a motion to destroy the Federal Government's commitment to providing legal services to the poor. Nothing could be further from the truth.

Specifically, my amendment would strike section 18 of the bill, which seeks to establish a National Legal Services Corporation and attendant program as title IX of the EOA. Thus, it preserves the legal services program within OEO, not only as a viable program but also with an increase in authorized funds over previous years.

What is the difference between a federally funded legal services program within OEO and a federally created and federally funded legal services program within, and administered through, a proposed corporation? The difference is major. It is the heart of this debate.

During previous discussion of this program, we have had problem area after problem area, unresolved controversy after unresolved controversy, horror story after horror story brought to the attention of this body. And, in reality, not one of these would be effectively resolved by the proposal now pending.

Policy questions and administrative issues as great as the meaning and role of accountability of the Corporation and its programs to the public and their elected representatives in the Congress; the role of Federal oversight; the qualifications of attorneys and personnel; the eligibility of clients; the nature of the attorney-client relationship; the permissible scope, if any, of solicitation by project attorneys; the permissible scope of the outside practice of law among project attorneys; the determination of priorities as to cases handled by the program; the role of project attorneys in criminal representation and prisoner organization; the role of project attorneys in so-called community education and community organizing; the role of federally funded attorneys engaging in lobbying activities with the blessings of the bill pending before us; the role and propriety of promoting ideological, philosophical, political, and partisan points of view with Treasury funds; the efficacy of involvement and participation in various forms of direct action—rallies, demonstrations; the role of project attorneys in social issues such as busing, abortion, workfare requirements; the role of State and local bar associations; and the end result of this proposed program—each of these questions have been inadequately resolved.

In his veto message of the proposed National Legal Services Corporation last December 9, the President stated emphatically:

It would be better to have no legal services corporation than one so irresponsibly structured.

Mr. NELSON. Mr. President, will the Senator from Tennessee yield for a question?

Mr. BROCK. I am delighted to yield to the Senator from Wisconsin.

Mr. NELSON. The Senator realizes, I assume, that the President's objection to the structure of the Board was that he would have been able to nominate only six of the 17 members. Does the Senator realize that the President asked in his message to create a separate Corporation—that he recommended and asked Congress to approve a separate Legal Services Corporation?

Mr. BROCK. Of course.

Mr. NELSON. So it is the Senator's position that he does not agree with the President that there should be a separate Corporation?

Mr. BROCK. I fully agree with the President. I support the President. But I think the question before us is whether the committee has addressed itself to the points he raised in his veto message and whether the committee has addressed itself to them adequately.

In my reading of this vast bill, all are unresolved questions. They all remain unresolved.

The bill, as written, is not responsive to the request of the President for a Legal Services Corporation which would benefit the poor.

Mr. NELSON. May I ask another question?

Mr. BROCK. Certainly.

Mr. NELSON. Do I correctly understand the Senator, then, to say that he does agree with the President in principle, that there be established a separate and independent Legal Services Corporation?

Mr. BROCK. Yes, I do.

Mr. NELSON. And that the difference is in the spelling out of the details of that Corporation in the bill?

Mr. BROCK. The Senator has correctly stated my position.

Now, to continue my statement, Mr. President, the question, thus, becomes: Do we have any reason to believe that the new program—federally created and federally funded—will manifest itself any differently than the existing program? The answer, unfortunately, is, "No." As a matter of fact, it could be worse, because we divorce the new Corporation from any public accountability. Nothing has been brought to the attention of this body which demonstrates that the transfer of this program from a Federal agency to a federally created Corporation will resolve the mammoth issues brought to our attention.

Mr. President, I suggest that the problems with this program unquestionably reveal that the only way to substantively reform this program, to make it stronger and more effective in meeting the legal needs of the poor—is to keep the program, for the time being, within OEO where it is more susceptible to reform to improve the delivering of legal services to the poor. The debate has brought to the attention of everyone concerned with this program the nature of the

changes and reforms which need to be made.

Mr. President, it is the responsibility of this body collectively, and of its Members individually, to insure the proper administration of any program funded with taxpayers' dollars. The legal services program should be no different from any other. Proper administration can come if this program remains within OEO.

This means that we will have the opportunity to pursue the reforms now in progress, to resolve the questions which are before us in a manner which will ultimately allow us to have a full legal services program of an adequate and responsive nature.

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. NELSON. 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. NELSON. Mr. President, I would like to address myself to the amendment offered by the Senator from Tennessee (Mr. BROCK) which is designed to eliminate the Legal Services Corporation from the bill.

LEGAL SERVICES CORPORATION

Title IX of the Economic Opportunity Amendments of 1972 (S. 3010) now pending before the Senate establishes a National Legal Services Corporation and transfers to that Corporation the legal services program currently administered in the Office of Economic Opportunity.

Mr. President, contrary to the position of the distinguished Senator from Tennessee (Mr. BROCK), the committee reported bill's legal service title responds in every significant respect to the administration's viewpoints. As with all legislation, there are many compromises in the legal services title. Its provisions were worked out on a bipartisan basis with the leadership of Senators TAFT and JAVITS of the committee minority and Senators MONDALE and CRANSTON of the committee majority. If my memory is correct, the final bill was reported by a unanimous vote of the whole committee.

Let me remind the Senate of the history of the development of this legislation to establish a National Legal Services Corporation outside the Office of Economic Opportunity.

The President himself called for the Corporation to replace the current legal services program in a Presidential "Message Relative To Providing Legal Services to Americans Otherwise Unable To Pay for Them" transmitted to Congress on May 5, 1971.

In fact, the original initiatives toward the proposal for a National Legal Services Corporation came when the President, as he points out in his message, specifically asked the President's Advisory Council on Executive Organization—the Ash Council—to examine the status of the legal services program.

In response to the President's initiative, the Ash Council in November of 1970 recommended that the Government create a special corporation for the program. The Ash Council stated:

We believe strongly that its (the Legal Services program's) retention in the Executive Office of the President is inappropriate. At the same time, it is a unique Federal program which extends the benefits of the adversary process to many who do not have the ability to seek legal help.

In our view, this program should be placed in an organizational setting which will permit it to continue serving the legal needs of the poor while avoiding the inevitable political embarrassment that the program may occasionally generate. . . .

Therefore, we recommend that the functions of the Legal Services program be transferred to a nonprofit corporation chartered by Congress.

So it was the President's own reorganization task force, the Ash Council, that first called for the establishment of the National Legal Services Corporation as the most appropriate organizational structure for administering financial assistance to legal services programs.

In addition, the National Advisory Committee on Legal Services recommended in its March 21, 1971, report to the White House that:

After considering various alternatives regarding a future home for the Office of Economic Opportunity's Legal Services program other than OEO itself, the National Advisory Committee concluded and recommends that the program be transferred to a District of Columbia nonprofit corporation chartered by the Congress.

On April 29, 1971, the American Bar Association's Board of Governors adopted a resolution stating—

* * * (T)hat the American Bar Association supports, in principle, the creation of a federally funded nonprofit corporation to administer moneys which will be used to fund programs which will provide a broad range of legal services to persons unable to afford the services of an attorney, the charter of which shall contain assurances that the independence of lawyers involved in the Legal Services program to represent clients in a manner consistent with the professional mandates shall be maintained. * * *

After receiving the recommendations of his own Reorganization Council, of the National Advisory Committee on Legal Services, and of the American Bar Association, along with other groups including many legal organizations, President Nixon called for the Legal Services Corporation in his Message of May 5, 1971. The President then stated:

Today, after carefully considering the alternatives, I propose the creation of a separate, nonprofit Legal Services Corporation. The legislation being sent to the Congress to accomplish this has three major objectives: First, that the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital part of the American system of justice.

Mr. President, I would like to point out that the president of the American Bar Association sent the telegram on June 15, 1972, reading as follows:

The American Bar Association supports the enactment of legislation establishing a National Legal Services Corporation, having concluded that the Corporation will tend to further the Association's interest in preserving the independence and professional integrity of the Legal Services Program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike Title IX or which would threaten the independence of the Corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the Association's long standing commitment to equal access to justice for all citizens.

LEON JAWORSKI,
President, American Bar Association.

On the same day, the President's message of legal services was sent to Congress, the administration's bill was introduced. The Senator from Kentucky (Mr. COOK) introduced the bill in the Senate (S. 1769) on the administration's behalf.

It is illuminating to compare key provisions and safeguards in the bill drafted and submitted by the administration with the bill which is now before the Senate.

First, the administration bill provided for the creation of an independent nonprofit corporation for legal services which would not be a Federal agency. So does the committee bill.

Second, the administration bill provided that the corporation be prohibited from interfering with attorney-client relationships. So does the committee-reported bill.

Third, the administration bill requires that legal services attorneys who are employed full-time and while engaged in legal services activity refrain from undertaking to influence the passage or defeat of legislation except when legislative bodies request that the attorney make representations to them. The committee-reported bill contains the same prohibition making clear the administration's interpretation that this prohibition applies when a legal services attorney is not representing a client.

Fourth, the administration bill required that full-time attorneys, and part-time attorneys while engaged in legal services activities, refrain from partisan political and voter registration and transportation activity. The committee-reported bill contains the same prohibitions.

Fifth, the administration bill provides that no funds may be made available by the Corporation to provide legal services with respect to any criminal proceeding. The committee-reported bill likewise provides that no funds or personnel made by the Corporation shall be used to provide legal services with respect to any criminal proceeding.

Let me reiterate that the legal services title was developed on a bipartisan basis. Last year during the Senate debate on S. 2007, the Senator from Kentucky (Mr. COOK)—the sponsor of the administration's bill—expressed his views on the legislation. Let me say that his views had great influence with the Senate conferees, and the bill that came out of conference had strong safeguards as a result of his efforts and his counsel. The flat-out prohibition on criminal representation is in accord with his concern that the legislation be crystal-clear on that point.

The President's veto message on last year's bill objected to the provisions of the legal services title in two respects: the composition of the board of directors and the incorporating trusteeship for the transition period while the new corporation is being established.

On both of these points, the bill reported by the committee contains substantial changes designed to meet the President's objections. The veto message criticized last year's bill on the ground that it gave the President full discretion to appoint only six of the 17 directors and that he would have had to select the remaining 11 from lists of recommendations from various groups. These 11 would, under last year's bill, have been selected by the President from lists of recommendations containing from three to 10 names for each position to be filled. One person would have been nominated from lists of names submitted by the American Bar Association, one from names from the Association of American Law Schools, one from the National Legal Aid and Defender Association, one from the National Bar Association, and one from the American Trial Lawyers Association; two from lists of names submitted by the Judicial Conference of the United States; two from lists of names submitted by the Clients Advisory Council; and two former legal services attorneys from lists of names submitted by the Project Attorneys Advisory Council—totaling 11.

In response to the President's objection in his veto message to the provisions of last year's bill which provided the President with full discretion only with respect to six of the 17 nominees to the board of directors, the committee this year has substantially altered the composition of and manner of appointing the board.

First, the President would appoint a clear majority—10 of the 19 board members—without having to consider any recommendations. The remaining nine members would be appointed by the President from recommendations as follows: one from recommendations made by the American Bar Association, one from recommendations of the Association of American Law Schools, one from recommendations of the National Bar Association, one from recommendations of the National Legal Aid and Defender Association, one from recommendations of the American Trial Lawyers Association; then two members are named by the President from recommendations made by the Clients Advisory Council and two members are to be former legal services project attorneys from recommendations by the Project Attorneys Advisory Council. (The two members from recommendations of the Judicial Conference of the United States, which last year's bill provided, are not included in this year's bill.)

Let me point out that this year's bill omits the requirement in last year's bill that lists of three to 10 names be submitted for each position to be filled. The committee accepted the suggestion that the 1971 bill's specific requirement that recommendations be submitted by way of lists was unnecessarily abrasive and could inhibit or be less conducive to informal discussions between the President and the groups making the recommendations.

The committee bill gives absolute policymaking control to the 10 persons the President wishes to appoint. A majority of the board will make the policies governing the Corporation's role in providing legal services to the poor. And the President still appoints the remaining nine from recommendations. The President does not have to submit the name of any individual he does not wish to appoint to the board of directors. No one can be appointed to the board whom the President does not approve.

I might emphasize here that the President could reject 10 recommendations, 100 recommendations, 1,000 recommendations; he could reject every single recommendation made by all recommending bodies under the bill until such time as he had a board made up as he desired it to be made up. I do not know what more anyone could ask. As a matter of fact, OEO people do not object. I understand from the Senator from Kentucky (Mr. COOK) that he does not object to the present composition of the board. I do not know what further objection there could be unless it is the position of the Senator from Tennessee (Mr. BROCK) and those supporting him that the American Bar Association should not be permitted to make a tiny suggestion to the President of the United States about the Legal Services Corporation, or that the Association of American Law Schools should not make recommendations to the President, even though it is not binding on him.

I would think the President would like the benefit of recommendations from these distinguished groups around the United States.

Mr. MONDALE and Mr. BROCK addressed the Chair.

Mr. NELSON. I yield to the Senator from Minnesota.

Mr. MONDALE. In addition to the very strong point the Senator from Wisconsin has made, I would like to refer to page 44 of the committee report which shows that when this measure was reported, including the Legal Services Corporation provision, the committee by a vote of 17 to 0 voted to recommend it. Every Democrat and every Republican on the Committee on Labor and Welfare voted to recommend the bill. Some objections were cited in the concurring statements appearing later in the report, but as I read those suggestions, none of them suggest that anyone on the committee wanting to eliminate the provision for an independent Legal Services Corporation. Am I correct?

Mr. NELSON. The Senator is correct.

Mr. MONDALE. So I am at a loss to reconcile the statement by the sponsor of this measure that he is supporting the President when he seeks to do away with the Legal Services Corporation, which the President supports. Can the Senator advise me if it is possible to support the Brock amendment and still support the President's position?

Mr. NELSON. I did not understand the Senator's question.

Mr. MONDALE. As I understand the position of the President, he wants us to create a National Legal Services Corporation.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. The amendment offered by the Senator from Tennessee would strike the National Legal Services Corporation and keep the present administrative apparatus. Is that correct?

Mr. NELSON. The Senator is correct. That is what is puzzling me about the response of the Senator from Tennessee when I asked him if he supported the President's position in favor of a separate Legal Services Corporation. If that is the case I would think the Senator would offer a specific amendment to the program.

We have agreed to nearly everything the administration asked for. We met the objections of the veto message. If there is some specific change the Senator from Tennessee thinks should be made in the bill, I think he should offer an amendment.

But the Senator from Minnesota is correct that if the Legal Services Corporation is struck from the bill that is contrary to the position of the President.

Mr. MONDALE. As I understand the situation, the bill which we sent to the President—which he vetoed—involved a difference between the conferees and the President, not on the question of whether there should be an independent Legal Services Corporation, but what the form of that corporation should be.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. It was not a question of principle, but rather a question of form.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. What we are trying o do now is change the makeup and some of the other details of the Legal Service Corporation so that the bill meets the objections set forth in the President's veto message.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. Is it not true that in doing so we worked closely with the minority members of the Committee on Labor and Public Welfare to try to shape a measure to meet the objections of the President?

Mr. NELSON. The Senator is correct.

Mr. MONDALE. And the majority went a great distance to try to make this a measure acceptable to the President. Is that correct.

Mr. NELSON. The Senator is correct. I think it worthwhile to point out to the Senator that the House-passed bill provides for the President to be authorized to appoint just six members, as did the bill a year ago, whereas this bill authorizes an absolute majority to be appointed by the President, and it provides that the American Bar Association, the American Trial Lawyers Association, and the American law schools can recommend to the President somebody to go on the Legal Services Corporation without any requirement at all that the President appoint anyone they recommend, with the right to reject any number of recommendations. So the President has ab-

solute control of the board by appointment of the majority.

He has the authority to reject all recommendations that are made to him. I do not know what more could be asked.

Now, he had one other objection. The board was the main one. The other one was the incorporating trusteeship arrangements. He did not like the interim incorporating trusteeship, and he attacked that in his veto message. We have abolished that. There is no interim incorporating trusteeship anymore. The Director of the OEO runs the program until the new corporation has been established. So the President got, I think, everything he was asking for. I do not know what more there is to ask for, unless he wants to say he wants to make all the appointments without even consulting us and without having them go to the Senate for confirmation; but I do not think either house would want that.

Mr. MONDALE. Not even that would be so under the amendment offered by the Senator from Tennessee, because he would oppose the principle of an independent corporation which the bill calls for.

Mr. NELSON. That is correct.

Mr. MONDALE. If I understood the Senator from Tennessee, he makes the point of what he considers mistakes, errors, and bad judgment by an occasional member of the legal services program. I do not in any way support those contentions. What I do not understand is the logic of the Senator from Tennessee's view; if he is correct about these examples about mismanagement—which I doubt—what he is proposing to do is keep the same system of mismanagement which created the problems he is talking about.

Mr. NELSON. That is correct.

Mr. MONDALE. We have tried to create a Legal Services Corporation which would have the maturity, experience, and judgment of the legal profession, as well as those whom the President will select; a Corporation run by an independent board which is seasoned and experienced, and which would hopefully remove this program from political pressures and political compromises. Would the Senator agree with that?

Mr. NELSON. I would agree with that, and the reason why we reached this compromise was that the members of this committee have spent just about 2 years on this issue. We have conducted extensive hearings on the bill and the issue. We have met day after day after day in executive session. We finally hammered out a proposal that we were satisfied with, on a bipartisan basis, including the distinguished Senator from New York (Mr. JAVITS), and Senators SCHWEIKER, PACKWOOD, TAFT, and STAFFORD. We worked on a bill that reached a compromise between the majority and the minority, that caused the bill to be sent to the floor of the Senate with a unanimous vote of 17 to 0.

This was, as I have said, after 2 years of effort, which I would hate to see destroyed by an amendment tossed on the floor of the Senate without even the benefit of having the rest of the Senate hear the discussion.

Mr. MONDALE. Mr. President, will the Senator yield further?

Mr. NELSON. I yield.

Mr. MONDALE. The last time we considered the measure, substantial objection was raised by the Senator from Kentucky, which received quite a bit of support, that under no circumstances should the legal services attorneys engage in criminal defense work.

Mr. NELSON. That is correct.

Mr. MONDALE. Am I not correct that, even though some of us felt that under certain limited circumstances, such attorneys should be available for criminal defense work, nevertheless, in order to reach the objective, this measure prohibits criminal defense by attorneys under this program?

Mr. NELSON. Yes, and I agree with the Senator from Minnesota that there would be special cases in which some criminal conduct may arise out of some civil actions where in fact the attorney ought to be able to represent the client; but in order to meet this objection, we leaned over backward and inserted a section, which is on page 118 of the bill, which reads, starting on line 1:

> That no funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

So that issue raised by the Senator from Kentucky (Mr. COOK) was resolved and specifically provided for in accordance with and to meet the objections he had to this bill.

Mr. MONDALE. So, in accordance with the objections made by the President in his veto message, and in terms of the single objection we heard prominently last time this measure was debated—in both instances—we went all the way in an effort to meet the objections. Is that correct?

Mr. NELSON. So far as I know, we met every major objection that was made on the floor of the Senate and by the President's veto message, and accommodated those objections in whole, or almost totally, in every single case.

Mr. MONDALE. I thank the Senator.

Mr. NELSON. Let me explain how the Advisory Councils for the clients and the Advisory Council for the Project Attorneys are appointed. There is a transition period of 6 months during which the Legal Services program continues in OEO while the new National Legal Service Corporation, is being established. During the first 60 days of this transition period, the initial councils are selected in accordance with the procedures established by the Director of OEO, who is the incorporating trustee during this transition period. After the first board of directors of the corporation has taken office, procedures for selecting subsequent members of the Advisory Councils are made by the board of directors. It is therefore clear that the Councils which will be making recommendations for four of the members of the board of directors—two from each Council—will themselves be appointed in a manner acceptable to the Director of OEO who is an appointee of the President and is a high ranking administration official.

Last year's bill provided that the incorporating trusteeship during the 6-month period for establishing the new corporation would consist of the presidents—or their designees—of the five national legal organizations. In order to meet the President's objection to the appropriateness of that incorporating trusteeship, the committee-reported bill provides that the Director of the Office of Economic Opportunity shall be the incorporating trustee during the transition period.

Mr. President, the Legal Services program enables more than 2,000 lawyers to work for the poor in some 900 neighborhood law offices. More than a million cases a year are handled by these legal services attorneys. As President Nixon said in his message proposing the establishment of a National Legal Services Corporation:

> A large measure of credit is due the organized bar. Acting in accordance with the highest standards of its profession, it has given admirable and consistent support to the legal services concept. The concept has also had the support of both political parties.
>
> The crux of the program, however, remains in the neighborhood law office. Here each day the old, the unemployed, the underprivileged, and the largely forgotten people of our Nation may seek help. Perhaps it is an eviction, a marital conflict, repossession of a car, or misunderstanding over a welfare check—each problem may have a legal solution. These are small claims in the Nation's eye, but they loom large in the hearts and lives of poor Americans.

Mr. BROCK. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Tennessee has requested the Senator from Wisconsin to yield for a question.

Mr. NELSON. Yes, I yield for a question.

Mr. BROCK. I do not intend to get into a debate on the President's veto, but I think the President felt that no Legal Services Corporation would be better than one which was not accountable to the people of this country.

Mr. NELSON. That is one I do not understand. In what way is this Corporation unaccountable?

Mr. BROCK. The Senator mentioned that it requires the American Bar Association to make recommendations, and so forth. The President does not have to accept these, but the net effect is that he does because the Board cannot function until all are appointed.

Mr. NELSON. The Board has an absolute majority based on the President's recommendations.

Mr. BROCK. But the Board does not come into effect until all 19 are named. The point is there is no prohibition against the OEO or upon the President's receiving recommendations from the American Bar Association or anyone else. If I may cite one example which is related in this context, there are 2 Commissions under the present anti-inflation program. The first is the Price Board and the other is the Pay Board. The Price Board is composed entirely of public representatives. The Pay Board is

represented by advocates of varying views. The question arises as to which Board has been more representative of the American public? I do not think there is any question that the Price Board has done a better job. Under the Pay Board, a condition is created where you have certain groups represented and there will always be an effort to see that certain groups shall or shall not be represented. My point is that the public at large should have the voice in this.

Mr. NELSON. I did not understand.

Mr. BROCK. The public is the one who should have the prime voice. To mandate the President to take appointments by any group is an insult to the President and the American people. If we are going to compromise this bill, we should have a chance to make a judgment on who will represent the American people. To imply that my approach would prohibit the American Bar Association or anyone else from making recommendations just is not so.

Mr. NELSON. I do not understand what the Senator's point is. Number one, until the Board is appointed and confirmed, the Director of OEO serves as incorporating trustee. So if they were never appointed or confirmed, then the Director of OEO would continue to run the legal services program.

Now, the Corporation would be responsible to the public, and the President represents the public. That is why we gave the President an absolute majority. The Senator says he has no objection to the bar associations, the Association of American Law Schools, or the American Trial Lawyers Association making recommendations. Well, if he has no objection to it, why object to the provision in the bill, which simply says they may make recommendations? That is all it says. The President does not have to accept any recommendations they make.

Mr. BROCK. But if he does not, the Board will not begin to function.

Mr. NELSON. Well, the Senator ought to be happy with that. He is trying to strike out the Board. The Legal Services would be run as it is now run, out of the OEO. But if the Senator is really seriously suggesting that these responsible national organizations would keep sending to the President people who were so disreputable or so much in philosophical disagreement with the President that in no way could the President conceivably accept any of the recommendations these national associations would make—I do not think the Senator would intend to insult these organizations in that way, or insult the President in that way. It is absolutely preposterous to suggest that the American Bar Association would not send to the President of the United States or recommend to the President of the United States distinguished, able lawyers. If they did not, the President ought to reject them, and he will reject them.

It is preposterous to think that the American Trial Lawyers Association would not recommend, from their group, some highly distinguished, reputable lawyer to participate on the legal services corporation. And if they did not, the President would reject the recommendation and they would come back with another.

I do not think there is any substance at all to the kind of objection the Senator is making. He says they are entitled to make recommendations anyway. All right; that is all we have said here.

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

Mr. NELSON. Mr. President, I have completed my remarks for the time being. I yield the floor to the Senator from New York. There is no time limitation on the bill thus far.

Mr. JAVITS. Mr. President, addressing myself to the question asked by the Senator from Tennessee, there is a difference, and that difference is in the professional responsibility of lawyers and the need for the recruitment of able and effective lawyers in this program. Therefore the bar association, it seems to me, has a place, which is not the situation with the Price Commission. But in addition to that, all of us are always wary of being holier than Caesar, or holier than whoever is holiest, and the American Bar Association, which represents half the lawyers in this country—we have 330,000 lawyers, and 146,000 are members of the ABA—has sent a telegram to me dated June 15, which reads as follows:

> The American Bar Association supports the enactment of legislation establishing a national Legal Services Corporation. Having concluded that the corporation will tend to further the Association's interest in preserving the independence and professional integrity of the legal services program, I would therefore urge that you resist amendments to S. 3010, the Economic Opportunity Amendments of 1972, seeking to strike title IX, or which would threaten the independence of the corporation or the responsibility of lawyers providing legal services for the poor. This position is consistent with the Association's long-standing commitment to equal access to justice for all citizens.
>
> Signed,
>
> LEON JAWORSKI,
> *President, American Bar Association.*

Mr. President, it seems to me that this is rather rare, that we should have such a firm declaration by the American Bar Association, which is certainly no wild-eyed radical body, and which has been invoked many times here as a very conservative and stabilizing force in the country, in many cases against positions which I and others like me have taken.

Here is the American Bar Association saying, with respect to this bill, "Resist all impeding amendments, and especially resist an amendment to strike the title," basing it upon what I think is the soundest argument of all, which is the professional integrity and the professional responsibility of the individual lawyer.

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

Mr. JAVITS. I yield.

Mr. MONDALE. This is a concept that I think may be difficult for non-lawyers to understand, and yet it lies at the heart of an independent and ethical judicial system—namely, the concept that a lawyer is an officer of the court, and that his responsibility is to the laws, to the Constitution, and to the courts of the land to represent his client fully and ethically in accordance with the ethics of the legal professions. Is that not correct?

Mr. JAVITS. That is correct.

Mr. MONDALE. What we are seeking to do with this National Legal Services Corporation is to deal with the pervasive criticism that these lawyers, in the pursuit of these ethical obligations, have been placed under heavy political pressure to compromise what the rules of ethics require. The National Legal Services Corporation is designed to make certain that the integrity of the attorney-client relationship shall be maintained. I think that is what the President had in mind in recommending the creation of this Corporation, and it is why the American Bar Association—which I think we can take judicial notice is a conservative organization—is here strongly objecting to amendments such as that pending at this time.

Mr. JAVITS. And this is not an amendment; it is a proposal to just cut it out.

Mr. MONDALE. That is right.

Mr. JAVITS. Mr. President, one other item of fact here. I happen to have the most profound regard—and I believe he deserves it; I believe this is also true of many, many of the thousands of lawyers in the country—for Orison Marden, a man who has spent almost his whole life rendering, in the professional arena, legal services to the poor. He is the very model and epitome, the summing up of the Legal Aid Society movement in this country.

He came here to see me with especial reference to this situation, and he sent me a wire to be sure I would have something to state on the Senate floor, which reads as follows:

> I hope that S. 3010 providing for a nonprofit Legal Services Corporation will be enacted as you have proposed, without crippling amendments that might interfere with a lawyer's obligation to represent his client loyally and completely in controversies with government as well as with private interests. Orison S. Marden.

I know of no man whose whole life epitomizes so greatly his devotion to this subject. I think that is the common opinion of lawyers. Nor do I know of any more venerated character in the professional ranks of lawyers than that of Orison Marden, one of the real leaders of the bar in this country.

Mr. President, I ask unanimous consent that the wire from the American Bar Association, that of Mr. Marden, and those of many others, including the Association of the Bar of the city of New York, from Bernard Botein, its president, from Sydney Rubin, president of the Monroe County Bar Association, and many others who have backed this legislation, be printed in the RECORD.

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

NEW YORK, N.Y.,
June 22, 1972.

HON. JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.:

I hope that S. 3610, providing for a nonprofit legal services corporation, will be enacted as you have proposed, without crippling amendments that might interfere with a lawyer's obligation to represent his client loyally and completely in controversies with government as well as with private interests.

ORISON S. MARDEN.

NEW YORK, N.Y.,
June 22, 1972.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Thanks for your continued support of bill S. 3010. The bar appreciates your efforts in working out the accommodations in the present bill and strongly urges that you support its passage without amendment. This supplements my previous communications on the legal services bill when president of the association of the bar of the city of New York.

BERNARD BOTEIN.

CHICAGO, ILL.,
June 16, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.:

The American Bar Assn. supports the enactment of legislation establishing a national legal services corporation having concluded that the corporation will tend to further the association's interest in preserving the independence and professional integrity of the legal services program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike title IX or which would threaten the independence of the corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the association's long standing commitment to equal access to justice for all citizens.

LEON JAWORSKI,
President, American Bar Association.

ALBANY, N.Y.,
June 23, 1972.

Hon. JACOB K. JAVITS,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

I ask your support for prompt action on S. 3010 which includes title IX—Legal Services Corporation Act. I hope you will vigorously oppose efforts to amend or sever title IX from the bill. The continuing support you have given to the legal services program is appreciated. As you may know the report of committee on availability of legal services of New York State Bar Association has previously recommended support of title IX, which recommends action as approved by executive committee of the association.

THOMAS FORD,
Chairman of the Legal Aid Committee,
New York State Bar Association.

NEW YORK, N.Y.,
June 23, 1972.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Thanks for your continued support of bill S. 3010. The bar appreciates your efforts in forcing out the accommodations in the present bill and strongly urges that you support its passage without amendment.

OTTO G. OBERMAIER,
Chairman, Committee on Legal Assistance.

NEW YORK, N.Y.,
June 23, 1972.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Thanks for the continued support of bill S-3010, the bar appreciates your efforts in working out the accommodations in the present bill and strongly urges that you support its passage without amendment.

DONALD T. FOX,
Chairman, Committee on Professional Responsibility, the Association of the Bar of the City of New York.

ROCHESTER, N.Y.,
June 22, 1972.

Hon. JACOB JAVITS,
Senate Office Building,
Washington, D.C.:

Monroe County Bar Association approves the principals of S-3010 and appreciates your continued support.

SYDNEY R. RUBIN,
President, Terminal Building.

CAMDEN, N.J.,
June 23, 1972.

Hon. JACOB JAVITS,
Senate Office Building,
Washington, D.C.:

I urge you to continue your firm support of S-3010, without amendment, for the National Legal Services Corporation.

JOSEPH H. RODRIGUES, Esq.

TUCSON, ARIZ.,
June 24, 1972.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Pima County Bar Association urges passage of SB3010 as reported out by Senate committee whereby nine of nineteen directors of legal services corporation will be selected by President from lists furnished by American Bar Association and other associations.

RUSSELL E. JONES,
President.

TUCSON, ARIZ.,
June 23, 1972.

Senator JACOB JAVITS,
U.S. Senate,
Washington, D.C.:

I urge support of SB3010 presently drafted. The professional independents of legal services projects requires board based board of directors of the legal services corporation.

CHARLES E. ARES,
Dean, College of Law University of Arizona.

SANTURCE, P.R.,
June 23, 1972.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.:

Sir, as chairman of the board of director of the Puerto Rico Legal Service Inc. I do respectfully request your support to the passage of the Legal Services Corp. Act—Bill S-3010—legislation is expected to bring about significant changes in the type of legal services rendered to the under privileged of this nation its approval without amendment is highly desired and I thank you in advance for your usual useful support cordially yours.

MIGUEL J. RIOS LUGO,
President of the Board.

SAN FRANCISCO, CALIF.,
June 23, 1972.

Senator JACOB JAVITS,
Senate Office Building,
Washington, D.C.:

The Bar Association of San Francisco strongly supports the adoption of S3010 which includes the National Legal Services Corporation Act of 1972 (Title IX). Major Bar Associations and other interested groups must have the right to participate in the selection of the board in order to maintain the Independence of the NLSC.

CHARLES H. CLIFFORD,
President.

SAN FRANCISCO, CALIF.,
June 23, 1972.

Senator JACOB JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: San Francisco Chapter of the National Lawyers Guild strongly urges you to support Senate Bill 3010 as the proposal came from committee specifically we recommend that only 10 of the 19 regional heads of legal services be appointed by the Presidents very truly yours.

GORDAN GAINES,
President, San Francisco Chapter Lawyers Guild.

JUNE 23, 1972.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

SIR: It is my understanding that the legal services corporation at view S-3010 is coming before the consideration of that body and I do respectfully request your enthusiastic and valuaole support in behalf of this legislation legal services for the poor will start schating up into a relative with the passage up this view without amendment and I certainly thank you in advance for your efforts toward the attaining of this goal.

Cordially yours,

JOSE A. CABBERA,
Executive Director.

ANCHORAGE, ALASKA,
June 25, 1972.

Senator JACOB JAVITS,
Senate Office Building,
Washington, D.C.:

The Board of Directors of Alaska Legal Services Corporation unanimously adopted a resolution supporting the National Legal Services Corporation Bill without amendment.

CHANCEY CROFT,
President.

Mr. JAVITS. What have we done to meet the President's points which he made when he vetoed the previous so-called antipoverty bill? In the first place, we have a real problem here as to the freedom of the lawyer in terms of his professional responsibility to his client. If we want to have a legal services program, that has simply got to be observed, notwithstanding the irritation, distaste, or disagreement of many Members of Congress with the so-called law reform cases, that is, cases brought by attorneys in the legal services program under the OEO, which sought to upset some governmental dictate or some law or to challenge some decisions made by a Government official.

What are lawyers all about? And why, if that is justice, should it be denied to an individual who is poor? If you overturn a law, you are not perpetrating an injustice. On the contrary, you are carrying out an act of justice. If the courts overturn it, why deny that justice? Is there something wrong about that? Are we now living in a country where, if you challenge a law, you are thrown outside the moral pale and we will have none of it? Just because you are poor, are you to be denied that privilege? That is what we face.

Therefore, in order to deal with that, we have endeavored to establish a corporation which, within itself, would have such mechanisms as to prevent mischief-making and troublesome suits, specious actions, delaying litigations, and expensive costs to individuals who might be sued.

There is such a thing as the tyranny of the weak, and that is what we are seeking to deal with and restrain. We have no interest in that, any more than the Senators who are sponsoring this particular title.

Mr. President, how did we do it? We did it as follows:

We provided for an integral unit, a corporate personality, which would carry out this program, remembering always that Congress can always pull the plug out by appropriations every year and that this corporation can last only so long as Congress appropriates money for it. That is the ultimate sanction, as we all know, or should know.

Then we provided, in the makeup of the managing board of the corporation, a sufficient—indeed, a very large—representation of the profession in its most substantial aspects.

Then we provided for the selection of a project attorney's advisory council to deal with the problems which related to the individual lawyer and his own problems with respect to the work he was doing.

We provided that that council should advise the board and that the board would select the council and that, therefore, it would be on the operating level as to the individual, aside from the policies which were set by the board and in which we had a very heavy professional preponderance.

Furthermore, as the Senate would confirm all these nominees, it is hardly likely that any wild-eyed radicals we did not want would be on the basic board.

Finally, insofar as we could restrict the operations of an individual lawyer without robbing him of his professional capacity as a lawyer, we eliminated, in essence, criminal actions, and we eliminated outside practice of law for all practical purposes, and we eliminated any question of conflicts of interest insofar as the lawyer's interests are concerned in the case of members of the board. That, it seems to me, is going a very long way in addition to the sanctions built in of appropriations and the professional standing of the lawyer himself.

As Senator MONDALE has said, the lawyer is answerable to the court. Upon complaint of his local bar association, he can be disciplined.

The President wants to appoint all 19 members and to submit them for confirmation by the Senate. I understand that. But there are other people in the world aside from the President of the United States, including the Members of Congress, in both bodies, and they do not happen to agree that it ought to go all that way. They offered a proposal before which he did not find acceptable, and which he rejected. He vetoed the bill for many other reasons. In any case, let us assume that he vetoed it for this reason. So an effort has been made to submit to him a reasonable compromise, and I deeply feel—and I will do my utmost to demonstrate—that it is eminently reasonable.

Incidentally, I fought for the President's total position before the committee. I felt it my duty, as the ranking Republican member, to do everything I could to bring about, if I could, approval of the President's position. I am satisfied that that is impossible.

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

Mr. JAVITS. I yield.

Mr. NELSON. I should like to confirm the statement of the distinguished Senator from New York that he sought to convince the committee that the President should be authorized to appoint de novo all members of the board, without relying upon or waiting upon any recommendations from any individuals or groups.

I should like to state for the record, further, that I have supported the proposition from the very beginning that the President ought to have the majority of the appointees.

As the Senator from New York realizes, the House has refused to accept that position. As I mentioned a few moments ago, the House of Representatives already has passed a bill in which the Legal Services Corporation is essentially identical with the one in last year's bill, with the 17 members, with only six appointed by the President.

So we have had a difficult problem here in trying to reach agreement, both in the Senate and in the House.

As the Senator knows, a year ago I supported the proposition that we send a bill to the President in which he would have a majority of the appointees. It was a compromise toward the President's position, a very substantial one by the majority, who had fought and opposed the concept giving the President the majority of appointees. On that issue, the majority on our side prevailed, although, as I say, I favored giving the President the majority of the appointees. We have now accomplished that. I think it is about as far as we can go in that direction and expect to get any agreement at all by the House conferees when we meet on this measure.

Mr. JAVITS. Mr. President, let us get to the mechanics of the appointment. Ten members out of 19 are appointed exactly as the President would want—to wit, they are appointed by him without restraint. Six must be lawyers, but I do not think the President has any objection to that, since his own bill had that element.

It is conceivable that the President could appoint these 10, that they could be confirmed by the Senate, and that he might choose to accept none of the recommendations made to him for the other nine. In that case, the Board still could go ahead and organize and do business. The President would not be impeded for 1 minute in moving forward with a corporation. I know that he would not do that, and I know that we would not do that. Nonetheless, that is possible.

In addition, the President has objected that the members of a group which had to file the incorporation papers and could therefore work out the terms, and so forth, of the charter were unsatisfactory to him, as put in the vetoed bill. His views upon that were met 100 percent. The incorporating trustee for this Corporation is now to be the Director of the Office of Economic Opportunity, his own appointee. There is no problem whatever, and the President fully prevailed there.

As to the text of the appointment of the other nine members, we advisedly changed the language—and I will explain the reason for the change—from the idea of a list, which was in the vetoed bill—that is, the President was asked to choose from lists submitted by these organizations—to recommendations.

The reason why the change is meaningful is the following: It absolutely latches in the proposition that the President can turn down as many recommendations as he chooses, which is what Senator NELSON, the manager of the bill, made very clear. We all understand that only too well.

Second—and very important—a list could mean any number of members. They could submit to him a list of 100 or 200, with the resulting embarrassment to many people when the President passed them over and said, "I will take only so and so on the list," or, "I will take none on the list." So that this was a matter which the President might properly feel would be distasteful to him. That is not true in these recommendations. They are clearly labeled recommendations. The President makes thousands of recommendations. I suppose, in 1 year, every Senator makes a minimum of 500. I know that in my office, and I am sure in the offices of other Senators who come from a major industrial State, we make probably one or more average recommendations a day. When these people are rejected, no one is insulted. It is standard American procedure. Many are recommended. They might get someone else on another occasion. They are most grateful for the recommendation, which is a mark of distinction by their Senator or a number of Senators who join, or Representatives, in making the recommendation. So we use the term which in no way is invidious. In no way would it make the President feel that he was being locked in on any of those on the list, or by the numbers of people on the list, which may be numerous, or might be, if any associations wanted to be mischievous and were passed over by the President. So there are real changes, real advances, in every aspect of the choice so as to make the difference.

Mr. President, the President did not descend from heaven and become President. He served in this body. He served in the other body. He is a working politician. He was Vice President of the United States, a Senator, and a Representative. He has been active in politics for many years, at every level right down to the local district level. So if anyone can understand that we cannot always get things the way we want to, it is the President.

So I hope the President will find this acceptable—if we send it to him—and can prevail in conference. I can pledge myself to the Senate that if anything, I will make a last ditch fight in conference to resolve this provision which I think the President has a right to insist on as the maximum he will take. But I really deeply and sincerely feel that a reasonable man, and the President of the United States is reasonable—would accept this as a fair resolution of the controversy which has now delayed for so long a while—well over a year—an optimum administrative legal services program.

Before I complete my principal statement, one last point, and that is: What

is the importance of the legal services program?

I respectfully submit to my colleagues that, in my judgment—and I say this to the Senator who has moved to strike this—because the program will go on in OEO even if we do not have the corporation—I do not know of any single thing that has become and that is more effective in terms of the national interest respecting the poor than the legal services program. It has added the one thing and that is the element of dignity.

The poor man or woman feels a certain dignity, that if anyone challenges him, say a rascal in a furniture store tricks him, he is not bereft of the opportunity to fight back because he cannot afford it—that it simply is not worth it because $250 may be what is involved and if one goes to a lawyer it costs that much just to walk in the door. I know. I have lived that way, and with thousands of others. So I cannot emphasize enough to my colleagues the critical importance to the poor and to the national interest in trying to redeem them from the poverty syndrome through the legal services program.

I respectfully submit, therefore, that one of the greatest contributions we can make in this bill is to add the additional strength, additional integrity, additional capacity to the program in the manner proposed in the bill.

Mr. President, the President himself feels that the Legal Services Corporation is an excellent opportunity for all of us and that we should effectuate it and I urge that we do so.

I believe that we have effected the best meeting of the minds humanly possible on the mechanism by which the Corporation can be operated, and I hope very much that the Senate will retain it.

Mr. BROCK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. BROCK. I have great respect for the distinguished Senator from New York (Mr. JAVITS), for his ability, and for his sincerity in his quest. I do not believe that many will disagree with the objective of trying to give a voice to the disadvantaged people in this land and their right to counsel. The Senator from New York mentioned the poor man who could be bilked by a landlord or a merchant, or the poor man who has no access to the judicial process. Without adequate recourse to law, such a person does not have the full extent of freedom available to the rest of us in this country. I am in full agreement with the Senator on this point.

Where I raise my question is the incentive that exists in this bill to create a group of political ambulance chasers. In some cases a lawyer who joins the Legal Services Corporation may have a political objective in doing so. All he has to do in order to avoid the political activities restrictions in the bill is to seek out and solicit a client, and then he can involve himself in any kind of activity he wants to. That is the problem. We have so many examples of that activity right now. Currently, the OEO is trying to cope with that and they are making some progress. But, to pass this bill and remove the legal services programs from any accountability, when they are already in grave jeopardy of abusing the intent of Congress, that is something else entirely.

That is why I think we need some time for these reforms to be inculcated into the earlier legal services.

Mr. JAVITS. I thank the Senator from Tennessee for his frankness. My answer is as follows: In the first place, I believe we go a long way toward insuring what I could call the integrity of the program.

Champerty is an established violation of the code of ethics of practice by a lawyer, whether in private or public life. I am sure that the Senator knows that any lawyer is disciplinable, even if he has a job with the Corporation on legal services, or works with the Department of Justice. That does not save him. Unfortunately, I wish the bar were tougher on that than it is. They have the idea that if they work for the Government, as the district attorney, or as the U.S. attorney, that kind of gives them immunity. That is dead wrong.

Another thing that is very important is the way the Corporation is set up with a heavy balance of the profession in it.

I know they have the scrutiny which Senators like the Senator from Tennessee and myself will give to any nominees for directors of this Corporation. I really think we have a grip on it.

The last point I mention is explicit law. I mention it last because, like the Senator from Tennessee, I am pretty sophisticated myself. The written law is the last thing to mention. But it is a fact, and I mention it because the record needs to be complete in this regard.

The Senator will find a strong provision against solicitation on page 116, line 23, and I should like to read it into the RECORD, though I again repeat I am not trying to mislead the Senator into any idea that we have written it into the law and that is the end of that. It will erect something in the way of a standard. It should be the law anyhow. The basic professional ethic, as the Senator called it "ambulance chasers," I used the word "champerty." Many lawyers have been disbarred for exactly that practice. Just so that the record will be complete, we have written into the law the following:

> The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit . . . the client community or any member of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation.

There are also various provisions about advertising, and so forth. We have written it into the law so that any one of us who runs into a case of this kind has a strong statutory basis for raising the question.

Mr. BROCK. Mr. President, I appreciate that. When an attorney has been disbarred, I do not think there is any question about the matter. However, I do not think there is any question that they have engaged in such activities under the present program.

I cannot see how any law could be written that would safeguard us against that kind of problem at this very moment we have these lawyers working in various corporations in the field. I cite the Senator the Monterey Legal Society where they had a city counseling service. What happened was that they did not have to solicit clients. The agencies with whom they work go out and solicit clients within or out of the military. There is nothing we can do as the law is written now to prevent that kind of thing.

Mr. JAVITS. Mr. President, if I were a prosecuting attorney or in charge of grievances for a bar association, I think I could trace back the lawyers who fomented the idea on the alleged client group. The question becomes very tricky in those cases. However, we can get the truth.

The other aspect is that really this is going to be administered for the first time by the profession. The President is asked to appoint six lawyers. There is bound to be a very heavy majority of members of the profession. The bar associations will probably not recommend anyone other than a lawyer. We would have a minimum guaranteed, absolutely locked-in majority of the board, 11 out of 19.

Mr. BROCK. Mr. President, is there any possibility that with 19 votes on the executive board, we could have 11, a majority of which was not representative of that particular context, and they could name the executive committee?

Mr. JAVITS. Mr. President, there would be an amendment on the executive committee. I might tell the Senator the problem I had with that approach. If we try it generically and it does not work that way, we deal with it by sections.

I am very interested in the amendment of the executive committee. It seems to be organized very well now. However, I want to hear the views of Members of the Senate on that. The Senator from Texas (Mr. TOWER) has an amendment with respect to the basic areas of responsibilities with which he is concerned. I will try to work that matter out.

The Senator from Nebraska (Mr. HRUSKA) has a number of amendments.

I do not know whether the Senator from Wisconsin (Mr. NELSON) will join with me. However, if the Senate will listen with an attitude of reason—which I know the Senator from Wisconsin and his colleagues will have—we might work out the individual portions of the Tower amendment dealing with the generic approach so as to make the program better in the future and more satisfactory even to those who are so strongly opposed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BUCKLEY. 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. BUCKLEY. Mr. President, I rise in support of the amendment offered by the Senator from Tennessee (Mr. BROCK). I wish to emphasize that neither he nor I are attempting in any way to terminate the legal services program for the poor. Rather we are concerned they may be rendered to the poor in the most effective manner possible.

Mr. President, title IX of S 3010 would create a new National Legal Services Corporation to incorporate and to extend the legal services program now operating within the Office of Economic Opportunity.

I had hoped that the Committee on Labor and Public Welfare would have met more fully the objections which had been raised by Members of this body and by the President during the preceding months.

Unfortunately, on the basis of an examination of title IX, I must conclude that the bill not only does not resolve existing problems, but may also create new ones in the effort to provide legal services to the poor. Instead of a new Corporation, freed from the shadowed history of the preceding program, it appears in all likelihood that the new Corporation will not operate in any significant way differently from the preceding program. Furthermore, the defects are so numerous that they cannot readily be remedied through floor amendments.

For the benefit of my colleagues, some of whom may not yet have had an opportunity to examine the reported bill section by section, let me review some of the provisions of title IX:

Proposed section 902(b) of S. 3010 would confer, by legislative enactment, a tax-exempt status on the new Corporation.

It is unsound practice for the Corporation to be conferred such a tax-exempt status by the Congress, especially in light of some of the purely political activities which have been carried on under the existing program. All other nonprofit corporations—no matter how worthy their goals may be—must obtain such exemptions through the procedures set forth by the Code and by regulation.

It seems to me to be sound policy that all tax-exempt corporations—even those created by Act of Congress—should be required to meet the same objective standards as a condition to retaining their privileged status.

POTENTIAL CONFLICTS OF INTEREST

Let me move on to another point, involving potential conflicts of interest. In order to maintain its credibility with the public and in order to protect its mission of rendering legal services to the poor, the new Corporation must be protected from the traps which in the past have prevented so many antipoverty efforts from fully achieving their stated objectives. In too many cases there have been conflicts of interest which have given rise to the charge that funds intended to help the poor have been largely expended instead on what might be called a professional poverty industry.

One of the major problems in attempting to correct difficulties within the present OEO program has been that those who ought to be in a position to help correct its deficiencies—such as members of the National Advisory Committee on Legal Services—too frequently represent organizations which are recipients of financial assistance from the program, in prior capacities as grantees, contractors, that is. In addition, members of project attorney and client organizations—representing, respectively, employees of the program and beneficiaries of services of the program—are represented on the advisory board.

The new corporation should be free of such existing, or potential, conflicts. The only way to fully insure this is to write into the language of the bill clear and unambiguous language that such conflicts are violations of the title.

DIRECTORS AND OFFICERS

Let us now move on to section 904 which purports to be a compromise between the bill vetoed by the President last December and the language sought by the President as to the officers and directors of the Corporation. S. 3010, as reported, is more of a compromise of form, than one of substance. It does not meet the President's principal concern—that of accountability by the board and the Corporation to the public and to their elected representatives in Federal service.

Under section 904, there would be a nineteen man board of directors, appointed as follows: Ten members of the board would be chosen at the sole discretion of the President, of whom at least six must be members of the bar; and the remaining nine directors would be appointed by him from recommendations made by seven different groups associated in one way or another with the legal profession.

In his veto of last year's bill, the President said:

> The sole interest to which each board member must be beholden is the public interest. The sole constituency he must represent is the whole American people. The best way to insure this in this case is the constitutional way—to provide a free hand in the appointive process to the one official accountable to and answerable to, the whole American people—the President of the United States, and to trust to the Senate of the United States to exercise its advise and consent function.

The present bill does not meet this important Presidential objective—and objection. The language does not preclude the possible conflicts of interest which might arise by these potential grantees and contractors serving on the board of directors through a designee.

Under the provisions of section 905, and under the provisions of the District of Columbia Nonprofit Corporation Act, the executive committee of a corporation has full plenary powers. It can act on matters of policy and administration with full power, subject only to subsequent review by the board of directors. Such procedure puts those on the board who are dissatisfied with an executive committee decision in a posture of having to oppose an action already taken by the executive committee.

The language of section 905(d) is ambiguous. It provides that the board may establish an executive committee, to be composed of five to seven members of the board. While the chairman of the board is to serve on the executive committee, the bill does not require him to serve as the chairman of the executive committee; thus, we could have the situation arise where there are, in effect, two chief policy officers—the chairman of the board, and the chairman of the executive committee.

In light of the full plenary power the executive committee may exercise pursuant to the authority of the District of Columbia Act, the provisions of section 905 will need to be tightened.

REPRESENTATION OF THE NONPOOR AND THE VOLUNTARY POOR

By virtue of section 906(a)(8) of the bill, which appears on page 113 thereof, the Corporation is authorized to:

> Establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain legal services.

The bill does not attempt to define the standards of eligibility, despite the overriding importance of such a definition. The standards to be set by the Corporation will determine who is, and who is not, eligible to receive assistance. Is it to be a person with an income of $3,000 per year? Or $6,000? Or $9,000? How about someone who is voluntarily poor, by whom I mean someone who refuses to take available employment? Is the program to be limited to individuals? Or will it be expanded to include organizations?

The legal services programs within OEO have, on more than a few occasions, provided legal representation to individuals outside of the poverty guidelines or outside the scope of what ought to be permissible representation. Examples of this may be found in the north Mississippi rural legal services program, in the New Orleans legal assistance program, in the legal services program in Dallas, and in the legal services program in Camden, N.J.

In each of these programs can be found representation of the nonpoor and of the voluntary poor.

The effect of all this, of course, is to diminish the services which are available to, and needed by, the poor. There is no reason to believe that these abuses will disappear merely because the program is shifted to a corporation. The only way to guard against repetition of such violations is to enact the necessary

protection as part of the Corporation's authority to establish standards of eligibility.

Another area in which title IX requires considerable tightening is in the area of the qualification of attorneys who are to represent the poor under the aegis of the program. In too many instances, neighborhood legal services programs within OEO have had staff "attorneys" who were not, in fact, admitted to the bar of the State in which services were being offered, or even to that of any State. Let me cite a few examples:

The Legal Aid Society of Alameda County, Calif., employed one James H. Rollins, formerly of St. Louis and a co-chairman of the National Conference on New Politics, as a staff attorney under an alias, Lee J. Evans. Rollins was not an attorney and had dropped out of law school after an arrest on a charge of dispensing marihuana. Rollins is now being sought on two counts of first degree murder by the California authorities and by the FBI.

An evaluation of the Appalachian Legal Research and Defense Fund, a project funded by OEO and known as "Appal Red," concluded that the clients receiving assistance through the program—which operates both in Kentucky and West Virginia—were receiving inadequate or limited legal assistance because the "attorneys," in a majority of instances, were not admitted to practice in the jurisdiction where the clients needed to be represented.

In another instance, a Reginald Heber Smith Fellow, funded by legal services within OEO, was providing legal services as a staff member of a project in California at a time when he had not yet been admitted to the bar of the State, and had, in fact, been denied admission at that time because of a record of prior arrests.

Finally, title IX has failed to come to grips with one of the major objections to the manner in which the current program has operated. Too many project attorneys and legal service fellows have been making use of the program, not to help the poor in the manner intended by the Congress, but to use the program as a springboard for launching attacks on our institutions, or to advance their own, often radical, objectives. For examples of these abuses, I refer you to the remarks made on the floor last Friday by the senior Senator from Kansas (Mr. DOLE), which were printed on pages 22250 and 22251 in the CONGRESSIONAL RECORD for that day.

I ask unanimous consent that his remarks be reprinted at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, I have no objection to anyone in this country exercising his constitutional right to advance, within lawful limits, any political cause, however radical. But I do most strongly object to having the Federal Government subsidize attempts by lawyers on the public payroll to exploit the poor for purely political ends.

It seems to me that an explicit congressional mandate, which is now lacking in title 9, is required in order to prevent the employment of lawyers who cannot distinguish between providing professional legal services to the poor and engaging in political activism.

These, Mr. President, are some, but by no means all, the deficiencies of title IX as I see them. I doubt that they can be corrected by a patchwork of amendments offered on the floor. This is why I support the motion of the Senator from Tennessee.

EXHIBIT 1

STATEMENT OF SENATOR DOLE

ABUSES IN THE OEO LEGAL SERVICES PROGRAM

Mr. President, I have noted the concern that has been expressed over the Office of Economic Opportunity legal services program. I certainly share the belief of many in our Nation that the legal system should be accessible and that there is a valuable role the Federal Government can play in providing that accessibility, but the Federal role should be clearly defined, responsibly executed and adequately supervised. Unfortunately, the experience with OEO legal services to date indicates that not only have these criteria not been met, but they have been repeatedly and flagrantly violated.

Several Senators have called attention to many of the problems involved in the legal services program. Many of the problems that have been discussed are those which can be anticipated if the program is transferred to and expanded within the framework of a new national legal services corporation as contained in S. 3010, as reported.

However, often these general analyses have not dealt in detail with specific problems disclosed in the actual record of legal services programs, activities, and employees. While many in this body have had particular problems in home States brought to their attention, the general tendency has been to discuss these as isolated incidents, perhaps even as unique ones. But, rather than being a matter of occasional difficulties and scattered problems, an overview of the legal services program discloses a broad and consistent pattern of alarming abuses which should be taken into account as we consider the future of this program.

Perhaps the most appropriate approach would be to cite a number of examples which in their geographical distribution and variety give an indication of the scope of these abuses.

SCOPE OF ABUSES

A legal services program in Illinois has just announced the funding of a new draft counseling service, to be located in Evanston, the location of Northwestern University and a suburb of Chicago. The "service"—which will include "advice," the following of "each man's case until it is ultimately resolved," and "draft education sessions"—would amount to providing Federal funds for a very questionable activity which, in my view, dilutes aid to the poor and appears to respond largely to the antiwar priorities of the legal services attorneys involved. The conduit for funds in this case is the Cook County Legal Assistance Foundation, a local legal services project.

In the April 14, 1972, Wyoming State Tribune it was reported that Philip White, Jr., a staff attorney for Legal Services of Laramie County, Inc., had threatened to bring suit against Laramie County School District No. 1 in the event that a local high school principal took action on his promise to suspend any student who refused to stand for the flag during school assemblies or other ceremonies.

Barbara Rhine of the Youth Law Center, San Francisco, Calif., an OEO backup legal center funded through the San Francisco Neighborhood Legal Assistance Foundation, has been frequently mentioned in connection with legal actions against "the pigs" and "the repressive structure." Two newspaper articles show clearly the nature of this young women's involvement in disruptive radical activities in the San Francisco area.

Rhine, who is married to Robert Kass but uses her maiden name, has previously been arrested during a demonstration; she is a member of the National Lawyers Guild, a regarded by many as a Communist Party front organization; she was a radical activist at Berkeley; and she was a leader of a women's march in support of an incarcerated female Black Panther.

Stephen M. Bingham, an attorney, was a legal services fellow with the federally funded Berkeley Neighborhood Legal Services program. He was with the program from September 1969 to June 1971, but took a leave of absence beginning November 1, 1970, and never returned to work—although he remained on the payroll through the following June.

On August 21, 1971, a San Quentin inmate attempted to escape from that institution. He was awaiting trial, charged with killing a correctional officer at Soledad Prison. The attempted escape resulted in the death of three San Quention correctional officers and two inmates in addition to Jackson himself. The last visitor to see Jackson prior to the escape attempt was Stephen Bingham, together with an unidentified woman not otherwise identified. Bingham disappeared immediately afterward and has not been located. He is a fugitive from justice.

James H. Rollins, a nationally known militant figure, who was elected to serve as co-chairman with Dr. Benjamin Spock of the National Conference on New Politics, is now wanted on two counts of first-degree murder in California. He is also being sought by the FBI as a fugitive from justice.

Under the alias of Lee J. Evans, Rollins was hired by the Alameda County Legal Aid Society, California, as a project attorney, despite the fact that he was not a law school graduate or admitted to practice in any jurisdiction. He was able to work with the local project for 4 months under this false identity.

The Legal Aid Society of Alameda County, Calif., has not limited its questionable activities to the hiring of unqualified and falsely identified personnel. It has also engaged in substantial voter registration activity, including the maintenance of voter registration officials in its neighborhood office. This practice is a clear violation of the present statute which prohibits involvement in such political activities.

Kenneth Cloke was a legal services fellow with the Los Angeles Neighborhood Legal Services Society, Inc.—LANLSS—an OEO grantee organization. He was hired and retained on the staff of LANLSS despite the fact that he participated in planning the violent demonstrations at the 1968 national convention of the Democratic Party in Chicago; despite regular attendance at Communist Party U.S.A., recruiting meetings in Oakland and Berkeley; despite holding membership in and the presidency of State, a student organization that is reported to have played a dominant role in the campus rebellions at Berkeley; despite participation in the Communist-dominated Ninth World Youth Festival in Helsinki, Finland, and in the Komosol—Communist Youth Organization of the U.S.S.R.—sponsored trip to the Soviet Union and East Germany; and despite activity in Students for a Democratic Society.

Florida Rural Legal Services, Belle Glade, Fla., used Federal funds for publication of an underground newspaper, became deeply involved in local student protests, and one of its project attorneys assaulted a nurse during a staged police brutality demonstration.

The Dallas, Tex., legal service project, represented the publisher of an underground

newspaper who was ineligible for the receipt of such services, and it used program funds to transport protesters to Washington. Fortunately, the latter expenditure was disallowed.

Throughout the country, legal services attorneys have raised challenges to compulsory work requirements for the receipt of public assistance, have assisted in the formation of local chapters of the National Welfare Rights Organization, and have helped organize tenant unions.

The OEO Western Regional Legal Services director has been representing a Government employee in a suit against Action charging that the employee was discriminated against because of her Democratic Party activities. The point is that a Federal attorney, albeit on his own time, is representing another government employee in a suit against a Federal agency over matter arising from partisan political activities. This case is an example of the questionable outside practice of law undertaken by a large number of legal services attorneys.

Employees of the Northern Mississippi Rural Legal Services program have used program facilities to support candidates for public office and have represented ineligible clients of political matters.

Daniel Siegel, a former OEO legal services fellow, served during his fellowship as a campaign coordinator for the radical April Coalition in Berkeley. A self-described revolutionary, Siegel has been convicted for inciting to riot prior to receiving his fellowship. He is most recently reported to be working on a Maoist anti-military project in the Philippines.

Sheldon Otis, who served as an attorney for Angela Davis, has been charged with embezzling $10,000 from a legal services program he was supervising in Redwood City, Calif.

Staff members of the New Orleans Legal Assistance Corp. were found to be improperly representing members of a Black Panthers Party Front Organization—the National Committee to Combat Facism. This group has also received assistance from the OEO Juvenile Law Project in San Francisco.

David Kirkpatrick, an attorney with the California Rural Legal Services, has worked closely with peace and freedom party leader Fay Stender, who is also deeply involved in the National Lawyer's Guild's activities, to furnish prisoners with Communist and other revolutionary literature. This material is supplied by use of the mails, sending packages to inmates with covering notes stating that they contain legal materials needed by the prisoners to prepare their cases.

Attorneys with the Monterey, Calif., legal aid society handled at least 104 military-related cases, many resulting from association with the movement for a democratic military and the Pacific Counseling Service which provide assistance to conscientious objectors. At least one legal services fellow with the program was identified as an organizer of local antiwar activities and rallies. Staff members have also worked closely with Unity Now, an underground newspaper which urges soldiers to create disturbances and foment resistance within the Army.

An attorney with Colorado Rural Land Services admitted preparing articles for a local underground newspaper and soliciting, of CRLS stationery, a juvenile client to serve as a distributor for the newspaper. The paper advocated, among other things, draft evasion.

The Camden, N.Y., Regional Legal Service programs has acknowledged representing financially disqualified clients on grounds that such individuals were unable to obtain private counsel because of their unpopularity or the unpopularity of their causes. The director of CRLS has stated his opinion that legal services should act as a sort of ombudsmen to the poor as a class, to represent them with respect to political and economic repressions. CRLS was also active in seeking support in the poverty community for the impeachment of a former mayor of Camden.

The director of a legal aid society in Illinois was a partisan candidate for State attorney of Marion County.

LIST HIGHLIGHTS PROBLEM AREAS

This list is not all inclusive. I only highlight some of the very serious problem areas associated with this program: violations of the program's statutory mandate, conflicts of interest, inciting litigation, fraud, involvement in disruptive and criminal activities, and contempt for the legal process and the standards of ethics and propriety which govern the practice of law.

These problems must be faced, and they must be resolved if a meaningful Federal role is to be played in providing a legal system that is accessable to all Americans, S. 3010, as reported, not only fails to deal with these problems while denying Congress and the executive any real authority to prevent even greater deterioration and distortion of the program.

I agree with the President, who said in his veto message of December 9, 1971, that—

It would be better to have no Legal Services Corporation than one so irresponsibly structured.

I endorse the President's suggestion that the Congress rewrite this bill to add strict safeguards against the kind of abuses certain to erode public support. Congress has so far failed to heed this suggestion, and the only responsible course is to wait until a sound and responsible program is formulated.

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

Mr. BUCKLEY. I yield.

Mr. BROCK. I would like to commend the Senator for his statement and to point out some of the areas in which we are in such profound agreement. The Senator mentioned the tax exemption granted automatically to the new corporation. I know of no other corporation which, by law, is granted tax exemption without review. I think it is unwise, and obviously inequitable, to enact legislation which confers the benefits of an exemption without requiring compliance with existing law.

Mr. BUCKLEY. If the Senator will yield, this is a very important point, because by having constantly to prepare to meet a tax challenge which might be offered by the district directors of the Internal Revenue Service, we increase the internal pressure for the absolute avoidance of any political activity.

Mr. BROCK. The point is that under this Legal Services Corporation, as written in the language of this bill, political activity is not only allowed, it is actively encouraged. An example is the exemptions granted to attorneys for the Legal Services Corporation who have a client who is engaged in political activity. The law purports to stop lobbying or political activities, but it goes on to say that if you have a client, you can do anything you want to, and that is what has actually happened. Let me cite several cases.

Legal Services attorneys have been encouraged to provide advice to welfare demonstrators and legal counsel during rent strikes.

In northern Mississippi, they have used program facilities to support candidates for public office, and have represented ineligible clients on political matters.

In Connecticut, Governor Meskill claims that the Tolland-Windham legal assistance program played a key role in the defeat of a local official who was critical of two welfare applicants.

Legal Services funds a program in Yakima, Wash., which is run indirectly by Cesar Chavez's United Farm Workers organizing committee. Among other things, the program is involved in "insuring that existing legal rights are enforced, for example, in the area of voter registration." That is a quotation from their own pamphlet.

The Legal Aid Society of Union City, Calif., until recently, was used as an official voter registration office.

In Colorado, an attorney with Colorado Rural Legal Services admitted preparing articles for a local underground newspaper and soliciting, on CRLS stationery, a juvenile client to serve as a distributor for the newspaper, which advocated, among other things, draft evasion.

The list goes on and on and on.

In Camden, the Camden Regional Legal Services program has acknowledged representing nonpoor clients on grounds that such clients were "unable to obtain private counsel because of their personal unpopularity or the unpopularity of their causes." The Director of CRLS believes that Legal Services should act "as a sort of ombudsman to the poor as a class, to represent them with respect to political and economic repressions." CRLS was also active in seeking support in the poverty community for the impeachment of a former mayor of Camden.

In Florida, Florida Rural Legal Services used Federal funds to publish an underground newspaper which provoked friction by referring to policemen as "pigs" and displaying cartoons with white policemen beating young blacks.

Mr. President, that is why, when I see the bar association coming in with a wire to the Senator from New York, saying that they support the Legal Services Corporation without amendment, I think that is utterly ridiculous on the part of the bar association, to take such a position. You cannot tell me that the members of the bar of America think the legislation is not subject to improvement. I cannot believe they are that blind. I cannot believe that Mr. Jaworski speaks for the lawyers of this country. I will guarantee him he does not speak for the lawyers of Tennessee.

Mr. BUCKLEY. Mr. President, if the Senator will permit me to make an observation, I think too often, with the enormous press of affairs that each group is subject to, we are ending up with legislation by slogan. If a slogan seems attractive, if it seems on the surface beneficial, it is very easy to secure the agreement of the representatives of this group or that group to the proposition that any change is bound to be deleterious. I think that is unfortunate. I certainly have the greatest respect for the American Bar Association, and I am sure the man who is presently its president is a most competent and conscientious practitioner. But the absolutely categorical statement contained in his telegram suggests to me that he has not had the opportunity to inquire into the

defects which I believe the Senator from Tennessee has pointed out with great eloquence, and which certainly the junior Senator from New York has attempted to point to.

Mr. BROCK. I think the bar association first got into the support of the program of the Legal Services Corporation. They undoubtedly felt a need to depoliticize an agency which was already involved in far too much chicanery, far too much political activity, and far too much lobbying activity, using the money that comes from the sweat of the taxpayers of this country to disrupt and destroy the fabric of the society in which those taxpayers exist.

The Bar Association, the President, and a great many other very sincere people decided that one of the objectives should be to depoliticize the agency. Yet, I cannot believe they have read this bill, because it does not do that. Moreover, it provides an exception from any political surveillance or any accountability for inequitable, unfair, or partisan political activity.

If the advocates of this measure were really sincere about depoliticalization, then they should cover the employees of this agency under the Hatch Act; and they very specifically have not done so. Why? If the advocates of the Legal Services Corporation want to claim there is not going to be any politics involved, why not put these employees under the same coverage that anyone else in the Federal Government is subject to, under the Civil Service Act and the Hatch Act? This would protect the American people against political abuse.

The fact of the matter is that they have no such protection. They have no such guarantee. You know, the Hatch Act was not written any more for the protection of the Americn people than for the protection of the employees themselves. A nongovernmental employee who works for someone else, and that someone says, "You have got to do certain political things," and he does not agree, can lose his job. The Hatch Act was designed to protect civil servants from that kind of abuse.

There is no such protection for employees of this new corporation. All it says is that attorneys hired by this program shall not engage in political activities during working hours unless they are representing a client. It does not even mention after working hours. So during the day, if they are representing a client, it means they can engage in any partisan activity they want to, and after working hours there is no prohibition at all, so the effect is to say, "Go ahead, get involved, do anything you want to; there is no limit."

Mr. BUCKLEY. Mr. President, there is another aspect about this whole program and the abuses which have crept into it which intrigues me, and they were certainly brought into highlight by the chronicle of political activities which the Senator recited, taking place throughout the United States.

The objective which the Senator from Tennessee believes strongly in, and which I believe strongly in, is to make sure that someone is not deprived of recourse to the law or of justice because of poverty.

It seems to me, however, that the effect of the legislation has gone beyond that. I cannot think of anyone who is not poor who has available to him the openhanded coffers of Uncle Sam to try to pursue any possible legal theory to the ultimate results in the courts. It is a kind of authorization for judicial fishing expeditions. It certainly goes beyond anything which I think is prudent. It certainly goes beyond my concept, at least, of providing a man who happens to be out on his luck with the opportunity to test whether or not he is being pushed around by this or that governmental official or by his landlord, or to see that his rights are protected in the manner in which others who can afford legal services are inclined to go after protection of their own rights.

Mr. BROCK. The Senator is certainly correct. We have a case in this regard. Staff members of the Lawyers Committee for Civil Right Under Law, which is an OEO grantee in Cairo, Ill., have been active in picketing and demonstrations conducted by the Black United Front, a militant civil rights organization, in a racially explosive community.

It is difficult for anyone to explain how those people were acting in the interests of poor clients who have some problem with a merchant who has bilked them out of a hundred dollars.

If they are going to engage in picketing, if they are going to engage in lobbying, if they are going to engage in political activities, if they are going to run around trying to pick up cases which will allow them to avow their own political viewpoint, they are not serving the poor people of this country. Quite the contrary they are serving their own self-interest, and they are using the money of the taxpayers of this country to promote causes with which the taxpayers do not happen to agree.

I think it is ridiculous for us to ask the people of this country to finance this kind of activity, which is inimical to the very system which supports it.

I fully agree with the Senator from New York, and I am very grateful for the remarks he has made in support of my amendment.

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

Mr. BUCKLEY. I yield the floor to the Senator from Arizona.

Mr. FANNIN. I thank the Senator from New York. I did not hear the entire colloquy, but I am very much in agreement with those statements I did hear. We have a common goal, which is to be fair and equitable with the poor people who are supposed to be involved in these programs.

I commend the distinguished Senator from Tennessee. I agree wholeheartedly with his efforts in the direction of doing what would be most beneficial for the people about whom we are talking.

I speak with some relevancy; in Arizona a vast amount of money is being spent sometimes just to advocate the personal views of individual attorneys as to what should be done on the Indian reservation. They have chosen to involve themselves inappropriately into school board elections and other activities that are in conformity with their intended work.

Mr. President, along with many of my colleagues, I have some deep concerns about the legal services program as it has been conducted. I particularly am troubled about the activities of legal services attorneys in the area of lobbying, or, as it is sometimes called, legislative advocacy. Before we take the steps provided in this legislation, should not we correct the many inequities now prevailing in the operations of the legal services program? I feel that the Senator is taking a very beneficial step.

The vision of lawyers sitting in a storefront office, providing legal assistance to poor people about problems with their landlord, or about marital difficulties, accords with the vision most of the Members of Congress had in supporting the legal services program. And there is, unquestionably, considerable authenticity in that vision, as has been expressed by both the Senator from New York and the Senator from Tennessee. But it is equally unquestionable that many of the legal services attorneys have engaged in lobbying, both at the Federal and State governmental level. This is a matter of policy within the program.

As I have stated, it has even happened within a county or within one Indian reservation. I know that other Indian reservations besides the Navaho's have experienced similar difficulties.

For example, the California Rural Legal Assistance program maintains on its staff, attorneys designated as legisative advocates, whose responsibility is to lobby the State legislature in Sacramento.

As a further example, I have a copy of a letter from the director of the Maricopa County Legal Aid Society of Arizona advocating participation in a political dispute involving the unionization of farm labor. This letter clearly demonstrates what kind of role the legal aid society conceives for itself. Even though the director disclaims any official participation by the Legal Aid Society, he asks that members of the legal services programs participate in this dispute to the extent of assisting in the recall of Arizona's Governor. That is how far it has gone. Notwithstanding the disclaimer of official support, the director has by his own letter involved the Legal Aid Society, since the letter is directed not to private individuals, but to members of the legal services programs over which he has supervision.

Mr. President, I find it hard to believe this disclaimer. A letter written by a private individual is one thing, but one which carries an officially designated title to the director of the Maricopa Legal Aid Society clearly implicates the society, notwithstanding his efforts to disclaim any official involvement. It is a serious matter when a federally supported organization is encouraged by its director to participate in a political controversy. Such encouragement is wrong and should be prohibited.

I should like to read this letter, because I think it is important to understand just how far the executive director, Mr. Bruce

N. Berwald, of the Maricopa County Legal Aid Society, in Phoenix, Ariz., has gone. This what he said:

Migrant and seasonal farm workers in Arizona are presently engaged in a virtual life and death struggle. On May 11, 1972, the State Legislature passed and the Governor signed an Act which establishes an agricultural employment relations board and which effectively denies to farm workers the right to organize in the same manner as any other workers. Cesar Chavez, leader of the United Farm Workers, is entering into his third week of fasting in an effort to demonstrate the injustice of this issue. I am writing to you not in my capacity as Executive Director of the Legal Aid Society but rather in my personal capacity as a concerned citizen and lawyer. I am asking that you make known to your staff, your client community, your board, friends, relatives, etc. the state of affairs facing farm workers in Arizona.

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

Mr. FANNIN. I yield.

Mr. MONDALE. I want to ask a factual question.

Is the person who wrote this letter on the staff of the legal services program, or is he simply a lay member of the legal aid board in Maricopa County?

Mr. FANNIN. I say to the distinguished Senator from Minnesota that he is the executive director of the Maricopa County Legal Aid Society—the executive director.

Mr. MONDALE. So he is on the paid staff.

Mr. FANNIN. He is on the paid staff. He is the executive director.

I read further from the letter:

There should be no need to elaborate upon the incredible conditions under which many migrant and seasonal farm workers must work when they do not have the protection of the union. The problems locally are no less shocking and indirectly contribute to educational, consumer, housing, welfare, and various other legal problems.

Mr. President, before I read further from this letter, I want to explain that this is a gentleman who says that he is disassociating himself from the Maricopa County Legal Aid Society, as its executive director, and yet, in the letter he has sent out, he says: "To all Legal Services programs, from Bruce N. Berwald, executive director, Maricopa County Legal Aid Society." He also uses the address of the Legal Aid Society. That is absolutely absurd.

He goes on to say:

My purpose in writing is to ask that you encourage your family, friends, staff—

Note that he says "staff"—

client community, etc. to refrain from purchasing or eating lettuce until this dispute has been settled. Further, I would urge you to provide whatever moral or financial support you can to the efforts of farm workers in challenging this incredibly unfair legislation in the courts and pursuing the current drive to obtain sufficient signatures on petitions to recall the Governor of Arizona.

Now, Mr. President, I will read further from the letter but I wish to comment first, that here is a man taking part in a political action to recall the Governor of his State. Yet he represents himself as not being involved with the society, still he uses his title as executive director and then sends it out to all the legal services programs, and all the personnel involved.

Continuing to read from the letter:

I am certain that you and your staff receive numerous requests for moral and financial suport of various causes. It is my hope that this letter to you from me as a colleague—

Now he is becoming a colleague—

will be something to which you will give greater attention than that which you can give to the various other matters coming before you. Again, I reiterate that this was done on my time, was prepared at my expense and reflects only my personal viewpoint, not that of the Society.

Of course, that is questionable.

Mr. President, how can a person say that this reflects his personal viewpoint and not that of the society when he addresses it to all the legal services programs and then has it coming from him stating right on the front of the release that he is the executive director?

Mr. President, furthermore, if we consider what is involved here, he is saying that they should recall the Governor because of this bill. Well, the bill was passed by the Arizona State Legislature. It was not done on the recommendation of the Governor. Sure, he signed it because it was something that was desired evidently by the people of Arizona, by their elected officials, and the Governor did sign the bill. It is a fair bill. It is designed very much in line with the National Labor Relations Act. It does have a procedure which can be followed, similar to what the National Labor Relations Board follows. It is fair and equitable to the worker. It gives some protection which, of course, is only right, to the farmer.

I do not believe that anyone who will look at this matter in a fairminded fashion would disagree that is is not a fair and equitable bill.

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

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

To: All Legal Services Programs

From: Bruce N. Berwald, Executive Director, Maricopa County Legal Aid Society, 132 South Central, Phoenix, Arizona 85004

Date: June 1, 1972

Migrant and seasonal farm workers in Arizona are presently engaged in a virtual life and death struggle. On May 11. 1972, the State Legislature passed and the Governor signed an Act which establishes an agricultural employment relations board and which effectively denies to farm workers the right to organize in the same manner as any other workers. Cesar Chavez, leader of the United Farm Workers, is entering into his third week of fasting in an effort to demonstrate the injustice of this issue I am writing to you not in my capacity as Executive Director of the Legal Aid Society but rather in my personal capacity as a concerned citizen and lawyer. I am asking that you make known to your staff, your client community, your board, friends, relatives, etc. the state of affairs facing farm workers in Arizona.

Since Arizona is one of the largest producers of lettuce in the country, and since this is the primary product of most of the large growers, the union has called for a nationwide boycott of non-union lettuce. As with the grape boycott a few years ago, the economic pressures which could be exerted upon large growers by a national boycott of lettuce, might be sufficient to force them to enter into good faith negotiations with the union concerning improved working conditions, wages, etc. There should be no need to elaborate upon the incredible conditions under which many migrant and seasonal farm workers must work when they do not have the protection of the union. The problems locally are no less shocking and indirectly contribute to educational, consumer, housing, welfare and various other legal problems.

My purpose in writing is to ask that you encourage your family, friends, staff, client community, etc. to refrain from purchasing or eating lettuce until this dispute has been settled. Further, I would urge you to provide whatever moral or financial support you can to the efforts of farm workers in challenging this incredibly unfair legislation in the courts and pursuing the current drive to obtain sufficient signatures on petitions to recall the Governor of Arizona. I am certain that you and your staff receive numerous requests for moral and financial support of various causes. It is my hope that this letter to you from me as a colleague will be something to which you will give greater attention than that which you can give to the various other matters coming before you. Again, I reiterate that this was done on my time, was prepared at my expense and reflects only my personal viewpoint, not that of the Society.

Mr. FANNIN. Now, Mr. President, I feel sure that every Member of this body supports the concept of equal access to the system of justice, for the poor as well as for the rich. But that is not to say that legal services attorneys should be assigned to engage in lobbying activities.

Mr. President, they have been engaged in lobbying activities and the primary example of this has been their attempt to kill the Arizona farm bill. These lobbyists were in fact, attorneys in the employ of the Legal Services program. This, of course, was something that should be beyond their regular work.

There is a very fundamental principle involved here, and that is that the Federal Government should not be in the business of subsidizing one particular point of view. So many of our most important constitutional rights, Mr. President, are based on the premise that Government ought not to limit freedom of thought, freedom of expression, yet here we have a program whereby the Federal Government is using tax revenues to pay the salaries and expenses of lobbyists, seeking to influence the passage of legislation reflecting their own political agenda. I think this is wrong, Mr. President, and I think it should stop.

Now, Mr. President, they are not only entering into this matter from the standpoint of the legality, from the standpoint of what is fair and equitable, but they are also taking it on themselves to assume the responsibility, even in the circulation, as I understand it, of petitions, of doing the work that is certainly up to the people of Arizona and not up to attorneys involved in working in the Legal Services program. They have taken it upon themselves to carry their activities far beyond what is intended and I think, intended by the laws en-

acted which approved the legal aid concept.

The Government has long denied tax-exempt status to organizations engaging in lobbying activities. As long ago as 1929, in the case of Slee against Commissioner of Internal Revenue, Judge Learned Hand wrote:

Political agitation as such is outside the statute, however, innocent the aim, . . . controversies of that sort must be conducted with public subvention; the Treasury stands aside from them.

But in the case of Legal Services, Mr. President, we have been providing Federal funds directly for this kind of activity. I think the Treasury should stand aside from lobbying by legal services lawyers, too.

There may be those who argue that, without pressure from legal services attorneys, the Congress and the State legislatures will not have sufficient regard for the needs of the poor. It seems to me that it is an insult to the Members of Congress and the State legislatures to make such a suggestion. It would be a good deal more accurate to say that the legislatures do not have the same political agenda as the legal services attorneys.

I believe, Mr. President, that there ought to be a flat prohibition on lobbying activities by legal services attorneys. In this respect, the proposed title IX of S. 3010 is deficient, and should not pass.

I give my full support to the distinguished Senator from Tennessee in trying to correct what is a great inequity.

Mr. BROCK. Mr. President, will the distinguished Senator from Arizona yield?

Mr. FANNIN. I am very happy to yield to the Senator from Tennessee.

Mr. BROCK. I am very grateful to the Senator from Arizona for his comments and his support. I cannot adequately express my agreement with his statement, insofar as the responsibilities of the Government are concerned, in the area of lobbying.

One of the basic principles which has guided our free society over the years holds that is wrong and a threat to civil liberties for the Government to subsidize the private advocacy of particular ideas. This has governed our views on separation of church and State and has strengthened the freedom of speech which is the birthright of every American.

Let me read what has actually happened as opposed to this very fine objective.

The Director of the legal services-funded Center on Social Welfare Policy and Law recently stated:

The maintenance and expansion of rights cannot be long assured unless the recipients themselves are united in a strong and self-reliant organization. We have seen in the last five years the development of a national welfare rights organization which, together with its hundreds of local affiliates, has been able to work effectively with lawyers and, with them, formulate priorities and strategy.

In the same column, the project director said:

We have mastered the federal and state welfare laws understood by only a handful of people less than five years ago . . . we have worked together with recipients who have learned their rights and organized to secure and expand them . . . we are beginning to learn to respond to planned and systematic repression in an effective and organized manner.

A recent article by the director and deputy director of a legal services grantee in Oregon stated:

Lobbying efforts pose excellent opportunities to involve citizens in the lawmaking process . . . we assisted in the formation of a coalition of groups, both rich and poor . . . Two lobbying seminars were held aimed at teaching those who had no influence in government how to make their voices heard.

Legal services involvement in group representation is, furthermore, not limited to lobbying as it has been known in the traditional sense. The lawyers have also been encouraged to assist those engaged in such direct action activities as welfare demonstrations, rent strikes, boycotts, and the like.

All of this raises the question as to whether legal services grantees should be specifically granted tax-exempt status, as would be provided in the legislation. To grant such preferred status to legal services activists, while denying it to other organizations not publicly funded would, as elsewhere, tend to violate our traditional inhibition against providing Government support to some groups engaged in influencing public policy, while denying it to others.

I think that is a very fundamental question about the legal services corporation as it presents itself in this very bill. I think it is a legal reason why, with my amendment, there is some logic to action which would give us another year or so in which to reform the existing agency under OEO, to structure it to the purpose of servicing the poor people of the country and not abusing the taxpayers and the citizenry who have labored so long and hard to provide the funds that the Government is making available to this agency.

There are so many examples of their ongoing lobbying activities. In case after case they have joined not only in the demonstrations, rent strikes, and boycotts, but also in writing legislation and appearing before various groups to teach them how to organize for political purposes.

Mr. FANNIN. Mr. President, I agree with the Senator from Tennessee.

The Senator can imagine what could happen to our Government if we continued to sponsor programs that would result in the recall of publicly elected officials such as the Governor of Arizona.

Mr. BROCK. What we have is the taxpayers of America, without any voice in the process at all, being required to send funds to Washington which are then used to remove the Governor of a State. Without any voice of either party, we have the weight of the Federal Government behind an action such as this. It is incredible.

Mr. FANNIN. I agree with the Senator. It is incredible.

I will say to the Senator from Tennessee that we can imagine the tremendous amount of work involved and the cost to the State if the recall election is brought about. It would require 103,000 signatures to petition an election. Then, we have to have the vote and carry it through to an election. I am very confident that the Governor would have an overwhelming victory. However, it is so unnecessary to take up the matter and to take up the legal process of our State to accomplish something that is so unnecessary.

It seems to me that when the legal services attorneys decide that they are going to go beyond the people of that State and make a decision such as this, it is absolutely ludicrous.

Mr. BROCK. Mr. President, during this debate we have been made aware constantly of a wire received by the Senator from New York and the Senator from Wisconsin from Mr. Jaworski endorsing this bill categorically and urging that the Senate approve it without amendment. The sending of such a wire is utterly ridiculous. It could not be reflective of the mood of the attorneys of this country to make the argument that no such legislation should be amended.

I am confident that the Bar Association of Arizona or at least a great many of the attorneys of that State would be surprised to find that they were put in a position of categorically endorsing this kind of corporation which has no accountability.

Mr. FANNIN. Mr. President, I am very sure that the Senator from Tennessee is correct, that the lawyers would be very surprised. Furthermore, I know that leading members of the Democratic Party and even the minority leader of the State senate have stated publicly that they are not in agreement with what these attorneys are trying to accomplish. They have almost instigated this matter. They are supporting a man from outside of the State of Arizona, a man who should not be involved or connected with a matter involving the Governor.

I cannot imagine a man from outside of the State taking it upon himself to use the Legal Aid Society to recall the Governor of that State, a matter in which he does not have a voice or a vote. It is most absurd, but it is happening. And that is why I say that we do need some time to consider the matter. I know that the distinguished Senator from Tennessee realizes that we have made some progress since the last time we discussed this matter. I can recall when we were discussing the Indian people of our State and how they were very dissatisfied, the junior Senator from Arizona (Mr. GOLDWATER) said, and it is in the RECORD, that the elected representatives of the Navajos do not want this society handling the program. They are opposed to the OEO going around and establishing on the reservation a legal services program over which the Government agency has no control. He said that in essence this is the whole thing.

This has changed to some extent. They have corrected some of the inequities in that regard. However, we still have a great deal more to do. And I hope that we do have time to formulate a program that will have the support of the people.

Mr. BROCK. The question is how do we do it? Do we take action today which sets up this totally nonaccountable, uncontrollable Legal Services Corporation

which builds in all of the inequities, all of the inefficiencies, and all of the problems which have been brought to our attention today.

It seems to me that the only way to arrive at a program that is responsive to all of the people of this country to all of the taxpayers who are paying the bill would be to adopt an amendment continuing the legal services program under the OEO where we are achieving a greater degree of reform today. It can ultimately resolve itself into an organization that is of benefit to all parties. However, if we take action today to separate from legal control the legal corporations with all of the problems now existing, that will not be so.

Mr. FANNIN. It would be wholly impracticable to try to accomplish that at this time, to try to make a complete change when we have so much to do in regard to the correcting of the inequities that now exist.

The Senator from Tennessee has made an extremely good case for this change. I commend the Senator for what he has done.

Mr. BROCK. Mr. President, I thank the Senator very much.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STEED, Mr. ADDABBO, Mr. ROYBAL, Mr. STOKES, Mr. BEVILL, Mr. MAHON, Mr. ROBISON of New York, Mr. EDWARDS of Alabama, Mr. RIEGLE, Mr. MYERS, and Mr. Bow were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 26, 1972, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 72) consenting to an extension and renewal of the interstate compact to conserve oil and gas.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. ALLEN. Mr. President, I rise in support of the motion of the distinguished Senator from Tennessee (Mr. BROCK) to strike title IX of S. 3010. The only way I believe that this motion could be improved upon would be to move to table the entire bill, but the removal of title IX from the bill will constitute a great improvement in the bill.

Listening to the argument in the Senate earlier this afternoon I was impressed by the fact that the proponents of the bill (S. 3010) pointed out to the distinguished Senator from Tennessee (Mr. BROCK) that if his motion to strike title IX should prevail that it would leave the provisions of law with respect to the legal services program exactly like they are, and the statement was made that the opposition of title IX was based upon the abuses and the weaknesses of the present program. A considerable point was made of that argument.

Well, just the reverse of that argument can be made from the very same fact because obviously someone must have thought that the present program was not working well enough and it became necessary to come forward with a Legal Services Corporation. Obviously the proponents of the Legal Services Corporation concept feel that the present legal service program can be improved upon and that it needs to be improved upon.

Somewhere during the course of debate, and I anticipate there will be considerable debate upon this motion to strike, I would like to be advised by the proponents of the measure why it is necessary on page 75 of the bill, subsection (f)(2) to authorize the appropriation of $100 million for the next fiscal year for this Legal Services Corporation, when I am advised that the present appropriation for the legal services program being carried on by OEO is only $61 million for the current fiscal year.

That is not all, Mr. President. On page 71 there is provided—and if my construction of these figures is not correct I feel sure the proponents of the measure will hasten to point out the error of my analysis—in subsection (2) it is provided that for the fiscal year ending June 30, 1973, and that is the fiscal year that starts in just a few days, and for the succeeding fiscal year, and that would be a 2-year authorization:

> The Director of the Office of Economic Opportunity shall have for each such fiscal year reserve and make available not less than $328,900,000 for programs under section 221 of the Economic Opportunity Act of 1964 not less than $71.5 million for Legal Services programs under section 222(a)(3) and title IX of Act.

Obviously they are talking two bites out of the public purse in this bill for the Legal Services Corporation: $100 million on page 75, subsection (f)(2) and $71.5 million on page 71. I am sure that after I have concluded my remarks the error of my analysis will be pointed out if the wording of this bill does not correctly reflect the intention of the proponents of the measure.

This title IX is intended to expand, institutionalize, and fatten with increased authorizations the legal services programs now administered by the Office of Economic Opportunity. In doing so, I find no fault with the idea of providing the poor with "equal access to our system of justice."

Mr. President, were this the sole purpose of the bill, we could invoke the familiar observation that where the ends are agreed upon the only remaining questions concern a choice of the best possible means of achieving the end.

But I contend that the ideal of "equal access to our system of justice" is not and has never been the guiding principle underlying the legal services program.

This work is being carried on now under the OEO, and there is some little control by the OEO, and through the OEO by the President himself, of the work of the legal services program. But set up this corporation and it will be absolutely without rudder. It will be able to go wherever it is tossed by the efforts and the thoughts and the ideas of activists who will unquestionably carry out the program.

There is ample evidence to support the conclusion that the purpose of legal services is to exploit the revolutionary concept of class actions against State and local governments and to otherwise exploit the concept of class warfare both in our courts of law and in appropriate economic areas.

Nevertheless, if we were to assume for the purpose of argument that legal services programs are designed merely to provide equal access of the poor to our system of justice, we would have to conclude that the means chosen to provide this service have been demonstratively disruptive, inefficient, and inappropriate. If Congress is insistent on providing legal services for the poor, why in the name of commonsense isn't the money provided for administration of the program by the States? Why is it necessary or even desirable that the program be administered by the Federal bureaucracy?

This certainly would be a bureau to end all bureaus. If it were set up without any control whatsoever, to carry on such functions in the legal services field as it saw fit to carry on, we would have a bureaucracy to end all bureaucracies, and pretty soon we will find the tail wagging the whole dog of the Federal Establishment and Federal bureaucracy.

Mr. President, section IX of the bill before us is in one sense an admission of failure of the past program, as I pointed out in my introductory remarks.

It is true that the failure is blamed on what proponents refer to as "political interference," which means that State and local governments have strenuously objected to some of the activities funded by the program. In recognition of the past failures, it is now proposed that there be created an independent Legal Services Corporation with substantially increased funding and independent of any kind of interference, and, I might add parenthetically, any direction or control.

I will have more to say about the proposed new corporation in just a moment. In the meantime, I want to give an example of the truly revolutionary type of

class actions which can reasonably be expected to be funded and directed by the Corporation, and I have ample examples to point out if the occasion arises.

I want to bring this a little closer to my home State and what we might possibly envision from actions taken by such a Legal Services Corporation or a similar legal services program.

Recently, a class action was instituted in a U.S. District Court against the State of Alabama as a defendant, together with all State officials having any responsibility, directly or indirectly, with the operation and management of Alabama's system of mental hospitals.

I hasten to say this was not an action brought by the legal services program, but it is actions of this sort that may be brought and that it is contemplated will be brought by the Legal Services Corporation or under the legal services program as it now exists.

I might say that when I oppose the concept of a Legal Services Corporation, that does not mean I favor the concept of the legal services program as now being administered by the OEO. The present legal services program administered by the OEO is bad. It ought to be abolished, or substantially amended. But the concept envisioned by setting up a separate corporation, with no helmsman under the control of the Federal Government, under the control of the Government's spending the taxpayers' dollars, with no control over this Corporation, is what I strongly object to. It is self-controlled—self-contained, so to speak.

So when I say I oppose the concept of the Legal Services Corporation, I oppose that even more than I oppose the concept of the legal services program now being operated by the OEO, because there is some measure of control. It can be held within half-way reasonable bounds. If you turn them loose as a separate, independent corporation, fattened by authorizations of $150 million, as contained in the bill before us, you watch then what it is going to do. I fear for every State government, for every local government, for every worthwhile program of the National Government. All of these programs would be subject to attack as a result of a whim or caprice on the part of the Legal Services Corporation.

So I oppose the Corporation. I oppose the legal services program. All the motion or amendment would do is to strike out the Corporation concept. It would leave us with a bad program. It might save us $100 million—that is not to be lightly regarded—if it were knocked out, because over on page 75 is an authorization of $100 million. Starting the first day of July of this year, there would be an authorization of $100 million a year for the Corporation set up by title IX Obviously, if no corporation is set up under title IX, then this authorization would in effect become null and void. So if we adopt the motion or adopt the Brock amendment, we would at least save the American taxpayer $100 million. I do not believe anybody would be hurt by that except some of these attorneys, these moonlighting attorneys, I might say, who put in part of a day's work, in many cases, with the legal services program and then proceed to do outside work.

A great to-do was made some minutes ago when it was said, "Why, we have doctored this bill up. We have removed some of the President's objections. We have removed Senator Cook's objections, who objected to their doing criminal practice in addition to working for the legal services program."

We are going to prevent that. But I did not hear anything about removing them from carrying on a civil practice, and that is where most of this practice would be. It would not be criminal practice, as I see it. I may be wrong, but I do not believe that they are prohibited from carrying on lobbying activity, and in fact legal services might be a pretty good springboard or entree to carrying on that type of activity.

Suppose I am an attorney with the Legal Services Corporation. I do not read anything in the bill—perhaps it is there—which says that such moonlighting activity would be forbidden to the people carrying out the provisions of the section setting up this Legal Services Corporation.

But I have digressed from my remarks. I was talking about the action that was brought in the State of Alabama, in a U.S. district court, with the State of Alabama as the defendant, together with all of the State officials having any responsibility, directly or indirectly, for the operation and management of Alabama's system of mental hospitals.

The facts in the case were not in dispute. Alabama unfortunately does not have the most modern institutional facilities for care of the mentally ill nor is its system of hospitals adequately funded to provide all of the services to be desired either by way of professional staff or physical facilities. In this regard, the State of Alabama is not alone. I think it is reasonable to suggest that all States recognize that there is room for vast improvement in the respective States. However, the problem in Alabama was dramatically highlighted by the late Gov. Lurleen Wallace, who marshaled public sentiment in support of legislative efforts—and a large bond issue, I might say—to help correct the admitted deficiencies, and it is unquestioned that some progress has been made—not as much as we would like to see, but some progress has been made, and public opinion supports major additional changes for the better in our care for the mentally ill.

But to get to the point, the U.S. District Court judge who presided over this class action—the type of class action which is contemplated under the Legal Services Corporation—established what he referred to as constitutionally required minimum standards of care and treatment of mental patients in State-operated institutions. These standards are listed in a 13 page appendix to the court order and cover every significant detail in the operation and management of the hospitals, including everything from bathrooms to diets, recreation, clothing, haircuts, and qualifications of employees and staff, as well as physical and medical therapy and procedures. These standards were ordered to be implemented by way of mandatory injunction.

Mr. President, I have no argument with the desirability of the standards. They were fine. My objection is that such standards are not required by the Constitution of the United States. It was obvious to the plaintiffs and to the judge that implementation of the court-ordered standards would require a very substantial initial appropriation by the Alabama Legislature and substantially increased appropriations in future years. There is the rub.

Mr. President, I wonder if any Member of the Senate will subscribe to the proposition that Federal courts, under authority of the U.S. Constitution, can order a State legislature to levy taxes, determine priorities in the allocation of tax revenues, and order appropriations in such amounts as a Federal judge may determine?

If that is the law, what is the need of having a State government? What is the need of having a State legislature to make these decisions? What is the need of having a Governor to see to it that the laws passed by the legislature are put into effect?

If the "due process" clause of the Constitution authorizes a Federal judge to dictate to State legislatures in the matter of levying taxes and appropriating revenue, we would have to admit that Federal courts have the same power over Congress by virtue of the "due process" clause.

If a Federal court can order a State legislature to levy a tax or to make an appropriation, why could it not also order Congress to levy a tax or to make appropriations, or determine for Congress the priorities? Or for the President. That is going to be one of the big issues in the presidential election, the priorities for expenditure of the taxpayers' funds. That is going to be possibly the biggest issue in the presidential election. But if we follow the reasoning of the Federal judge in this case, in which he takes unto himself the power to order the legislature to act, out to its necessary conclusion, we are going to reach the conclusion that the Federal courts, headed by the U.S. Supreme Court, can issue similar orders to Congress. And I do not believe we in the Senate are prepared yet to take that position.

It is interesting, I think, to note the cavalier manner in which the judge treated this particular problem. On this point, I want to read from the judge's order:

> in the event—that the State Legislature fails to satisfy its—constitutional obligation and the mental health board, because of lack of funding—fails to implement fully the standards herein ordered, it will be necessary for the Court to take affirmative steps—to insure that proper funding is realized.

Mr. President, in a footnote the judge states:

> If the Legislature does not act promptly to appropriate the necessary funding for mental health, the Court will be compelled to grant plaintiffs motion to add various state officials and agencies as additional parties in this litigation, and to utilize other avenues of fund raising.

I reiterate, if the Federal courts in the State of Alabama can order our legislature to levy taxes and make appropria-

tions, it is not going to be many years before they take the same attitude with respect to the national Congress.

Mr. President, in the judge's opinion, it appears that the additional parties to the suit which he contemplates adding include all members of the Alabama Legislature, the State treasurer, and the comptroller, among many others. In other words, this particular U.S. district judge asserts the power to compel the Alabama Legislature to appropriate funds for such purposes and in such amount as the judge may deem fit and proper. In addition, when the judge speaks of utilizing other avenues of funding, he is referring to what he conceives to be his power to compel the State of Alabama to sell certain of its real property and to order the State to allocate the proceeds of the sale to the implementation of court-ordered standards for the operation of mental institutions.

Mr. President, I insist that this is one type of action which is contemplated by the proposed Legal Services Corporation.

We can only ask if Senators have contemplated the serious implications of funding lawyers to bring actions against States and municipalities in Federal courts presided over by judges who conceive themselves empowered to order members of State legislatures to levy taxes and appropriate funds as the judge may see fit. There is not a single State nor municipality in the United States which cannot be made a party defendant to a class action such as this one involving every conceivable type of public service afforded by the States or local governments.

Mr. President, this is one type of class action which we can continue to expect if we authorize the establishment of the Legal Services Corporation with near unlimited powers as contemplated by this bill.

All of us are more familiar with the disruptive activities of Legal Services lawyers who have occupied their time in helping organize groups and coalitions for welfare rights, tenants unions, and in organizing boycotts, demonstrations, and lobbying activities.

It was these and other serious problems with the program that prompted a Presidential veto in December 1971. There has been some change in rhetoric and appearance of the bill but its deficiencies stand out like a sore thumb.

Mr. President, it is not my intention to explore all of the reasons cited by the President for his veto. However, there is one point in particular on which I do want to comment. I refer to the general subject of "accountability." Let us analyze that and see to whom and to what extent this Corporation, set up by title IX, is accountable.

In the President's message of December 9, 1971, he said that "the quintessential principle of accountability has been lost." In this connection, there are two aspects of accountability. I am more concerned about accountability of the Legal Services Corporation to the public than I am about the esoteric arguments relating to accountability in the limited context of the attorney-client relationship.

To whom are these people accountable?

It is one thing for a legal services attorney, once engaged with his client, to be immune from outside pressures. That is all well and good. I respect, I endorse, and I approve of the confidential relationship that exists, and that should exist, between a lawyer and his client; and I would take the position that a lawyer-client relationship is created in the case of a person for whom a legal services attorney is doing legal work contemplated by the act. So it is one thing for a legal services attorney, once engaged by his client, to be immune from outside pressures, at least to the extent that he would be immune, if he were in private practice and representing that client. There is no difference between the confidential relationship of an attorney in private practice dealing with a client who is paying him a fee and a person for whom a legal services attorney is rendering a legal service, not with compensation from the client but as part of his duties as an attorney with the legal services program. I say "program" because that is what it is now, rather than "legal services corporation," which is contemplated by title IX. It is quite another, however, for a corporation which they are seeking to set up under title IX, funded with taxpayers' dollars and authorized by their representatives in Congress, to enjoy immunity from oversight and review.

What other department in the executive branch of Government or in the legislative branch of Government is not subject to review by somebody? Even in the judiciary there is some little measure of control by the Supreme Court of the lower courts. Apparently, there has been very little control of the Supreme Court by anybody—the legislative branch, the executive branch, or the Court itself. I do not know of any agency set up by the Federal Government and paid for with taxpayers' dollars that is not subject to some measure of review. This corporation is to be set apart as sacrosanct so far as any control by Congress is concerned, or by the President, except for his power of appointment of the directors of the corporation.

But it is quite another thing, as I say, for a corporation funded by taxpayers' dollars and authorized by their representatives in Congress to enjoy immunity from oversight and review. Obviously, it should not be. The principle that the Corporation must protect the attorney-client relationship of its project attorneys and members of the client community, on the 1-to-1 basis protected by the Canons and the Code, is not the same as the Corporation having immunity itself from the establishment of policy and administrative directions and emphases. Actually, the Corporation, as a consumer of taxpayers' dollars—and I say that it is going to have a voracious appetite, to consume some $178 million a year—and as a vehicle for meeting the needs of a problem recognized by Congress, must be subject to the long-range scrutiny that other federally funded entities are.

I say again: Why should not this Corporation be subject to some review by Congress and the executive branch, or by Congress or the executive branch? Why make it a law unto itself? That is what would seem to be one of the major thrusts of title IX: Set up this corporation, give it independence, along with $178 million to spread out all over this country, bringing harassing lawsuits against States, local governments, and worthwhile programs of the Federal Government.

The question can be well put, therefore: Does S. 3010 as reported by the Senate Committee, strike an acceptable balance between these differing—yet not necessarily conflicting—means of accountability? I think the answer is a negative one. This is true in many instances.

The appointment of members of the board of directors of the Corporation from lists recommended by grantees and potential grantees of the Corporation jeopardizes accountability to the public. The public is entitled to a little consideration in this matter, not people bringing lawsuits, not people whose aim it is to harass. Let us consider the public once in awhile, not just toss $178 million of the taxpayers' money into this program.

The appointment of at least two of the members of the board from among those recommended by the project attorneys council and the clients council—one each—jeopardizes accountability by placing policymaking control in the hands of those who benefit directly from the program. That is interesting. At least two members of the board are to be appointed from among those represented by project attorneys council and clients council—one each.

Should the Corporation ever be taken to task by the beneficiaries of the program, maybe if they were not benefiting enough, they might complain, but that hardly seems to provide true accountability. It hardly seems to demand real accountability from this Corporation.

A private corporation is accountable to its stockholders. In a sense, it would seem to the junior Senator from Alabama that the taxpayers of America might well be considered to be stockholders in this Corporation, except that they do not have any voice. Stockholders in a private corporation like General Motors, General Electric, the Ford Motor Co., have some say. If one has only one share of stock in a corporation, and he feels that the affairs of the corporation are being mismanaged, he can file suit against the corporation and against the board of directors of that corporation, to hold that corporation, its officers and its board of directors, accountable to the trust that has been placed in them when they were made officers and directors of that corporation. A person does not have to have much stock in a corporation—one share would suffice. That will entitle him to a suit.

Why is it that a poor, downtrodden taxpayer is not given the right to call the Legal Services Corporation to account for the actions of its officers and directors? Why should they not be regarded as acting in a fiduciary capacity, accountable to the taxpayers?

Since we do not have a true democracy in America—not like the true democracy

back in the days of the Greek city-state—but we do have a republic or a representative democracy, certainly, then, it would seem that the people's duly elected representatives in Congress or in the executive branch—those who are elected—should have some way to hold this corporation accountable for its actions.

But there is no accountability outside of the corporation itself. That does not seem to be acting in the best interests of the people of this country. It is not acting in the best interests of the taxpayers of this country.

The absolute prohibition, embodied in proposed section 913, against Federal oversight would totally destroy the principle of accountability of the corporation to the public and their elected representatives, not to mention the requisite accountability desired as to such Federal agencies as the Office of Management and Budget—every other agency I know of in the executive branch is accountable to the Office of Management and Budget but not the Legal Services Corporation—the Civil Service Commission, the Department of Justice—all of these departments and agencies of Government are accountable. If we appropriate all the money to this corporation and have no control over the purse strings, we will see this money tossed to the winds. We will see a Federal boondoggle that wil exceed anything we have seen in a long time, in the judgment of the junior Senator from Alabama.

Placement throughout the legislation of authority to make determinations into the hands of the board of the corporation, when such determinations—like the eligibility of clients, the scope of representation, et cetera—ought to rest in the hands of the Congress. Turn this money over to them and let them go outside—in effect, I would say—I would not say that they would be going out to drum up business, which is certainly an unethical act on the part of attorneys in private practice. I would hope it would be so regarded in this corporation.

Mr. President, my analysis of the legislation pending before the other body convinces me that the President's criticism of the lack of accountability has not been met, and neither has it been met in S. 3010.

Mr. President, I should like to go into this matter of a potential veto a little further. It has been said that all the President's objections have been removed. Possibly that is true. I am not in touch with the President as regards his views.

In his veto message of December 9, the President said:

> In re-writing our original proposal, the door has been left wide open to those abuses which have cost one anti-poverty program after another its public enthusiasm and public support.

Mr. President, I submit that this authorization bill is going to still have within its borders provisions that are not going to be pleasing to the taxpayers of this country and to those who want to see accountability for the expenditure of public funds. I do not believe that the criterion is being met by this bill.

Many of the areas susceptible to abuses remain in this bill.

First, there are the areas susceptible of abuse by virtue of political activity. Sections 906(e) and 907(d) (1)–(2) would permit many kinds of political activity among employees of the corporation and programs assisted by the corporation, and would, for the first time in the history of this program, specifically authorize lobbying activities—political, by definition.

Mr. President, perhaps other Members of the Senate might welcome lobbying activities to further the interest of this program and to further the interest of any Federal program, to advance the interest of any legislation, or any public figure, for that matter, as that public figure might be affected by legislation or an appointment pending before the legislation. However, for the first time in the history of this program there is specifically authorized lobbying activities, political by definition.

Second, proposed section 902(b) would grant a tax-exempt status to the corporation, despite its ability to engage in political activity and other activities proscribed by Internal Revenue Service rulings and guidelines for non-profit, tax-exempt organizations.

So here, Mr. President, we are going to have a corporation enjoying tax-exempt status, not controlled by the Government except that it has to ante up millions of dollars every year to see that the program is carried on.

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

Mr. ALLEN. I yield for a question.

Mr. COOK. Does not the Senator find it very interesting that there is a debate going on throughout the United States today about tax loopholes and in one section of this bill it provides an absolute tax-exempt status and in another section they are given the opportunity of lobbying. Yet they have a tax-exempt status. Under the present Internal Revenue regulations one of the things that one cannot do under any circumstances is to lobby. Yet, because we are allowing this corporation to accept gifts, we have opened up the door for every major foundation in the United States to break the law by subterfuge. Every foundation that can make a grant to this corporation cannot lobby now. However, they can give it to this corporation that can lobby, and rather than work for their tax-exempt status, they are automatically given one.

Mr. ALLEN. Mr. President, I certainly agree with the Senator from Kentucky. He has put his finger on one of the major defects in the bill, and certainly one that sets this corporation apart for special treatment in many areas—although it is certainly not a tax foundation—and allows it to accept contributions from individuals, corporations, and foundations which other corporations engaged in political activity are not allowed to accept. It is another vicious instance of setting apart this corporation for special discriminatory treatment and partial treatment.

Mr. COOK. Mr. President, this is a tax loophole that would no longer jeopardize any major foundation in the United States as long as they could have another corporation to give it to by reason of which they give tax exempt funds to an organization that had the right to lobby but did not have to fight for its exemption under the Internal Revenue. However, for the first time conceivably in the history of the legislative process we automatically legislate a tax exempt status for a corporation and then allow it to lobby.

Mr. ALLEN. That is certainly true. It is a very vicious defect in the opinion of the junior Senator from Alabama.

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

Mr. COOK. I yield.

Mr. JAVITS. Mr. President, the Senator has an amendment, does he not?

Mr. COOK. I have an amendment if I have the opportunity to present it, yes. I have one on which I will ask for the yeas and nays. However, at this stage of the game, I have no idea whether I will be successful.

Mr. JAVITS. I understand that. However, the point I am making is that the argument of the Senator from Alabama is designed to strike the entire title. I believe that the Senator from Kentucky and I can deal with that most constructively and affirmatively. His amendment does point to the right thing to do. We can submit it to the scrutiny of every Senator.

Mr. COOK. I cannot disagree with the Senator. I raise the point with the Senator from Alabama that, as the bill is presently written, this could happen.

Mr. JAVITS. That is legitimate. However, it is also legitimate for the defenders to point out that this is an aspect which can be dealt with by amendment. However, the Senator from Tennessee (Mr. BROCK) and the Senator from Alabama (Mr. ALLEN) seek to strike out the whole thing.

Mr. COOK. Mr. President, to at least set the record straight—and I apologize to the Senator from Alabama—I can only say that many other sections will also need amendments.

Mr. JAVITS. There are other amendments and we can deal with those in the most constructive and affirmative spirit.

Mr. COOK. Mr. President, the point I was trying to make to the Senator from Alabama is that the way the bill is presently written and before us, it authorizes lobbying and a tax exempt status which under the present Internal Revenue Code could be a tremendous loophole for gifts, contributions, and direct contributions of funds from organizations throughout the United States who are now tax exempt and are prohibited from lobbying, but would be allowed to give to this corporation which would be allowed to lobby.

Mr. ALLEN. Mr. President, I express my appreciation to the distinguished Senator from Kentucky for his contribution to this discussion and say to him that I feel that he has made a valid point. I also have to express the hope, however, that it will not be necessary to consider the amendment that is hoped to be offered by the Senator from Kentucky because I hope that the amendment offered by the Senator from Tennessee (Mr. BROCK) is agreed to.

I might say that this bill does not need a surgeon's scalpel. It needs a meat axe approach. It does not need to be operated on with a fine instrument. It needs to be knocked completely out of the bill. There is no need to change the title as far as the junior Senator from Alabama is concerned.

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

Mr. ALLEN. I yield to the Senator from Tennessee.

Mr. BROCK. I am very grateful to the Senator for his support and I agree with the Senator's statement.

I wish to point out that it is almost impossible to remedy the defects in the existing proposal by amendment. For example, on the matter of lobbying, the Senator from Kentucky has an excellent amendment which would do some good, but there is no way all of these faults can be corrected. For example, if we prohibit other organizations from giving to the Corporation, there is still no prohibition against employees of the Corporation from engaging in political activities on their own. As I stated earlier, the Hatch Act was not passed simply to protect the American people against that, but also Government employees from undue influence from their supervisors or managers to assure them of continuing employment.

There are thousands of examples of this sort in abuses which took place time after time in State after State which are not subject to control or remedy in the context of the law as proposed in this legislation.

If we are going to respond to the need, I see no alternative than to agree to the amendment. To do otherwise, would freeze into law the existing pattern without accountability.

Again, I thank the Senator for his support.

Mr. ALLEN. I thank the Senator from Tennessee for his remarks, for offering the pending amendment, and for his excellent presentation in his introductory remarks, the colloquy in which he has engaged, the questions he has asked, and the colloquy he has had with me on this subject.

I appreciate very much the distinguished Senator from Kentucky pointing out still another defect in title IX and in the concept of this bill.

Repeating, for the purpose of continuity:

Second, proposed section 902(b) would grant a tax-exempt status to the corporation, despite its ability to engage in political activity and other activities proscribed by Internal Revenue Service rulings and guidelines for nonprofit, tax-exempt organizations.

The distinguished Senator from Kentucky pointed out that this section can be abused, how it would be a great loophole in our tax laws and could easily be evaded.

I might express this confidence to the distinguished Senator from Kentucky. There are in this body a number of Senators who are running for the high office of President of the United States, and all of them are interested in closing the loopholes in our tax laws or, at any rate, they have expressed that opinion throughout the length and breadth of this land. I am hopeful that when the amendment offered by the distinguished Senator from Tennessee—and, if it becomes necessary, the amendment of the Senator from Kentucky—is voted upon that these senatorial presidents will be on hand to cast their votes in favor of closing loopholes actual and potential in our tax structure.

Third, the advisory councils which would be created by virtue of section 903 are comprised of those parties with direct interests in the programs, grants, and funding—the clients and the project attorneys—admitting thereby of publicly visible conflicts—in short, a further extension of the poverty-bureaucracy complex.

I am pointing out here some of the abuses of the bill that could very well lead to a Presidential veto of the entire bill, even in the face of the statement made on the floor that the objections of the President have been met. Whether he raised these objections or not is not known.

I note that while he may have expressed a desire to see a Legal Services Corporation set up, I would hazard the guess that he would not be suggesting that a tax-exempt corporation be set up, one that would permit lobbying activities on the part of this corporation and the acceptance without tax, either to the donor or donee, of money for lobbying purposes. I would seriously doubt if the President of the United States would support such a concept as that.

Fourth, section 904(c) would permit the chief executive officer—the executive director—of the corporation to serve at the pleasure of the board, not at the pleasure of the elected representatives of the people. He is appointed and serves at the pleasure of the board of directors of the corporation, with no consent from the Senate required and with no appointment by the President mandated. Whereas the directors may have to be approved by the Senate, as suggested by the distinguished Senator from Wisconsin in his remarks, I do not believe it will be found that the executive director has to be approved by the Senate. Possibly it does and if so I did not notice that requirement.

Fifth, section 904(e) permits meetings of the board to be closed—not subject to public scrutiny.

Sixth, section 906(a)(8) permits an establishment of standards of eligibility without any guidelines from the Congress and does not require conformity with antipoverty guidelines, indices, and criteria for other programs of the Federal Government. Here again I say they would be out in a stormy sea without a rudder. That is the situation of this corporation as regards any congressional oversight.

Seventh, while section 908(a) permits public disclosure of all information and documents relevant to grants and contracts, section 908(b) does not permit full disclosure of evaluation, inspection, and monitoring reports.

Mr. President, the ultimate slam at public accountability is section 913, which reads as follows:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

That is a shocking provision that is suggested as the law of the land. It seems to have two authorizations in the bill, one for $100 million and another for $78 million and it is provided:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employer of the United States to exercise any direction, supervision, or control over the corporation.

Would that mean, Mr. President, that the General Accounting Office would not be able to come in from time to time, as required by law for other Federal public agencies, and check the books and records of this Corporation? That is what it says. I guess it means what it says, because it is not going to authorize any department, agency, officer, or employee of the United States. I assume the General Accounting Office comes within that general language. They are not going to authorize anybody to exercise any direction, supervision, or control over the Corporation.

What about a Federal grand jury? What if they steal the Corporation blind? Are you going to allow a Federal grand jury to check into the affairs of the Corporation? I doubt it. The bill provides:

> "Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation . . ."

That is a pretty shocking provision.

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

Mr. ALLEN. I yield for a question.

Mr. JAVITS. I asked the Senator to yield to correct the facts, because they will appear in the RECORD. I call attention to the Senator to the provision of section 910(b)(1), on page 121 of the bill, which reads:

> The accounts and operations of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office . . .

And so forth.

That is one.

I wish to point out to the Senator that the report of such audit is to be made to the Congress and that it is to be kept available here within the Congress, and so forth.

Also, I wish to point out to the Senator that, in my judgment—the Senator naturally is entitled to his own opinion on that—the words "direction, supervision, or control" would not include even an indictment of the Corporation—and this refers only to the Corporation, not those who work for the Corporation, or any individual—and that the Corporation, in my judgment, could be indicted by a grand jury. Notwithstanding those words, I do not believe the words cover any immunity for criminal prosecution.

The final fact is that, if the Senator will refer to section 308 of the public broadcasting law, he will find a similar provision.

I wish to state to the Senator once again, simply as a fact, that the reason for the adoption of this amendment was that it was strictly an amendment which deals with the confidentiality and the integrity of the professional relations between lawyers and their clients.

Again, if the Senator would have in mind, or any other Senator would have in mind, an amendment which would make that precise and clear, I personally would be very anxious to have them take a constructive and positive role in making what I have just said clear.

Mr. ALLEN. I appreciate that.

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

Mr. JAVITS. I yield.

Mr. NELSON. Yesterday we accepted an amendment by the Senator from Texas (Mr. TOWER) to make all of the information, except matters of confidential relationship between lawyer and client, available for the inspection of any Member of Congress, also.

Mr. JAVITS. I thank the Senator.

Mr. ALLEN. Mr. President, I appreciate the remarks of the distinguished Senator from New York in clarifying some of the language of this section. I would hope that, if title IX survives a motion to strike it, he would make it clear that the prohibition against the exercise of any direction, supervision, or control over the Corporation would not prohibit an investigation by the General Accounting Office, because it would seem that these sections are in conflict. I hope that that change would be made. I hope it will not be necessary to make the change, because I hope the whole title will be stricken.

It is readily apparent, upon the enactment of this legislation, that there is to be no accountability to the public through their elected officials, despite the Federal creation and Federal funding of the Corporation.

This absolute prohibition against "Federal control" would, in my opinion, limit the authority of the Office of Management and Budget to suspend assistance if the program were acting outside the scope of its authority. It would limit the authority of the Department of Justice to investigate and pursue actions with respect to misappropriations of funds. It would limit the authority of the Civil Service Commission with respect to anything within its jurisdiction as to the operation of the staff and personnel of the corporation.

Mr. President, the specific question might arise as to how the Federal financing of the proposed corporation acts as a subsidization of political activity. It can be answered convincingly. By assuring persons who engage in politicking and radical activities of a continuing salary through the program—salaries made possible through Federal taxpayers' dollars—these persons are able to engage in free-time political activities and organization of persons into radical activities and associations.

Sometimes the employees work for a legal services program for a while, until something comes to the front burner. Then they drop out of the program, undertake their own self-imposed missions, after which some drop back into the legal services program. Others are able to get positions in the program by virtue of having engaged in radical activities. But the most common case is the one where a person, heavily involved in political activity, carries on such activities during varying sorts of free time—annual leave, compensatory leave, "afternoon leave," and so forth. This is possible because the legal services attorneys are not covered by the restrictions of the Hatch Act which apply to Federal employees.

Here is another example of failure to hold this corporation and its employees to the same degree of accountability as is required of other Federal agencies. They are not required to be held under the restrictions of the Hatch Act, which applies to all other Federal employees. Nor are such employees prohibited from the outside practice of law. It was pointed out that they are prevented from practicing criminal law, I believe, but it does not cover civil law. This divergence of treatment is true, even though the dollars come from the same source—the Federal treasury. By paying a person to work for the program for a certain number of hours each week, the person is assured of an income, irrespective of what he does in his off-duty hours. We are, in reality, subsidizing through this program a mammoth number of employees and project attorneys who are engaged in carrying out their own ideological, philosophical, political, or partisan agendas.

Mr. President, the point is clear. We are subsidizing through this program a plethora of political activists who work for OEO, and who, because of the assurance of that paycheck, are able to carry out their own loaded agendas in pursuit of ideological and partisan goals. This must be stopped.

I believe a step in the right direction would be the adoption of the amendment of the distinguished Senator from Tennessee (Mr. BROCK), and I urge that the Senate agree to the amendment.

Mr. President, the day is past when "you can't sue city hall." Suits against Federal, State, and local agencies are proper if they arise from the specific legal needs of particular clients, rather than from private or partisan objectives of legal services attorneys. Such suits may be appropriate responses to the needs of poor people seeking relief.

In keeping with the consistency of professional quality rendered by the legal profession in our Nation, the approach to the question as to whether or not a suit should be initiated on behalf of one's client against a public agency should be no different for a legal services attorney than it is for an attorney in private practice. Specifically, such suits should not be frivolous; they should be born out of the genuine needs of the client to obtain judicial relief. Additionally, such suits should not be filed for the purpose of harassing public agencies and officials. Finally, such suits should not be brought if the administrative remedies available to the client, or the class of persons that client represents, have not been fully exhausted by the client and the project attorney. If another remedy is more appropriate to the client's situation, it should be used. As a matter of procedure, legal services attorneys ought to explore every possible solution to a legal problem and exhaust their administrative remedies before initiation of legal action. This is expected of attorneys in private practice; no less should be expected of attorneys in legal services programs.

Unfortunately, since legal services programs are largely funded by tax dollars, there are insufficient negative incentives imposed—either through the project board and project directors or through self-discipline—on the project attorneys. Thus, the tendency is to rush to court, frequently resulting in the filing of unmeritorious suits against public agencies. At a minimum, such actions frequently result in the filing of suits where other remedies were available and appropriate.

An examination of the record indicates that with each passing year there are more and more suits being initiated, through legal services programs, against public agencies on all levels—Federal, State, and local. The increase in such suits is demonstrable.

The Clearinghouse Review is published monthly by the National Clearinghouse for Legal Services, an operation funded pursuant to a contract between Northwestern University and OEO. One of the purposes underlying its publication is the communication of summaries of legal action cases of interest to legal services attorneys across the Nation. I have recently examined volume V of Clearinghouse Review, which covers the period from May 1971 through April 1972—12 months. I have extracted from this one volume the names of public agencies against which suits were brought by parties represented by legal services programs. Since many suits were brought against officials of those public agencies in their individual names, the list below is probably not all inclusive. The list of public agencies sued is as follows. Some were sued more than once; some often:

Department of Health, Education, and Welfare, U.S.
Springfield School Committee, Massachusetts.
Board of Education, Peoria, Illinois.
New York City Board of Education.
Emeryville City Officials, California.
Florida Department of Commerce.
West Springfield Housing Authority, Massachusetts.
Newport Housing Authority, Rhode Island.
Union City, California.
National Capital Housing Authority, Washington, D.C.
United States Government.
District of Columbia Government.
Peekskill Housing Authority.
Department of Housing and Urban Development, U.S.
Los Angeles Housing Authority, California.
Housing Authority, Long Beach, California.
State of Maine.
Wayne County Board of Commissioners, Michigan.
California Public Utilities Commission.
Regional HEW Commissioner, Illinois.
South Bend School Corp., Indiana.
Attorney General of the United States.

Equal Employment Opportunity Commission, U.S.
Secretary of Defense.
Illinois Department of Public Aid.
City of Wilmington, Delaware.
Secretary of the Army.
Administrator, Unemployment Compensation Act, Hartford, Conn.
Wisconsin Department of Health and Social Services.
Governor of California.
Department of Social Welfare, California.
Department of Public Welfare, District of Columbia.
San Francisco Unified School District, California.
San Jose Unified School District, California.
Chicago Board of Education, Illinois.
Dade County School Board, Florida.
Board of Education, Bergen County, N.J.
Minneapolis Fire Department and Minneapolis Civil Service Department, Minnesota.
New York City Department of Parks and Recreation.
State of Oklahoma.
Secretary of the Interior, U.S.
Director, Selective Service System.
Secretary of Health, Education, and Welfare, U.S.
County of Madera, California.
Commonwealth of Massachusetts.
Attorney General, State of Florida.
School Board of the District of Columbia.
State Department of Public Safety, Utah.
Oxford School District, Calif.
Little Rock School District, Arkansas.
Milwaukee Board of School Directors, Wisconsin.
Board of Education, Cleveland, Ohio.
Board of School Directors, Portland, Me.
Alaska Board of Education.
Texas Employment Commission.
United States Postal Service.
Secretary of Transportation, U.S.
State of Mississippi.
Clark County School District, Nevada.
Massachusetts Department of Public Welfare.
Pima County Board of Supervisors, Arizona.
Governor, New York.
Wisconsin Department of Health and Social Services.
Mount Laurel Township, N.J.
Norwalk Housing Authority, Conn.
Port Chester Housing Authority, New York.
City of Helena, Montana.
Board of Education, Arizona.
Bureau of Indian Affairs, U.S.
Berkeley Police Department, California.
Denver Juvenile Court, Colorado.
Wayne County General Hospital, Michigan.
San Francisco Planning Commission, California.
Secretary of Labor, U.S.
Los Angeles City Council, California.
Commonwealth of Pennsylvania.
Public Utilities Commission, California.
Arkansas Public Service Commission.
City of St. Paul, Minnesota.
Ohio Bureau of Employment.
State of Alaska.
Commonwealth of Virginia.
Mayor, New York City.
Cook County Junior College Board, Illinois.
City of Minneapolis, Minnesota.
City of Flint, Michigan.
Secretary of the Treasury, U.S.
Secretary of the Navy, U.S.
New York Department of Social Services.
Rochester Board of Education, New York.
Chicago Board of Education, Illinois.
New York State Education Department.
Swartz Creek Community Schools, Michigan.
Milan Public Schools, Michigan.
Tempe School District No. 3, Arizona.
Alameda County Board of Supervisors, California.
New Rochelle Municipal Housing Authority, New York.
Yonkers Municipal Housing Authority, New York.
Lake County Board of Supervisors, California.
County of Riverside, California.
Michigan Employment Security Commission.
Board of Water Commissioners of St. Paul, Minnesota.
Melrose Park Village, Illinois.
Delaware Board of Education.
Okolona Municipal Separate School District, Mississippi.
Kentucky Program Development Office.
Indianapolis Housing Authority, Indiana.
The President of the United States.
Boston Police Department, Massachusetts.
South Bend School Corp., Indiana.
Board of Examiners (of New York City School System).
Nassau County Civil Service Commission, New York.
Health and Hospital Commission, Chicago, Ill.
Mamaroneck Village Board of Trustees, New York.
State of Hawaii.
Department of Agriculture, U.S.
Tarrytown Urban Renewal Agency, New York.
State of Washington.
Baltimore Detention Center, Maryland.
Michigan Employment Security Commission.
New York Department of Labor.
New York City.
Detroit Public School System, Michigan.
Spokane School District, Washington.
Metropolitan Dade County, Florida.
Secretary of Agriculture, U.S.
Board of Review, Department of Labor, Illinois.
Department of Social and Rehabilitative Services, Rhode Island.
Trinity Area School District, Pennsylvania.
Austin Housing Authority, Texas.
City of Philadelphia, Pennsylvania.
Paintsville Housing Authority, Kentucky.
Newark Housing Authority, New Jersey.
West Virginia Department of Highways.
Federal Home Loan Bank Board.
Milwaukee Housing Authority, Wisconsin.
Virginia Board of Bar Examiners.
Virginia Industrial Commission.
New York Division of Human Rights.
Wisconsin Department of Transportation.
Los Angeles County Civil Service Commission, Calif.
Florida Department of Health and Rehabilitative Services.
Department of Human Resources, District of Columbia.
White Plains Housing Authority, New York.
City of Hamtramck, Michigan.
District of Columbia Public Service Commission.
Department of Human Resources Development, California.
Maryland Department of Social Services.
Minnesota Department of Public Welfare.

I remind my colleagues that only a small number of cases brought by legal services attorneys are highlighted in this publication. Undoubtedly, there are hundreds more.

It is the responsibility of the Congress, as we consider the creation of a "new home" for the legal services program, to insure against repetition in that new home of the misemphases which have characterized the existing program within OEO. We could rely upon the board of the proposed corporation, or its executive director, or its staff to promulgate guidelines which would place sufficient policy directions before the individual project attorneys so as to curtail actions against public agencies not yet ripe for suit. I cannot help but feel, for myself, that the program which would be transferred by the provisions of this legislation would not manifest itself in any means significantly different from its existing approach and emphases, unless the Congress specifically mandated it through provisions of the legislation.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No; they have not been ordered.

Mr. JAVITS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BROCK. 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. BROCK. Mr. President, the existence of the OEO legal services program is, without a doubt, the most controversial aspect of the very controversial OEO program to which Congress gave birth only a few years ago.

Many have defended the idea of free legal services when necessary for those unable to pay for them, so as to put them on an equal basis with our citizens who, one way or another, can pay for lawyers. This idea has been justified on the same basis as medicare and medicaid.

However, when the idea has been reduced to endeavors to create a viable system compatible with basic doctrines of fairness and the proper role of government, the legal services programs as they have functioned under OEO so far have usually been found to be on the lighter side of the scale.

Now, we find ourselves faced with a piece of legislation which would make this OEO program a full-time, permanent, ongoing part of American life but not as a Government agency, like almost every other congressionally spawned program but, instead, as an independent entity—except for providing the money to make it go—and, what do we find as justification?

First. The OEO program as presently constituted has not worked well.

Second. The OEO program has been involved in too much controversy.

Third. Congress has had too much to say about the program with "injurious" results.

Fourth. It has been cumbersome and embarrassing to Members of Congress to have to respond to constituent objections.

Fifth. Therefore, the legal service program should be made a permanent fixture, independent of all governmental "control and interference," in the words of the bill.

Mr. President, I cannot accept the reasoning which supports this addition to

our American institutions. I also cannot accept the language which has been chosen to effect this proposal.

There is something very, very fundamental to the matter of providing free legal services which has not received proper attention. This title, when it provides free attorneys, necessarily is going to be involved in litigation in our courts but, unfortunately, this title constitutes a mandate for this entity to devote its activities primarily to litigation. Litigation first requires a "dispute." Lawsuits are adversary proceedings. At least two people, two groups, two interests, and two beliefs are involved and when somebody wins, somebody else loses. Judges rarely call a case "a draw."

Rich or poor, black or white, "southerner" or "northerner," no matter who it is, all people have "gripes," complaints, and grievances but most people do not go to court to seek redress or a remedy of their "grievance." A citizen may be madder than hops that the "Senators" are leaving Washington, that he did not get a raise he thought he had been promised, that the car dealer took 2 weeks to make a repair he thinks should only have required 2 days, that the trash handlers will not pick up limbs longer than 3 feet, that a signal light has not been installed, that his income tax is too high, that his child is being bused to school, that the neighbor's dog barks at night, that the landlord has never installed what he promised, and so on. But the average citizen does not go out and file a lawsuit, even if he never "gets justice," contrary to the basic reasoning for this title. He may go to a city council meeting or sign a petition for the traffic light; he may ask his neighbor to keep his dog in at night, or buy ear plugs; he may write a letter of complaint to the car dealer and switch his business elsewhere, and take other action short of lawsuits.

There are a number of reasons that the average guy does not file a lawsuit every time he has a "grievance." Let us examine some of them:

First. Inertia—he thinks he should do it but never brings himself to the point of actual decision. It is an unknown which he avoids if possible and the "grievance" just is not that pressing.

Second. Peacefulness—he thinks he is right and the other party is wrong but he has an aversion for situations where there is conflict.

Third. Possible expense—in most cases he believes, or his lawyer tells him, it will cost him money in court fees, attorney's fees, and other related expenses and in some cases the relief he desires will not produce money which would offset that expense—for example, the barking dog, the traffic light, or school busing—and even if it could produce offsetting money, there is no guarantee that he would win—the role of judge and jury presupposes they have a choice. Also, if he wins a judgment for money it might not be collectible.

Those are some reasons I think we all can appreciate which govern the average person when we talk about filing a lawsuit.

What I want to emphasize, so that no one in this Chamber misses it, is the result: Contrary to what supporters of this provision say, the result is that the average man does not file lawsuits unless he has an extremely serious problem which absolutely must be cured and the only way to do it is to hire an attorney and engage in a court battle.

Now, I ask that all of you examine with me the previous instances and considerations where everything is the same except the income of the individual is below whatever level is set by the corporation as its criteria—or his credit is not good enough for him to obtain a loan to pay the attorney.

First. The matter of inertia. With this legal service corporation and its grantees working in every community for the sole purpose of providing legal representation, one of their declared activities will be the same as has been advocated under OEO, seeking out and encouraging people to make the decision to file a lawsuit. They will overcome this "inertia control" so we can discount it.

Second. The matter of peacefulness. Experience with the OEO legal service program, even under the "interference and control," which this title seeks to avoid, has been that the lawyers and the program itself, through personal contact, seminars, community action meetings, happenings, and so on, has been to preach a theory. That theory is that the peacemaker is not blessed, as the Bible tells us. Instead, they say to these people, peacefulness is an avoidance of a civic and moral duty. They teach that a person who attempts to accept the instance which has caused him concern, to compromise, to accommodate, is a weak-spined, lily-livered individual. They point out that our Nation has a judicial system for resolving differences and that it should be used. Thus, they say, it is the person's duty as a citizen to present his problem to a court and let that court make the decision. By so doing he not only gets his problem resolved, if he wins, he also, they advise, has a service for others with similar problems by setting a judicial precedent. This, they go on to recommend, is worth any inconvenience, loss of work, and so forth, which the person suffers as a result of being involved in litigation.

With this sort of encouragement, we can discount the effectiveness of the control of "peacefulness."

Third. The matter of possible expense. Let us face it, Mr. President, no average person wants to stand the expense of litigation just to get "satisfaction." This is the main "control." The fervor and hot blood of the average guy palls and cools when resolving his complaint gets down to the question of how much he is willing to spend to obtain, or attempt to obtain, satisfaction.

Over the years this one consideration has been the primary one which has protected our judicial system from being overcome by efforts to use it as a forum for "airing gripes." It has meant that when there is a case which absolutely must be resolved by a court, the injured person can expect to receive reasonably prompt attention from the courts, although we already have overcrowded dockets.

It has meant that you, your friends, your neighbors, your constituents consider it a rarity to find themselves being summoned to appear before a court regarding someone's "grievance" against them.

How does this title affect this control? Under the bill, S. 3010, the Corporation and its grantees, throughout the entire Nation, will be on hand to provide free legal services—not to everybody, but only to those who are poor enough or whose credit is bad enough.

Nowhere in this title is there any limitation on when and where, or under what circumstances, these lawyers who get paid for providing the legal services can provide them. In fact, the filing of even unfounded and unwarranted cases is not specifically limited or prohibited. But even if John Doe does have a "grievance" based upon fact against his neighbor and his barking dog, regarding where his child sits on the schoolbus, the traffic light, his hoped-for raise, or a slightly dented fender, there still are no restrictions or guidelines in this bill which in any way serves to replace the control which comes from having to pay the expenses of litigation.

In conclusion, I believe I have demonstrated that this title will irretrievably result in a complete upheaval of a built-in system of checks and balances in our judicial system; will not place poor people on an equal status with the nonpoor; and, in fact, will put the average citizen at a clear disadvantage with which he will not be able to cope.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Legislative Advocacy," written by Mickey Kantor, and an article entitled "Legislative Advocacy at CRLA," written by James F. Smith, both published in Clearinghouse Review, the publication of the Legal Services Division of OEO, of February 1972. Both are perfect examples of what we have been talking about today.

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

LEGISLATIVE ADVOCACY

(By Mickey Kantor, Executive Director, Action for Legal Rights, Incorporated)

Legislative advocacy is the stepchild of the Legal Services Program.[1] This important forum for protecting the poor has been largely ignored in the past by Legal Services lawyers. However, this area of involvement is an emerging concern. Because of its importance and the developing attitude of the Supreme Court over "legislating in the courts"[2] a re-evaluation of the role and emphasis of the Legal Services attorney and overall program priorities has become critical. In addition, the role of the effective legislative advocate must be explored—especially with regard to present OEO regulations.

There has been little doubt—in fact it is mandated—that a lawyer is obligated to utilize every legitimate forum possible in order to redress his client's grievances.[3] Litigation was initially viewed as the most relevant and productive forum for the poor. Indeed the most dramatic and far-reaching decisions on behalf of the poor have been the result of litigation.[4] With all of its benefits, litigation remains expensive, time-consuming, often frustrating, and it nearly always results in less for the client than was pleaded

Footnotes at end of article.

for or anticipated. Similarly, litigation can be dysfunctional in terms of building organizational strength among the poor.

Yet it was litigation which created the credibility of the Legal Services lawyer with his client and sensitized the bar and the public to the most glaring and outstanding abuses which were, and continue to be, visited upon the poor. For these reasons, litigation was a valuable strategy for the Legal Services Program in its first six years of existence. Use of litigation as an advocacy tool remains important today. However, because times change, so must strategies, and other advocacy alternatives must be nurtured and developed. For example, there are some who argue that in the area of welfare reform litigation is no longer viable.

Legal Service lawyers have not been completely unaware of other avenues of potential redress. Administrative procedures and informal negotiations with agencies have been used with great success. Programs have responded to city councils and state legislatures, as well as the Congress, with their views on various issues affecting the client population. But it would be an overstatement to consider these activities equal to litigation in terms of the commitment of resources and manpower.

One of the inhibitions that characterized this reluctance to move into the area of legislative advocacy was a misinterpretation of OEO regulations. Legislative advocacy has always been encouraged by OEO. There has never been a ruling that Legal Services lawyers must be invited to appear before a legislative committee as a pre-condition to participation. However, many programs and attorneys felt this to be the case and therefore hesitated before engaging in these activities.

The American Bar Association's Code of Professional Responsibility makes it an affirmative responsibility of the lawyer to advocate for appropriate changes in the law and to propose and support legislation in the public interest:

"By reason of education and experience, lawyers are especially qualified to recognize deficiencies in the legal system and to initiate corrective measures therein. Thus they should participate in proposing and supporting legislation and programs to improve the system." [5]

This professional duty was in no way limited by the congressional intent relating to Section 222(a)(3) of the Economic Opportunity Act of 1954.[6] That section's directive, "To further the cause of justice . . . by legal counselling" is obviously broad enough to encompass representation in all types of forums.

The original guidelines for Legal Services Program stated:

"Advocacy of appropriate reforms in statutes, regulations and administrative practices is a part of the traditional role of the lawyer and should be among the services afforded by the program. This may include judicial challenge to particular practices and regulations, research into conflicting or discriminating applications of laws or administrative rules, and proposals for administrative and legislative changes." [7]

Specific OEO directives encouraged utilization of the legislative arena for change:

"Grantee and delegate agencies may, of course, undertake activities dealing with issues related to their basic program responsibilities. In carrying out the basic mission and goals of community action, grantee and delegate agencies may actively engage in campaigns connected with constitutional amendments, referenda, municipal ordinances, law reform and lawful attempts to influence government officials to respond to the grievances of the poor. Grantee and delegate agencies need not avoid such activities merely because partisan officials or candidates for public office may take or have taken positions with respect to the issue.[8]

The National Legal Services Corporation Act,[9] as proposed by the Senate and House conferees, clearly authorizes legislative advocacy by Legal Services attorneys on behalf of their clients. The only limitations are that (1) the lawyer must represent a client or client group, or (2) he is invited by a legislator or committee to make representations. There are other prohibitions but they do not limit attorneys in pursuit of legitimate representation.[10]

The Administration bill would have prohibited such advocacy; that bill only allowed legislative advocacy in the event attorneys were asked to make representations to a committee. However, Frank Carlucci, then Director of OEO, in response to questioning by Senator Walter F. Mondale said that:

"We would interpret the administration proposal as permitting it on behalf of a client. Let me stress that our intent was to prohibit self-generating or self-initiated lobbying activities not on behalf of clients. We would recognize that the attorney ought to pursue all possible remedies on behalf of an individual client." [11]

Other witnesses appearing before the House and Senate Committees specifically endorsed the necessity for legislative reform as a permissible activity for Legal Services programs.[12]

Legal Services lawyers have a grave responsibility with regard to the impact of legislation on their client community. The poor remain disenfranchised and powerless because they lack input in the political arena. There are very few state legislators and congressmen who are directly responsible to the poor or minorities in a political sense. Thus their legislative priorities do not reflect the needs of the poor. When "tradeoffs" are made or bills are drafted, labor, management, and vested interests are represented at every stage—either directly or through legislators particularly sensitive to their needs. The interests of the poor are taken into account only indirectly in most cases—and virtually never by reason of constituent demands. Therefore the job of a Legal Services advocate is crucially necessary and extremely difficult.

The Legal Services program must first of all be alert to legislation which would affect the interests of their clients. Clients must be informed of the meaning of pending bills and the ways they affect their interests. The chances of passage must be assessed. Finally, the clients' judgment as to the posture of the lawyer should be scrupulously observed.

This is basically a negative or reaction kind of strategy to legislation. However, it is highly effective and crucial. The identification of a potentially harmful amendment or act, the sensitization of legislators to its impediments, and the advocacy of its defeat can save the poor from immediate adversity and from thousands of dollars in litigation costs.

Further, the coordination and implementation of a positive legislative program on behalf of clients is important. There are obvious areas to be addressed including:

(a) the enforcement of judicially recognized rights through legislation;

(b) the recognition and implementation of the changing relationships between landlord and tenant:

(c) the implementation of programs for child care, housing, health and other programs which are necessary for the benefit and protection of client groups;

(d) the amendments of various laws which have excluded certain classes from protection—such as child labor laws as they relate to farm workers;

(e) the recognition of the inequality and ineffectiveness of our present public school financing system and the fostering of legislation to readdress these imbalances;

(f) the adoption of laws and regulations which would more effectively address the problems of consumer abuse and juvenile delinquency.

In each of these particular expertise is required. It is extremely difficult to advocate in a legislative forum for the poor. They are virtually powerless. Your weapon is not political reprisal but preparation, facts, sensitization and ultimately the development of a coalition of concern and interest. Each step must be accompanied by complete and real client participation in the decision-making, professional preparation of arguments, and development of an overwhelming factual base for the presentation.

In order to avoid the consequences of an ill-prepared position, a Legal Services attorney should be careful to:

(a) truly reflect the interests of his client or client group;

(b) have a firm working knowledge of the legislative process;

(c) develop convincing expertise in the particular substantive area he is addressing;

(e) examine applicable lobbying laws and follow them scrupulously;

(f) constantly consult with friendly legislators and their staff as to drafting problems, strategy and similar problems;

(g) be aware of the ABA *Code of Professional Responsibility* which states:

Whenever a lawyer seeks legislative or administrative changes, he should identify the capacity in which he appears, whether on behalf of himself, a client, or the public. A lawyer may advocate such changes on behalf of a client even though he does not agree with them. But when a lawyer purports to act on behalf of the public, he should espouse only those changes which he conscientiously believes to be in the public interest.[13]

There are many considerations in developing a program for legislative advocacy. Certainly the major concern is one of client priorities. Once issues have been defined by the client groups (or individual clients) priorities must be established. All these plans are considered with the knowledge that during a legislative session, issues will arise which will momentarily assume a priority status. In addition, in attempting to advocate positive legislation, a campaign may, of necessity, have to be planned over numerous legislative sessions because of the difficulty in developing and passing new, sophisticated or controversial pieces of legislation.

Drafting a piece of legislation involves much more than technical knowledge or ability. In fact, because many legislatures and the Congress have their own technicians, it may become relatively unimportant. A thorough understanding of what the client wants to accomplish and a realization of attendant problems is crucial. A good example is the development of legislation to transfer the Legal Services Program to an independent entity. The clients' problem could have been simply stated—*i.e.*, a desire to free the Program from debilitating political influences. Implementation of the desire, however, involved many considerations. What were the alternatives? How do you legitimize the idea? What were the positions of the bar, the clients, the lawyers, the White House, and various key members of Congress? What parts of the Economic Opportunity Act dealt with Legal Services? What other acts needed to be considered? Would the Executive Branch adopt your position and advocate it as well?

After these questions were answered, a first draft had to be prepared, a sponsor had to be found. Who is best suited to introduce the bill? What about bi-partisan support? [14] Co-sponsors? Do you make trade-offs prior to introduction in order to gain the support of key congressmen? To what committee will it be assigned?

The most crucial initial issue (I consider initial issues those decisions which must be made prior to introduction) involved a complete understanding of the minimum package the client would accept. In drafting all legislation, the drafter must contemplate the various compromises and trade-offs which may be made. He must create a piece of legislation

Footnotes at end of article.

which can be flexibly considered to allow for changes and compromises. However, there are issues which are so fundamental to the entire effort that they cannot be compromised. This is not to say particular strategies will not change. New alternatives will present themselves. But certain fundamental considerations—if eroded—will render any particular piece of legislation meaningless or potentially harmful. These issues must be identified and decisions made before introduction.

A legislative strategy must be developed prior to introduction or immediately thereafter. Is it an issue which should be publicly debated—and thus a subject for a media campaign—or is it better left to a quiet consideration without a public ventilation of the issue? Are there natural allies for the bill among groups or individuals? What kinds of groups are these and how would their support help or hinder the legislation? Is a "grass roots" effort required to develop support among the legislators? If so, how is it to be organized? Who does the organizing? How can the hearing process be used to publicize the issue or to create special interest or public support?

Whether or not your campaign involves a public battle or quiet consideration, it is essential that your sponsors create the issue and its parameters. The person who defines the issue creates the rules of the game and the elements of the debate. If during the struggle over the second Murphy Amendment, the forces supporting the amendment had been able to define the issue as decentralized government or the need for a governor to determine the resources operative in his state and therefore had been able to enlist the aid of credible governors, the result might have been different. However, the bar and Legal Services advocates in the Congress were able to show clearly that the issue was really the independence of the lawyer in his attempts to serve the poor.

Another major concern is the ability to be completely aware, at all times, of the status of each bill. Many crises and potentially harmful actions can be averted by an alert advocate who is in touch with those most particularly concerned with the bill. The advocates must be available for research, consultation and review at any time.

There are a myriad of issues in addition to those that have been mentioned. One caution should be in the forefront of the legislative advocate's mind at all times. The advocate cannot become so personally identified and involved with the bill that he becomes the issue. Legislators have the responsibility and the position to advocate your cause in the proper arena. Others can assert their positions on behalf of your clients' concerns from outside the arena—at public hearings or in private conversations. The advocate's role is to inform and provide information, persuade and be a constant source of information and ideas for the client, the legislator or his staff, and interested groups.

There is always the danger that the advocate will become so identified with an individual legislator or party that his effectiveness becomes limited. There are, of course, situations in which this is impossible to avoid. However, the advocate should attempt to develop continuing relationships and support from persons who are members of both political parties. This enables him to proceed more flexibly and effectively in pursuing an issue and having an influence over the legislative decision-making process.

The state "back-up" centers in Massachusetts, Michigan and Ohio have been invaluable resources in the area of legislative advocacy and reform. They have proved themselves to be incomparable resources—able to concentrate on legislative advocacy and coordinate state resources in this regard. Recent moves in California and Oregon [15] indicate that individual programs are moving swiftly to fill the role in states without these centers. The national back-up centers also have, in varying degrees, been advocates for their particular interests at both national and state levels.

Glaring deficiencies, however, are apparent in terms of resources available in Legal Services for the purpose of legislative advocacy. There is no reporter with the resources to compile legislation which may affect the interests of the poor and which indicates through articles and presentations, opportunities for advocacy in this regard. The *Clearinghouse Review* is making valiant attempts[16] to provide such a service—but its resources are inadequate. Individual projects, such as the Migrant Legal Action Program, are developing an ability to report on federal legislation which may affect farm workers—but in that regard, as well, their resources are limited.

The second area of need is for a legislative advocacy service in Washington, D.C. It could be a vital part of the proposed, but heretofore unimplemented, Administrative Counsel for the Poor.

It is gratifying to note that the National Training Program at Catholic University is moving to establish training programs in legislative advocacy. Similarly, the Director of Legal Services has noted the importance of legislative advocacy.[17] The first priority of the Office of Legal Services, with or without the new corporate structure, would be to utilize any available funds provided to reflect the growing need for activity in this area.

Even without additional resources, certain steps can be taken to increase participation in the legislative process. The various back-up centers should produce a resume of important federal and state legislative proposals in their particular area of concern as well as suggestions for needed legislation. The Reggie Program could add a session on legislation to its already fine orientation effort. Programs in the larger states could combine resources to staff a small office in the state capitol as part of their new reform effort. Private groups such as NLADA and the Lawyers Committee for Civil Rights Under Law should combine or coordinate resources to develop a continuing legislative program analogous to the structure of the effort of the ACLU in this regard. Law school clinical efforts should be expanded to include an emphasis on legislative advocacy for the poor.

There are, of course, concerns about the tax status of programs which engage in extensive legislative advocacy. These concerns have been addressed in a memorandum prepared by Mitchell Rogovin of Arnold and Porter, available from the Clearinghouse, Clearinghouse No. 6928. The proposed National Legal Corporation Act specifically exempted the Corporation under § 501(c)(4) of the Internal Revenue Code and does not require a local share to be contributed by each program.

Legislative advocacy, the stepchild of the Legal Services Program, must soon achieve full kinship status with litigation as an advocacy tool or Legal Services will not be providing a comprehensive attack on the problems of the poor.

MODEL LEASE AVAILABLE

Legal Services attorneys usually come into landlord-tenant problems too late. They see the tenant only after the dispute has arisen. In trying to resolve it, they are faced with a deck stacked in the landlord's favor: eviction laws enabling the landlord to remove the tenant quickly with few defenses allowed, and a form lease imposing obligations only on the tenant.

Together with Legal Services attorneys, we have done a lot of work attacking eviction laws, both in court and in the legislature. Now we have tried to do something on the other problem too, the lease.

We have prepared a Model Lease and Model Month-to-Month Rental Agreement for California tenants. Unlike the forms prepared by landlord's organizations and real estate associations, these forms try to present a fair allocation of responsibilities between landlord and tenant. They are printed to appear as "standard forms," looking very "legal," similar to those landlords use.

Although these models were drafted for the California tenant, most provisions could apply in every state, and the task of adapting them for use in other states should be fairly easy. Copies of these model forms are available from the Clearinghouse, Clearinghouse No. 7064 (4 pp.).

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FOOTNOTES

[1] Gross, "The Legislative Struggle," at 153–4: "The existence of choice, of course, is a relative matter; it shifts from one situation to another. For many contestants in the social struggle, there is no choice whatsoever. The battleground is picked for them by the action of opponents and competitors. For stronger groups, the area of choice is far broader than for a weaker people faced with identical problems. The ability to make choices is itself a good measure of power. For all groups, strong and weak, the availability of alternatives is limited by habit; many of the obstacles to the use of one process as opposed to another flow entirely from an inability to break with customary methods of operation." Others have argued, in the past, that so-called "law reform" efforts are better left to the legislatures. *See Hazard, Social Justice Through Civil Justice,* 36 U. CHI. L. REV. 699 (1969). The author feels this is an overly simplistic view of the role of the courts in our society as related to the rights of the poor.

[2] Address by Chief Justice Warren E. Burger before the ABA Convention in London, England, July 1971.

[3] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 7–1 (1970): "In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law, to seek any lawful objective through legally permissible means, and to present for adjudication any lawful claim issue or defense."

[4] *See* Boddie v. Connecticut, 401 U.S. 371 (1971); Serrano v. Priest, 96 Cal. Rptr. 601 (Cal. Sup. Ct. 1971); Tate v. Shere, 401 U.S. 395 (1971); Goldberg v. Kelly, 397 U.S. 254 (1970); Shapiro v. Thompson, 394 U.S. 618 (1969); Smith v. King, 392 U.S. 309 (1968).

[5] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 8–1 (1970).

[6] Economic Opportunity Act of 1964 as amended, 42 U.S.C. § 2701 (1964).

[7] Office of Economic Opportunity, Community Action Program, *Guidelines for Legal Services Programs.*

[8] Restrictions on Political Activities, OEO Instruction 6907–1.

[9] S. 2007, 92d Cong., 1st Sess. (1971).

[10] *Id.* at § 906(e).

[11] *Hearings on S. 1305 and S. 2007 Before the Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare,* 92d Cong., 1st Sess., pt. 5 at 1621 (1971).

[12] *Id.* at 1679.

[13] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 8–4 (1970).

[14] 177 Congressional Record (daily ed. Mar. 18–19, 1971). One hundred Congressmen and Senators initially co-sponsored the legislation including leaders from both parties. This support tended to provide (1) momentum

(2) legitimacy (3) initially defined a base from which all would proceed and (4) gained the support of a number of Republican legislators who were crucial for its safe passage on the House floor.

[15] Williamson, *Legislative Law Reform: A New Challenge*, 5 Clearinghouse Rev. 380, 402 (November 1971). California Rural Legal Assistance and the Portland Program have begun to pay serious attention to legislative advocacy.

[16] *See* 5 Clearinghouse Rev. 142, 215, 295, 446 (1971).

[17] *See* 5 Clearinghouse Rev. 434 (December 1971).

LEGISLATIVE ADVOCACY AT CRLA

(By James F. Smith, Staff Attorney and Legislative Advocate, California Rural Legal Assistance)

California Rural Legal Assistance (CRLA) has maintained a legislative office in the state capital at Sacramento since the beginning of the 1969 legislative session. This article will discuss the techniques we have utilized in sensitizing other Legal Services attorneys to the legislative process, cooperating with other legislative advocates who are our natural allies, selecting priority issues of law reform in the legislature, and implementing these priorities with specific examples of successes and failures. In addition to the bills used as examples herein, an Appendix attached to this article describes the fate of all other bills in the 1971 CRLA legislative package.

OBTAINING LEGISLATIVE SUGGESTIONS FROM OTHER LEGAL SERVICES ATTORNEYS

Our legislative office does not see clients on a regular basis. Accordingly, we are not directly involved with the legal problems faced by our clients but must rely on the information provided us from other Legal Services attorneys as to what issues capable of resolution by the legislature are of critical importance to our clients. In order to establish and maintain a viable communication with those attorneys we found that it was extremely important to sensitize them to the use of the legislature as a forum for bringing about law reform for the benefit of their clients. This has been by no means an easy task.

Attorneys are trained to look to the courts for redress of an individual client's grievances as well as law reform. The fact that state legislatures are a more suitable forum for law reform, both because of constitutional separation of powers, and because of the more lasting implications of enacted statutes, has not been seriously considered by most attorneys. They are not familiar with the legislative forum and they do not think of it as a practicable arena in which to represent their clients.

Within CRLA our efforts to induce attorneys to suggest and draft legislation of benefit to their clients have been reasonably successful. Most of our regional offices (7 of 9) in the past year have submitted legislative proposals in behalf of their clients to our office.

THE LEGISLATURE ITSELF

There are literally hundreds of legislative advocates at the California Legislature. This fact alone, plus the fact that over 7,000 bills are now introduced on an annual basis, requires us to make very careful determinations of our priorities. In terms of defense work, that is, stopping bad legislation, we have found it most useful to maintain close contact with other legislative advocates who are our natural allies. We attempt to determine if they will take action to stop that legislation, or more specifically, if any of those lobbyists who, because of their personal relationships with legislators, committee staff, etc., are in a position to evaluate such legislation's chances of passage.

The underlying axiom in defense work is that it is much easier to stop a bad bill than to achieve passage of a good bill because a bill has to pass through several committees, the floor votes of two houses, and the governor's desk. We have found the following groups to be most helpful to us in this regard: The American Friends Service Committee, NAACP, ACLU, organized labor, social welfare workers, teachers associations, church groups (Council of Churches), League of Women Voters and other similar groups.

SELECTION OF LEGISLATIVE PROGRAMS

Having developed procedures and relationships for defensive work on behalf of our clients, we then determine what input by our office is likely to be productive in offensive programs. If other legislative advocates are heavily involved in a given issue (*e.g.*, welfare rights organizations on welfare), or if the likelihood of success in a given poverty law are (*e.g.*, the creation of thousands of public works jobs) is totally unlikely, those issues are not considered priorities. If, on the other hand, major law reform efforts have been stymied in the past because of ignorance of state legislators or misinformation supplied them by other legislative advocates, then we consider those areas for sponsoring or cosponsoring significant law reform legislation.

We apply an analysis similar to that used in major test case litigation:

1. What law reform measures would affect most of our clients in a meaningful sense or a significant number of clients in a profound sense, and

2. are those issues susceptible of administrative reform by the defendant private industry or govermental entity?

The latter question is probably the most important practical one, because major test litigation as well as major law reform efforts are usually resolved in a less than complete victory.

After determining that the issue is one possible of resolution at the legislature and one that will significantly affect our clients, the next step is to develop the most effective means of introducing the legislation. In some instances a coalition with other community groups or other legislative advocates is essential. The selection of a legislative author is, by far, the most important decision. The three criteria most germane to selecting the best author are:

1. that he is generally viewed as a conservative or moderate by his colleagues, and that the legislation he carries will not be viewed as a radical departure;

2. that he is viewed as an expert in the field affected by the legislation and has credibility in the field; and

3. he believes in the legislation and will push hard for it.

Most legislation is not carefully considered by legislators but is voted on by reason of the members' feeling toward the author and thus the importance of the moderate and credible author. These criteria are not always possible to achieve—legislators might not be interested in offering major law reform legislation—but there is no harm in asking. If that legislator will not introduce the desired legislation, then a close second should be obtained.

MAJOR LAW REFORM EFFORT VERSUS THE MORE MODEST LEGISLATION

The most useful and exciting work in the legislature on behalf of our clients is the major law reform effort in which legislation is sponsored by Legal Services attorneys on behalf of their clients. We have sponsored major law reform efforts in the areas of random selection of jury reform (SB 1420, Clearinghouse No. 7150), health and safety protection for field workers handling or exposed to pesticides (SB 432, Clearinghouse No. 7151), and the use of isolation and segregation cells in state prisons (AB 2904, Clearinghouse No. 7152). Because each of these bills presented a major departure from the past and a significant law reform, a great deal of educating committee members who would pass on the bills was necessary. The mere introduction of major legislation can have this effect. It will probably take two to three years to secure passage of any such bills and maybe longer. But it is interesting to contrast this period with that of major law litigation which often takes as long and the results of which are usually more fragile than the enactment of a chapter in the codes to deal with the problem.

The Pesticide Safety Bill was originally introduced in the 1970 session and rapidly killed. This year it had passed the California Senate, the more conservative house. Actually, two CRLA-sponsored bills were introduced in the 1971 session dealing with the problem of farm worker exposure to deadly pesticides. AB 2399 (Arnett, R.–San Mateo) provided that a county could, upon the request of the county medical officer, obtain the technical assistance of the state to conduct an epidemiologic study after a pesticide poisoning incident occurred. SB 432, Clearinghouse No. 7151 (Petris, D.–Oak) was directed at preventing pesticide poisoning by requiring handwashing facilities, protective garments, and complete disclosure to the farm worker of the pesticides that he was coming into contact with, including first aid instruction.

The major opposition to the bills was that of the Department of Agriculture and the California Farm Bureau Federation, both of whom argued that the Department of Agriculture was doing a fine job in protecting the farm worker, and that these bills, which involved the Department of Public Health in the issue, were unnecessary. Eventually, the opposition decided on the strategy of endorsing AB 2399 so as to argue that SB 432 was not necessary. This argument would have presumably been used by the Governors' Office to justify the vote of SB 432. In fact, the strategy was unnecessary, as AB 2399 was signed into law and SB 432 failed to pass the assembly floor on the last day of the legislative session. Time simply ran out, as there were ample votes to pass the bill, but not enough time to gather them. Of course, of equal significance was the concerted and sustained opposition of the Farm Bureau and its members to SB 432. Unquestionably, they still carry considerable political clout. As a by-product of this activity, the pertinent administrative agencies have been influenced to enact numerous administrative regulations dealing with the problem and unquestionably our clients are the beneficiaries of better enforcement practices because of this legislation.

A bill introduced for the first time this year to require random selection of members of the grand jury (SB 1420, Clearinghouse No. 7150) passed the California Senate and seemed likely to pass the California Assembly. The numerous challenges to the composition of indictment grand juries across the country, particularly in California in recent years, provided the groundwork for this bill. It was the right bill introduced at the right time. However, the comprehensive package died on the vine during the all-night session December 2. The vote came well after midnight and 36 "aye" votes were cast, 41 were needed.

One of the most active areas of prison reform litigation is that involving solitary confinement for extended periods on the basis of a perfunctory hearing which in most states, including California, has no pretense of even rudimentary due process. Placing a prisoner in solitary confinement usually means additional years of confinement since he loses his "good time" credit or the paroling agency is disinclined to grant paroles to one so confined. AB 2904, Clearing-

house No. 152, provides for due process protection appropriate to prison disciplinary procedures. The bill passed the lower House, but faced considerable opposition in the Senate. The bill was taken up in the Senate after the San Quentin massacre of August 21st. After six weeks of maneuvering, the bill finally surfaced from the Senate Judiciary. More than the usual amount of difficulty was encountered in setting the bill for hearing before the Senate Finance Committee. It was eventually set for November 29, the last hearing of that Committee.

The Senate Finance Committee is chaired by Randolph Collier (D–Yreka), a member of the California Senate since 1938. The Committee is composed of older, more conservative members, who see their task as stopping progressive legislation. The Committee has the opportunity to pass on legislation having any fiscal impact whatever. Any legislation which involves a state agency eventually has a fiscal impact. As a consequence, that Committee has been the traditional graveyard of progressive legislation.

It appeared that the seven necessary votes were likely for passage of AB 2904 but, as so often happens, two members who had indicated "aye" votes were not in attendance when the bill was heard. It was, however, a very thorough and educational hearing. Testimony before the Committee demonstrated that most of the prisoners in the solitary confinement adjustment centers (80%) were placed in 6' x 9' cages for 23½ to 24 hours a day—not because of any disciplinary infractions, but in the Department's words, "as part of our regular prison assignments." The Department representative went on to testify that prisoners so confined would be released to the general population after they showed significant improvement. One puzzled Senator asked the Department representative: "If these men are held in cells virtually all of the time, how do you tell if they are improving—by looking in on them to see if they smile a lot?"

The defeat of the adjustment center bill was not completely discouraging, because the legislation had traveled further through the legislature for the first year of introduction than most observers expected, and certainly it added increased pressure to the Department to modify their barbaric practices.

NEGOTIATIONS WITH OPPONENTS OF LEGISLATION BENEFICIAL TO OUR CLIENTS

We have found that after introduction of a major law reform bill that opponents of that legislation are likely to be influenced to sit down with us and to negotiate possible legislative resolution of the problem. By sponsoring the bill, we are in a far better negotiating position because of our ability to work through the legislator carrying the bill and because the opponents are somewhat on the defensive. By a process of "Christmas treeing" the bill—that is by putting in all possible benefits to our clients, and dealing with the opponents in a give and take negotiation, *e.g.*, "I will accept this amendment if you will withdraw your opposition to the bill," an eventual cooption of the opposition is possible.

COALITION ON MAJOR BUDGETARY PROBLEMS

Decision by the Executive branch involving major budgetary problems such as the allocation of state funds to welfare or education can be influenced by broad coalitions. In these situations, the legislative advocacy of the Legal Services attorney alone is usually in and of itself quite impotent because of the major political ramifications of the issues. For that reason, it seems far more useful to become part of a welfare or education coalition with community, client, church, minority and teacher or social welfare worker groups so as to maintain and define a policy position that is rational and distinct from those who wish to reduce the cost of state government whatever the consequences. Following is an *Appendix* which chronicles the fate of other 1971 legislative efforts.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. 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. JAVITS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. Mr. President, may I ask, is a vote expected on the pending amendment to strike?

Mr. JAVITS. Yes. However, there is no reason why the Senator cannot speak.

Mr. COOPER. May I have the floor?

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. COOPER. Mr. President, I have studied the new title IX which would establish a new National Legal Services Corporation. I support and have supported the OEO since its inception. It has been active in my State, and has been helpful. I have maintained an interest in its activity and on the whole, it has been beneficial. There have been problems connected with its operations as with all government programs. I believe it has built up too large a bureaucracy, and sometimes I have the concern that some in the bureaucracy seem to be more interested in maintaining the poor as a constituency rather than helping them escape the awful cycle of poverty.

Some programs in my State have not been well coordinated, and I am sure that millions of dollars of the total which have been appropriated, have not always gone for the benefit of the poor. It has been wasted because of lack of coordination, duplication of other programs and sometimes corruption.

The problem before us is one which causes me concern, and I am sure has caused all of us concern. A vote for this motion to strike title IX from this bill, of course, will be characterized by some as a vote to deny legal services to the poor, or to those who are beneficiaries under class actions. I do not consider it a correct characterization.

In the first place, we are not abolishing legal services. We are considering whether the program which has been submitted by the committee, or at least a majority of the committee, shall be adopted, or whether the present program shall be maintained and, if necessary, amended to make it a more effective program.

I have asked for information about the existing program, which is rather simple in its authorization, compared to the bulky provisions of title IX.

Legal services for the poor have been and are now being made available. I understand there are about 5,000 employees in this section, with hundreds of lawyers employed throughout the country and amply funded—$61 million last year. In my State they have given legal help to the poor in many fields.

My concern is, why is it necessary to establish such a structure of many lawyers, very formidable in its description? In my view, it will become a great new bureaucracy run almost exclusively by the executive committee of the board of directors, and by its chairman, with the authority to enter into contracts, to employ lawyers, and to make regulations for the services that they perform.

I understand that a chief argument is that it is necessary to erect this very formidable structure to remove the legal services from political activity. Of course, there has been political activity under the present system, as there has been political activity in the OEO. I do not know how we will ever prevent some political activity in these organizations, whatever rules we write. But the establishment of a new corporation, designed to insulate it from outside communication, providing in section 913 that its lawyers, grantees or employees, shall not be subject to direction, supervision, or control by any agency or department of the Federal Government, it seems to me, would so surely give it such power, that if it desired to conduct its activities in a political way, it could do so without let or hindrance, or any inhibition, and there would be no control whatsoever upon its political activities.

Also, I know that there has been complaint because some Governors have exercised a temporary veto upon the activities of OEO's legal services. That can happen. But if the Director or the Administrator of the OEO believes that the Governor is wrong—and I would say in almost every instance he would have to find the Governor is wrong unless the legal services have suddenly become so political and so corrupt that one could not tolerate their existence—of course, the Director or administrator of OEO would overrule the Governor.

On the other hand, why should not this Corporation, or any legal services agency, if it is not behaving correctly, come under the critical observation of the Governor, other officials, and the people of a State, and bar associations, as any other organization? I think it is a very democratic process.

I wanted to make my own position clear in this short statement. I have supported the OEO. I support the legal services. If there is something wrong with the present administration of the legal services it should be corrected. But I do not see the reason for establishing this overstructured organization, with all its layers of officials, placing it above the supervision of the Congress which must continue to subsidize it, attempting to protect it from criticism, even if it deserves criticism by Congress, and from criticism by the officials of a State if it deserves their criticism?

Why should these worthy programs which are capable of doing great good, be constantly burdened with additional layers and layers of officials and regulations, removing them farther and farther from the people?

I have been familiar with the OEO program perhaps longer than some members of the committee and have watched its operation in my own State. I do not

think it will be helped by establishing this new, formidable, structured system in an attempt to take the legal service out of the life of the Congress, the States and the people of the States, and their approval or criticism. I have said earlier that one of the sad things I have noticed in my observation of some of the OEO work in my State—I think I know a good deal about it; I know the area; I live in it; I have known this program from the inception—is that there are times, unfortunately, when some of the people directing the program seem to me to be more interested in keeping these people in the class of the poor, a permanent constituency of the poor, instead of helping in moving them out into larger opportunities of life.

I shall vote for this amendment. If it is rejected, I hope that amendments can be added to title IX which will make it better. But in studying it I found it hard to see how any amendments could help it very much.

Mr. BROCK. Mr. President, I congratulate the Senator from Kentucky. I do not know of another Member of this body who, over a distinguished career, has devoted greater effort to the impoverished people, not only of Kentucky but of the entire United States, than the Senator from Kentucky. I know of his concern and the quality of his efforts on their behalf.

I think he brought to focus the point at issue today. The amendment offered by the Senator from Tennessee does not strike the legal services program. It continues it. It continues it at an increased funding level, from $61 million to $71 million. But it does say that this Corporation deserves further review and scrutiny before we freeze into law the inequites and the problems which have not been dealt with to date and which are inadequately remedied by the proposed legislation.

The legal services program has been plagued with problems that have resulted from attorneys using the program as a base for promotion of their own political objectives, unrelated to assuring the poor access to justice. Thus, the choice before us at this point is between a corporation legislatively required to concentrate on serving the poor or a permissive corporation through which federally funded attorneys would be free to advance their personal sociopolitical objectives in a largely unrestricted and unaccountable way. I think the choice is clear.

I hope the Senate will adopt the amendment. I am prepared to yield back the remainder of my time.

Mr. JAVITS. There is no time limit.

Mr. President, I shall not detain the Senate.

I think it is a fine matter of Senate procedure that we are going to face this issue and vote it up or down. The Senate should express its view on this very important question.

Whether the Senator from Kentucky was supported by 1 or 98, I would always wish—because of my deep affection and admiration for him—to respond. He and I have differed before. I am always very unhappy about it. I know he is. But that is the way of life and our duty here.

Incidentally, each Senator has on his desk, both on this side of the aisle and on the other side of the aisle, a letter seeking to set forth in concise terms why we feel this is a proper provision in the bill. Our letter on the Republican side is signed by me, together with Senators TAFT, STAFFORD, and SCHWEIKER.

To answer the question why—as Senator COOPER so eloquently put it—a new, formidable, structured system?

The reason is the very effort to close off the legal services program, expressly in response to the complaint which has been made that it was too much involved in the political process. So we thought that by giving a heavy quotient of lawyers, professional handling of the situation through this structure—which would be dominated and controlled by lawyers—we were creating, as closely as we could, the legal aid society setup on a national basis.

We have had our problems with those who are appointed by the OEO Administrator as heads of the legal services program, and inevitably it had to be officials with some kind of political complexion. This caused us great difficulty on both sides. Some said they were not doing what they ought to do in defense of the poor. Others felt very strongly—as my colleagues who are backing the amendment of Senator BROCK—that they were going much too far and were perpetuating or trying to carry out their own social philosophy. So, for the first time, we tried to put the program more completely under the control of lawyers.

As to public control, there are two vital factors: First, the Corporation must live on appropriations. As Senator BROCK has said, $71.5 million this year, and next, and it could be nothing in the following year, or more. That is in the control of Congress. Second, we have legislative oversight over this Corporation, as we have over many other corporations. It is by no means escaping from the public scrutiny; and the control of the President and the Senate over appointees to its board—if the mere fact of legislative oversight did not adequately cover that—demonstrates that fact. No officer, no member of the board, no attorney will be immune from being called before an appropriate congressional committee of the House or the Senate to account for himself.

All of this is in addition to every other aspect of the bill and the professional responsibility of the lawyer, which becomes more important now in this setup, because it will be controlled by lawyers.

I make the point that what we are trying to do is to establish a legal aid society setup, which will be on the national level.

Mr. President, there is no provision of S. 3010, the Economic Opportunity Act Amendments of 1972, more crucial to the future of the poor and the Nation than section 18, which establishes a new National Legal Services Corporation.

As Members know, the Corporation would be run by a 19-member board appointed by the President, by and with the advice and consent of the Senate.

It would take over responsibility for the current legal services program conducted under the authority of section 222 (a) (3) of the Economic Opportunity Act of 1964.

It has become a highly controversial element of this bill although in justice it represents the most basic expression of everything that we hold dear in this country.

Mr. President, there is really only one central issue before us in this matter: Are the executive and legislative branches of the Congress willing to make it possible for the poor to seek redress for their grievances in the courts?

Stated more bluntly, are we prepared to say "hands off" to the legal rights of the poor?

Since this legislation was first proposed, we have been quibbling and bargaining with those rights.

Some urge that we drop the idea of an independent corporation and merely continue legal services in its present form under the basic poverty program.

Mr. President, the Legal Services Corporation idea has now gone too far, if we drop this title from the bill now we will drop the heart right out of the poverty program and the poor.

Others are willing to relinquish some control through the creation of the Corporation, but would then attempt to get it back in the form of political control of the board.

And still others seek to put a measure of restraint on the legal services attorney by telling him what kind of suits he may or may not bring on behalf of his client or even the subject matter areas in which he shall advise his client.

Mr. President, the result has been 1½ years of disputes between the executive and the legislative branches over the basic elements of the Corporation and its activities.

Indeed, it must be shocking to the poor that the Congress and the executive are able to release their grip on patronage and establish an independent Postal Corporation to deliver the mail but tremble when it comes to insuring the basic access of the poor to our system of justice under law.

We now need some basic domestic statesmanship on the part of the administration and the Congress, to accept this committee bill and to give the poor that to which they are basically entitled.

For, as I shall outline, I believe this bill provides a proper balance between accountability and the need to keep the Corporation from political control.

Mr. President, I comment now in summary on three basic aspects of this legislation: the establishment of the Corporation, the composition of the board of directors, and the necessity of insuring the freedom of the legal services attorney to do what is in the best interest of his client the poor.

The success of legal services as an element of the antipoverty program can be measured both in quantitative and qualitative terms.

Legal Services began as a small experimental program within the Office of Economic Opportunity 6 years ago; it has grown to an independent office within the agency and now encompasses 265 projects with over 2,000 attorneys serv-

ing in more than 900 neighborhood offices.

More than a million cases are handled by these attorneys each year.

The program includes the provision of legal advice, counseling and representation, preventive legal education to inform the poor of their legal rights and responsibilities, and training and educating law students, lawyers and others in the legal needs of the poor. Importantly, it also encourages the entry of minority group members into law schools and the legal profession and aids poor people who are starting to operate businesses.

Legal services lawyers have compiled an impressive record of landmark cases establishing the rights of the poor.

For example, legal service initiated actions have prompted the Supreme Court to hold that the prejudgment garnishment of a debtor's wages without a prior hearing violated the constitutional requirement of due process.

In a suit brought on behalf of clients defrauded in a retail sales contract, the California Supreme Court upheld the right of the poor to file class action suits against consumer frauds.

These accomplishments in these so-called law-reform cases are substantial.

But because of their value and the great attention that is given to them, there exists a myth that legal services lawyers spend most of their time on actions of this kind.

In fact, a recent sampling of 32 representative legal service programs indicated that one-tenth of 1 percent of the legal matters handled by operating programs were class actions of the so-called law reform category.

The great majority of legal matters are in the representation of individuals in housing, domestic relations and consumer frauds.

Mr. President, it is also true that the actions of the law-reform nature are extremely cost effective. For example, suits brought in California in regard to the medicaid program and welfare residency increased the money and services to the poor by $340 million, or five times the annual appropriation for the legal services program.

Another myth exists with respect to the legal service lawyer.

It is quite generally assumed by those who oppose the program that the legal services attorney is inclined to bring factions designed only to confront the establishment.

But a 1969 study showed that of litigated cases, legal services attorneys won favorable decisions for their clients in approximately 70 percent of the cases and negotiated settlements in an additional 15 percent.

Mr. President, such a program with 85 percent success must be deemed a success.

The poor value dignity even more than they value improvement of their economic condition and it lifts the spirit of poor to know that they have lawyers, too, and have available to them access to the judicial system and process.

And this fact has a great multiplier effect in terms of the attitude of the poor toward society and "the establishment" generally. As a representative of the client community said in testimony before the Subcommittee on Employment, Manpower, and Poverty on October 9, 1970:

> The clients have come to trust this program because the lawyers in it fight for us; the program staff fights to protect its integrity; and the organized bar fights to ensure that the highest standards of professional conduct are maintained. We know at least so far, that the attorney in this program owes his full loyalty to his client and only to his client—not to some politician. If the poor lose faith in this program, in the possibility of equal justice through law, then all of us know the alternatives that remain.

Mr. President, with these successes one might ask why it is necessary to transfer the program from OEO to a new Corporation.

President Nixon answered this question quite well, in his message to the Congress of May 5, 1971, to which I referred earlier.

He said:

> The Nation has learned many lessons in these 6 short years. This program has not been without travail. Much of the litigation initiated by legal services has placed it in direct conflict with local and State governments. The program is concerned with social issues and is thus subject to unusually strong political pressures.

We have seen these pressures exert themselves, most dramatically perhaps in 1969 with the so-called Murphy amendment which would have given each Governor an absolute veto over any legal services program in his State.

It is a mark of our acceptance of these programs that neither the administration's original proposal for a Corporation, S. 1769, introduced by Senator COOK, nor any other proposal has contained that element.

Mr. President, there is another reason why a Corporation will be meaningful and that is that it would provide the poor with a viable symbol of a national purpose to insure their civil rights.

Finally, it will provide a framework in which we can expand the provision of legal services to a greater number of the poor in the Nation.

At the current time, the program is reaching less than 20 percent of the low-income persons who should use its services.

Twenty-three States have fewer than four legal services programs, and these are States which include some of the heaviest concentrations of the rural poor.

Seventeen metropolitan areas with populations each exceeding 100,000 are without organized comprehensive legal services programs.

Two groups with the highest incidence of poverty, Indians and migrant workers are largely without legal services to deal with their unique problems.

The elderly—a steadily increasing percentage of the poor—need but do not receive legal services designed to meet their needs.

Mr. President, in my own city of New York, on a number of occasions in the past 4 years, local legal services offices have been forced to suspend their activities due to lack of funds.

The committee bill would reserve for each of the next 2 fiscal years $71.5 million for the legal services programs, the amount requested by the administration for the coming fiscal year. Incidentally, this represents an increase of $10.4 million over fiscal 1972.

In addition, it authorizes, as an add-on $100 million for the program for each of the fiscal years 1973 and 1974.

THE COMPOSITION OF THE BOARD AND OTHER ELEMENTS OF THE ORGANIZATIONAL STRUCTURE

Mr. President, despite the general agreement on the need to establish a legal services corporation, we have witnessed a frustrating series of roadblocks to its fruition.

The key impediment has been the failure to reach agreement on the composition of the board of directors.

The failure to reach agreement on this element was a substantial contributing factor to the President's veto of the previous measure, S. 2007.

The President said in his veto message of December 9, 1971:

> The restrictions which the Congress has imposed upon the President in the selection of directors of the Corporation is also an affront to the principle of accountability to the American people as a whole. Under congressional revisions the President has full descretion to appoint only six of the seventeen directors; the balance must be chosen from lists provided by various professional, client and special interest groups, some of which are actual or potential grantees of the Corporation.

The committee was very responsive to this objection and worked out a compromise, which I believe should meet the administration's objections.

As a result of an amendment which I offered with Senator TAFT, the ranking minority member of the Subcommittee on Employment, Manpower and Poverty, and Senators SCHWEIKER and STAFFORD, section 904 of the new legal services title established under the committee bill now provides for a 19-member board consisting of 10 public members appointed by the President; the remainder of nine members are to be appointed by the President from recommendations made by various national bar, client, and project attorney groups.

We chose in respect to the nine to use the language contained in the Railroad Retirement Board Act, which provides that—

> One member shall be appointed from recommendations made by representatives of the employees and one member shall be appointed from recommendations made by representatives of carriers.

We did so to make it very clear that we were abandoning the arbitrary list procedure of the vetoed bill and that we anticipate an informal give and take between the recommending groups and the President.

This in fact is the situation in the Railroad Retirement Board.

Mr. President, I submit that this formulation provides the accountability which the President urged, while continuing the element of involvement of the organized bar and other groups which have contributed so much to the legal services program.

It should be further noted, in connection with the reference made by the President to possible conflicts of inter-

est, that section 904(f) of the legal services title of the committee bill specifically states that no member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

Mr. President, the President's other principal objection to the legal services provisions of the vetoed bill was the fact that the incorporating trusteeship—the entity to be responsible for taking the initial steps in regard to the establishment of the corporation—was to consist of a number of leaders of the organized bar.

We have dealt also with this objection by designating the Director of the Office of Economic Opportunity as the sale incorporating trustee, thus again providing the element of accountability.

Therefore, I believe that it is quite proper to view the organization aspects of the corporation as both appropriate in terms of the purposes of the legislation and as responsive to the President's objections.

INDEPENDENCE OF THE LEGAL SERVICES ATTORNEY

Mr. President, just as there must be accountability of the corporation to the entire American people, it is true on another level that the legal services attorney should be accountable principally to his client, to the organized bar, and to our system of justice.

As President Nixon said in his May 5, 1971 message to the Congress:

> The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this way can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

Former Director of the Office of Economic Opportunity, Donald Rumsfeld, also made this clear in testimony before the Subcommittee on Employment, Manpower, and Poverty on November 14, 1969:

> I think it would be a very undesirable thing to permit someone to control, anyone, frankly the kind of activities that legal services program attorneys are involved in.

Mr. President, I believe this is very sound policy and accordingly I find completely unacceptable—if not repugnant—any attempt to limit the kind of case or controversy which the legal services attorney may handle.

We have in this legislation, as the administration has requested, included a complete prohibition against representation in criminal matters, based upon our sense of the priorities and the fact that criminal representation may be available more readily from other sources.

But there is a difference between this kind of judgment and using a bill designed to insure the exercise of the rights of the poor as a vehicle for the specific denial of those rights in particular areas.

Mr. President, we need to realize that while this is a poverty bill we are dealing with something even more delicate than poverty itself.

We are dealing with the most basic rights and sensitivities of the poor.

There are some who hold that the poverty program has only kindled frustration by making promises that Government cannot keep.

Mr. President, the legal services program makes no new promise.

It is designed to implement an old promise.

And that old promise having its basis in the constitution not merely the poverty law.

It is the promise of equal justice under law.

Let us not tamper with that promise, let us provide for its fulfillment.

Mr. KENNEDY. Mr. President, I rise to oppose the amendment offered to delete the Legal Services Corporation from the OEO extension.

Over the past 7 years, Legal Services programs across this land have been vital to the protection of the rights of the poor.

For the first time, the concept of equality before the law for the Nation's poor has been buttressed by access to legal counsel.

But over the years, we have found a growing threat to legal services programs in political attacks, Governor Reagan's attack against California rural legal assistance is only the most widely publicized. Thus, the President of the American Bar Association, Edward Wright, testified a year ago, in favor of creating an Independent National Legal Services Corporation: "Only through assuring the professional independence of the lawyer can the trust and confidence of the clients be obtained," He said:

> The association recommends that all effective steps be taken to insulate the corporation and its lawyers from political influences that might in any way jeopardize the independent professional judgment required of all lawyers. In this regard, we would hope that no political clearances would be applied in the staffing of the corporation.

For that reason, we have sought to establish a corporation independent of both the executive and legislative branches. However, the President argued that there should be public accountability and therefore we have given him the power to appoint all 19 of the board members, 10 of those without any restrictions on who he may appoint.

And in the effort to assure some independence we have provided that the President shall name the other nine persons from recommendations proposed by the American Bar Association, the Association of American Law Schools, the National Bar Association, the National Legal Aid and Defender Association, the American Trial Lawyers Association, the Clients Advisory Council, and the Project Attorneys Advisory Council.

Clearly, the intent of providing for a board independent of political influence should be satisfied in this way.

The record over the past 7 years of the success of the Legal Services program is unquestioned. It has won the most commendations from the public as a whole for its efforts to provide the poor with access to the legal system.

Even the Vice President has acknowledged that 98 percent of the law suits brought by OEO Legal Services lawyers could not be criticized.

And his criticism of the remaining 2 percent was aptly discussed by the American Bar Association Journal in its April 1972 publication.

The Bar Association editorial states:

> The Vice President seems to be raising again the shopworn and discarded idea that Legal Services lawyers must in some way be controlled: particularly in commencing or participating in litigation involving governmental agencies. . . .
>
> This idea has been rejected by the organized bar from the beginning of the national legal services program; indeed the program would not have the support of the organized bar if it were otherwise.
>
> Congress has defeated attempts to give government officials power to veto the type of suits that legal services lawyers may file. A major benefit from the establishment of the national legal services corporation would be to enhance the freedom of the program from political pressures.

And so the editorial goes on to quote the May 5, 1971, message of President Nixon:

> The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

Thus, even the President urged creation of an independent national legal services corporation.

The bill now before us establishes that corporation. It provides for public accountability. It also provides for independence from political pressure in its operation.

Simply stated, this bill is an effort to provide the means whereby poor Americans can acquire legal counsel that they have been denied over time because of their economic conditions. Equal justice is meaningless if the tools to obtain that justice are available only to those able to pay for them. The legal tools of professional, competent counsel must be available to the poor. This bill seeks to make these tools available.

Any effort now to separate legal service from this bill represents both an unjustified delay and a direct attack on the concept that we bear a responsibility to see that poor Americans have access to legal redress of their grievances.

And if we take that point of view, then we are telling the poor, the courts of America are not for you. And when we do that, we must not be surprised at their response.

I would strongly urge the Senate to reject this amendment and to stand behind a strong independent National Legal Services Corporation.

The PRESIDING OFFICER (Mr. COOK). The question is on agreeing to the amendment of the Senator from Tennessee (Mr. BROCK).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator

from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Florida (Mr. CHILES), are necessarily absent.

On this vote, the Senator from Mississippi (Mr. EASTLAND) is paired with the Senator from from Alaska (Mr. GRAVEL).

If present and voting, the Senator from Mississippi would vote "yea" and the Senator from Alaska would vote "nay."

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. TAFT), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Michigan (Mr. GRIFFIN) is paired with the Senator from Ohio (Mr. TAFT). If present and voting, the Senator from Michigan would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 37, nays 46, as follows:

[No. 247 Leg.]

YEAS—37

Aiken	Cooper	Jordan, N.C.
Allen	Cotton	Jordan, Idaho
Allott	Curtis	Long
Beall	Dole	Miller
Bellmon	Dominick	Packwood
Bennett	Ellender	Roth
Boggs	Ervin	Smith
Brock	Fannin	Sparkman
Buckley	Fong	Stennis
Byrd, Harry F., Jr.	Goldwater	Talmadge
	Gurney	Thurmond
Byrd, Robert C.	Hansen	Tower
Cook	Hruska	

NAYS—46

Bayh	Humphrey	Proxmire
Bentsen	Inouye	Randolph
Bible	Jackson	Ribicoff
Brooke	Javits	Saxbe
Burdick	Kennedy	Schweiker
Cannon	Magnuson	Scott
Case	Mathias	Spong
Church	McClellan	Stafford
Cranston	McIntyre	Stevens
Eagleton	Metcalf	Stevenson
Fulbright	Mondale	Symington
Hart	Montoya	Tunney
Hartke	Moss	Weicker
Hatfield	Nelson	Williams
Hollings	Pastore	
Hughes	Percy	

NOT VOTING—17

Anderson	Griffin	Muskie
Baker	Harris	Pearson
Chiles	Mansfield	Pell
Eastland	McGee	Taft
Gambrell	McGovern	Young
Gravel	Mundt	

So Mr. BROCK's amendment was rejected.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, I rise to urge support for S. 3010, the OEO Amendments of 1972, which I cosponsored, as the minimum act possible by this body if we are to maintain faith with the 26 million Americans who continue to live in poverty.

When I say that the present bill represents a minimal effort, I do so with two thoughts in mind. First, I say that because for the first time in a decade, the pattern of annual declines in the number of persons living in poverty has been broken, with an actual increase in the number of poor.

Second, I say that because this bill, even though it is some $1 billion more than the administration budget request is a far cry from what was conceived at the inception of OEO.

In 1965, OEO set forth a 5-year projection of where the program should be by 1970. That projection was one of the first victims of Vietnam. For the funds that were earmarked to meet the needs of poor Americans went instead to the war in Vietnam.

By 1970, instead of the budget of $3.3 billion proposed in this bill—including programs delegated to other agencies—there would have been a $16.8 billion budget.

There would have been $5.5 billion being spent on providing public service jobs: today there is barely $1.5 billion.

There would have been $2.5 billion for Headstart: today there is under $500 million.

There would have been $561 million for neighborhood health centers: today there is less than $150 million.

There would have been $98 million for legal services: today, even under the independent board, we are only recommending $71 million.

There would have been $78 million for Vista: today we are recommending only $44.5 million.

These are only a few of the indications of how limited has been our effort to eradicate poverty. The projections I have quoted would have been the levels of support for fiscal year 1970, which is really 3 years ago. So, the comparison to what is being planned today shows how little we actually are attempting.

Mr. President, I would like to have placed in the RECORD at the conclusion of my remarks the statistical summary of the 5-year plan of OEO, prepared in the fall of 1965.

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

(See exhibit 1).

Mr. KENNEDY. Mr. President, I would like to discuss briefly the legislative history behind this measure. For the history behind this measure and the reason why we are forced to once again conduct this debate are almost sordid in their exhibition of the lack of concern by this administration for the Nation's poor.

The Senate passed this measure 49 to 12 on September 9, 1971. Then again on December 2, 1971, the Senate voted 63 to 17 to accept the conference report. But the administration, in what I can only consider to be a continuing callous regard for the Nation's poor—a regard also shown by its recent decision to turn $699 million back to the treasury rather than spend it on additional food programs for the Nation's poor—vetoed the OEO bill. The veto message was almost hysterical in its creation of imaginary motives and purposes behind the child care provisions of that bill and its objections to an independent national legal services board meant one thing only, that it was opposed to permitting even legal means of redress to be available when the contest was between the established order and the poor. It was perfectly all right to have legal services attorneys representing a poor client in a divorce case. But the idea that the poor might have representation in a case against involving constitutional rights, such as challenging certain States' residency requirements for welfare, was unacceptable.

And so we started again this year. The result is a bipartisan compromise, a compromise which seeks to meet even the phantom arguments raised by this administration, a compromise which surely represents the good faith of the members of this committee. The distinguished chairman, Senator NELSON, and the distinguished minority leader, Senator JAVITS, deserve particular commendation for their efforts to produce this compromise.

As an example of the compromises which the committee adopted, let me mention the following:

First, the committee dropped its previous prohibition against the delegation of any programs away from OEO to other agencies. Instead, it limited that provision only to the local initiative and community economic development programs, which is the minimum necessary if OEO is to remain at the point of the Nation's effort to remove poverty.

Second, on child care, the committee agreed to separate the child care provisions and that bill was considered by the Senate and adopted a week ago.

Third, there was an objection to the earmarking of funds contained in last year's measure. This year, instead of the 15 programs containing earmarking, we now have limited that requirement to only four programs.

Finally, there were objections raised to the specific provisions establishing the Legal Services Corporation, the concept which even the President approved. Therefore, the committee changed the number of directors appointed by the President without any strings attached, from six to 10, giving him a clear majority of the Legal Services Board. He also names the entire 19-member Board, thus providing a veto over every member.

Also, the President objected to the incorporating trusteeship during the temporary period while the new Corporation was being established. Again the committee compromised, naming the Director of OEO as the person who runs the shop until the Board members of the new Corporation are selected.

Thus, there has been substantial compromise by the committee in response to the administration's objections, objections which I continue to believe were unfounded. However, in the pursuit of a bill that would permit the poverty program to continue, we have agreed to these changes.

The result, I believe, is the maintenance of OEO as a continuing voice for the needs of the Nation's poor.

Let me say what the bill does include:

First, it would expand the special impact program into a major drive toward urban and rural community economic development;

Second, it would establish a new legal services corporation to assure the separate identity and independence of legal services for the poor;

Third, it would provide a fivefold increase in Neighborhood Youth Corps programs to cope with the effects of massive unemployment among poverty area youngsters; and

Fourth, it would make permanent several successful pilot programs in recreation, rural housing and community design programs.

I was particularly pleased that the committee accepted legislation I introduced with Senator Javits to create a separate community economic development title within the act, a title that reflects the belief that the major demonstration project within OEO should be the promotion of economic development in the poverty areas of the Nation.

To those who say the answer to the plight of the inner cities is dispersal to the suburbs and to those who say the answer to the plight of rural America is dispersal to the cities, I say you are deluding yourselves and the Nation.

We cannot turn away from the Harlems, the Bedford-Stuyvesants, the Watts, the Roxbury's, the East Los Angeles, or the rural reaches of West Texas or northeast Oklahoma. We must find ways to strengthen those communities and promote economic development so that these Americans have a place to shop, a place to work, a place to live.

Six years ago, Robert Kennedy walked through the streets of Bedford-Stuyvesant and was stunned by the unfulfilled potential that he saw. It was not only the broken windows, the deteriorating housing and the other marks of poverty that depressed him. It was the failure of a Nation to harness the energies and abilities of the human resources of this community which was appalling.

Robert Kennedy came away convinced that the human resources of the community had to be mobilized and linked to the technical skills and to the capital of the business world and government. The answer that he devised along with Senator JAVITS was the Community Development Corporation. Their design was contained in the title I–D Special Impact Amendment to the Economic Development Act adopted in 1967.

Under that title, Bedford-Stuyvesant has been receiving Federal assistance since 1967. And for each dollar of Federal money that has been granted to the community-controlled corporation of Bedford-Stuyvesant, $2 in private capital have been attracted.

The result that the Poverty Subcommittee saw in hearings I chaired in New York a year ago included a $100 million mortgage pool, a 240-man IBM plant, a $2 million assistance program, 48 local businesses, construction of a modern neighborhood and community center, 1,450 renovated homes in a program employing 900 formerly unemployed and unskilled youth, and planning for a new modular housing factory. But beyond those physical testaments, we listened to residents who expressed pride in their community and hope in their future.

Lloyd Doyle, a 30-year Bedford-Stuyvesant resident, told the committee:

> We have seen houses . . . in this community become vacant lots, garbage uncollected, broken-up cars . . . so this causes our hopelessness . . . Now in (this) community you have an organization (Bedford-Stuyvesant Restoration Corporation) that can help you renovate your home, give you a decent place to live, and it gives hundreds of thousands of people hope.

And not only in Bedford-Stuyvestant are these results taking place, but in 37 communities, Federal grants have been extended to sponsor community development corporations. But the need for additional Federal support goes far beyond what is now provided. Since November 1970, 100 proposals have been received. OEO has been able to fund only five.

There is simply no adequate jusification on the part of the administration for its decision to cut funding back to $25 million this year for CDC's. Last year some $36 million was appropriated, still below the authorization. This bill brings that authorization for fiscal year 1972 to $60 million and proposed doubling it to $120 million for fiscal year 1973.

The most recent evaluation of the Special Impact Program, a 6-month inquiry by the Twentieth Century Fund, was overwhelming in its endorsement of the CDC as "the most promising economic structure presently operating in the ghettos."

For all of these reasons, I introduced legislation, along with Senator JAVITS, to reemphasize and improve Federal support for community economic development.

First, this legislation seeks to continue and expand the urban community economic development program, the present ID program and to extend its benefits to rural areas.

Second, the legislation would continue the rural loan program which the administration proposed to phase out.

Third, the legislation established an expanded program of technical assistance, including a development loan program for both urban and rural CIC's and rural cooperatives.

Finally, the legislation removes a barrier to full Federal cooperation with community development corporations by directing the Small Business Administration, the Economic Development Administration and the Department of Housing and Urban Development to take all steps necessary to insure that CDC's have full access to their programs.

In this way, we hope to make clear the commitment of the Federal Government to the concept that communities have the right to control and direct their own social, economic and political development.

LEGAL SERVICES

The second major area of change within the OEO Extension Bill is the establishment of a private, non-profit corporation to administer the present legal services program. As an independent, self-governing corporation, the National Legal Services Corporation will be authorized to make grants and contracts to provide comprehensive legal services and assistance to low income persons.

The 19-member board will include representatives of the public, representatives of the poverty community, representatives of the Legal Services attorneys, and the presidents of the American Bar Association, the National Bar Association, the American Trial Lawyers Association, the Association of American Law Schools and the National Legal Aid and Defender Association.

And the amendment I proposed in committee provides that at least one member of the board shall represent the non-English speaking population.

More than 15 percent of the Legal Services clients are Spanish speaking. The least that we can do is insure that they are represented on the board. In addition, an amendment I joined others in introducing provides that special emphasis programs for migrant or seasonal farmworkers, Indians and the elderly poor will be authorized. These programs have been critically important in protecting the legal rights of those who traditionally have been excluded from the system.

The continuing threat of political interference has necessitated the establishment of this independent corporation.

The legislation introduced by Senator MONDALE, which I cosponsored and which has been incorporated into S. 3010, had the endorsement of State bar associations as well as the American Bar Association. The ABA president, testified:

> These recurring attacks on the Legal Services Program have helped shape our view that the Legal Services Program should be provided a new and independent home.

I believe that in its new home it will be in a strong position to continue the remarkable record achieved since its inception in 1965.

The poor have every right to expect the same treatment before the courts of our land as the wealthy and I believe this program will insure that lack of knowledge of the law and lack of funds to hire the services of a lawyer will no longer deny justice to any American.

At a time when the indicators of youth unemployment have been rising to alarming heights, the Nation's efforts to provide employment opportunities have been on the decline. In 1966, the number of 16 to 19 year-old youths unemployed was 836,000 while the number of Neighborhood Youth Corps out-of-school job slots has dropped to 36,800.

With that intention, there is an increase of $500 million proposed for the NYC program, an increase that will fund 100,000 new jobs.

PILOT PROGRAMS

There are several additional programs that I would call to the attention of the Senate. I joined with Senator CRANSTON and Senator TUNNEY in introducing the youth recreation and sports program which will establish on a permanent basis the pilot national summer youth sports program that has operated for the past two summers. Under this program, some

124,500 youngsters from around the country participated in summer sports and recreation programs at area colleges and universities.

In my own State at Boston College, Boston University, Springfield College and Boston State College these programs have been operating successfully for the past several years. The intent of the administration to end this program flies in the face of the positive evaluations that have been received.

The committee also included permanent funding for design and planning assistance centers to give low income persons the tools to participate in the planning and development of their communities.

Just as legal services offers long-denied legal rights to citizens, so too do the design and planning centers offer the poverty community the chance to be represented in city, county and State planning and redevelopment councils.

Since 1967, we have seen the pilot planning organizations spring up in Harlem, in San Francisco and in Boston. These OEO-funded programs have convinced the committee of the need to provide permanent status for them in the Economic Opportunity Act.

Also, we have seen the great need for the proposed rural housing program which will be a new experiment to repair and rehabilitate existing substandard housing in rural areas.

I believe these new programs add to the weapons available to OEO in meeting the challenge of reducing poverty in this Nation. The measures we adopt in the Economic Development Act are the most visible expression of a continued Federal commitment to eradicate poverty. I believe we have furthered that commitment by this legislation and I urge its passage.

OFFICE OF ECONOMIC OPPORTUNITY—NATIONAL ANTIPOVERTY PLAN

[Units in thousands—dollars in millions]

Program	Unit type	Fiscal year 1966		Fiscal year 1967		Fiscal year 1968		Fiscal year 1969		Fiscal year 1970	
		Units	Amount	Units	Amount	Units	Amount	Units	Amount	Units	Amount
I. Jobs:											
Public employment	Jobs			200	$840	500	$2,022	700	$2,750	800	$3,095
Neighborhood Youth Corps	Enrollees	280	$255	650	688	1,050	920	1,540	1,184	1,775	1,291
In-school		100	70	250	175	450	310	700	477	825	562
Out-of-school		120	140	150	390	150	390	140	364	125	325
Summer		60	45	250	123	450	220	700	343	825	404
Job Corps	Enrollee cap	50	235	50	350	100	560	100	650	125	755
Work experience	Hardcore unemployed adults	109	150	196	300	208	324	219	344	230	365
Mobility:											
Moves	Number of moves			120	39	120	39	120	39	120	39
Searches	Number of searches			480	29	480	29	480	29	480	29
Subtotal, jobs			640		2,246		3,894		4,996		5,574
II. Social programs:											
VISTA	Volunteers	4	18	7	36	10	52	13	65	15	78
Head start	Students										
Full		200		300		600		1,000		2,000	
Summer		300	150	350	410	600	755	1,000	1,260	2,000	2,500
Follow				400		350		600		1,000	
Upward Bound	Students	27	27	85	85	125	125	125	125	125	125
Remedial/tutorial education	do	905	82	1,800	154	1,800	144	1,800	144	1,800	144
Adult basic education	Participants	105	30	605	173	888	253	888	253	888	253
Legal assistance	Family heads and unrelated independent	1,400	10	3,000	20	6,000	46	9,000	69	12,000	98
Family planning	Women contacted		4	1,500	12	1,728	20	2,097	30	1,638	30
Health:											
Centers	Centers (cumulative)	[1]10	18	[1]30	49	[1]130	203	[1]330	437	[1]530	561
Health aides	Beneficiaries	1,000	31	3,000	38	7,000	49	10,000	57	17,000	76
Foster grandparents	Adults		10	25	50	25	50	25	50	25	50
Rural employment programs	Beneficiaries	105	16	145	21	150	23	150	23	150	23
Loan programs:											
Rural	Number of loans	16	35		36		38		40		45
SBDC (to SBA in fiscal year 1967)	Number of centers	[1]35	2	[1]70	4	[1]70	4	[1]70	4	[1]70	4
SBA	Number of loans		(25)		35		35		35		35
Housing program subsidy	None				345		727		1,188		1,756
Multipurpose center	Number of families		167	1,940	245	3,940	497	5,340	650	6,730	846
Other C&A demonstrations and research	None		95		200		200		150		150
Training of poverty workers	Number trained	117	21	131	48	292	67	285	67	295	79
Migrants	Beneficiaries	673	40	1,000	245	1,600	300	1,600	300	2,000	300
Program development (204)			9		10		10		10		10
Technical assistant/CAA (205)			8		15		17		19		20
Technical assistant/State (2095)			8		9		10		12		15
CAP program direction			7		12		16		10		22
Subtotal, social programs			788		2,252		3,641		5,008		7,220
III. Transfer payments:											
Negative income tax					4,700		4,500		4,300		4,100
OASDI					(5,300)		(5,600)		(5,800)		(6,000)
Total			1,428		9,198		12,035		14,304		16,894
Recap by organization:											
Public Employment Service (CAP)					840		2,022		2,750		3,095
Neighborhood Youth Corps			255		688		920		1,184		1,291
Job Corps			235		350		560		550		755
Work experience			150		300		324		344		365
Mobility					68		68		68		68
VISTA			18		36		52		65		78
Adult basic—OE			30		100		150		150		150
Rural loans			35		36		38		40		45
SEA			(25)		39		39		39		39
Housing					345		727		1,188		1,756
CAP (including migrants)			705		1,614		2,484		3,274		4,652
OE-preschool/rem. and tut					82		151		252		500
Transfer payments					4,700		4,500		4,300		4,100
Total			1,428		9,198		12,035		14,304		16,894
OEO O'vd			12		30		30		30		30
Total			[2]1,440		9,228		12,065		14,334		16,924
OEO portion of program			(1,440)		(3,994)		(6,580)		(8,487)		(10,461)

[1] Number of centers not in thousands.

[2] Fiscal year 1966 work study program for $60,000,000 excluded: Assumes passage of Higher Education Act.

CONTINUING THE STRUGGLE AGAINST POVERTY

Mr. MOSS. Mr. President, let us join together and move quickly to extend the life of the Office of Economic Opportunity. We all know the lengthy struggle that has occurred over the passage of an authorization bill for the poverty program and its various components. I believe the Senate Labor and Public Wel-

fare Committee has placed before us a very workable compromise, designed to satisfy the objections raised by the President in his veto of the poverty bill last December. In working out this compromise, the committee has still retained many of the innovative measures contained in the original bill and should be complimented for the long hours of hard work and careful legislative activity that have gone into S. 3010.

The Legal Services Corporation, though modified, remains a part of the new OEO bill. Lawyers working for those who seldom can afford to pay legal fees have participated in over 1 million cases. In many of these cases, justice would have been denied the poor without the intervention and advice of legal counsel. In the committee's bill, the President would retain control of this new Corporation through the appointment of 10 of the 19 Directors of the Corporation. The appointment of the nine remaining Directors would be from a list submitted to him by a panel of experts. Lawyers working for the Corporation would not be allowed to lobby, to engage in direct political activity, or to be involved in criminal cases.

Jobs for the adolescent poor will be increased under the Neighborhood Youth Corps program included in this bill. It seems so obvious that poverty ought to be fought through employment and through the subsequent payrolls that accompany job creation, yet all too often we fail to remember this point. Forty percent of those 16 to 17 years old are unemployed in major urban areas. In spite of this, the number of jobs in the neighborhood youth program declined from 98,000 in 1966 to 36,000 in 1972. This bill would increase the Neighborhood Youth Corps program and start a renewed expansion of this vital program. We must employ our youth if we expect them to enter the mainstream of American life, and that, after all, is the ultimate objective of the poverty program.

The bill also contains new programs dealing with rural housing and environmental action. It seems entirely appropriate that we involve the poor in programs designed to create a better total environment for all of society. Numerous studies have shown that pollution covers every neighborhood of the land, rich or poor. The rural housing section is designed to create modest experimentation in programs for rehabilitation and repair in rural America. This is particularly applicable in rural areas where there is a great deal of owner-occupied housing, as opposed to the urban situation where renting dominates. These two programs are in the best tradition of the OEO philosophy: new ideas for bringing the poor into the mainstream of America must be tried, and when they are successful, they can then be expanded into major programs.

The new community development program brought forth in this bill will provide for the growth of small cooperatives through technical systems, long term loans, special impact programs, and innovative management ideas. Though this will still be an experimental program, it is important to note that it is based on pilot projects that have been done in areas such as Bedford-Stuyvesant in Brooklyn, N.Y. Such a program will create economic development and allow communities to develop in such a way as to move out of the ranks of the poor.

In summary, this is a bill for all to support. It maintains the momentum of the essential core of OEO programs, and adds a manageable variety of new innovative ideas. Its programs are geared to offering the hand of help to those who choose to better their lot. I urge the passage of this bill.

ECONOMIC OPPORTUNITY FOR PUERTO RICO

Mr. BROOKE. Mr. President, the bill now before us, S. 3010, the Economic Opportunity Amendments of 1972, contains a vitally important and progressive provision for the people of Puerto Rico. Under this bill as reported from committee, the Commonwealth of Puerto Rico is regarded as a State for the purposes of funding OEO programs.

The 2.7-million people of Puerto Rico are in a very anomolous position. They are citizens, they pay Federal income taxes, and they are drafted to fight in our wars. Yet they cannot vote for President, and they do not currently participate fully in the distribution of Federal revenues.

The United States assumed responsibility for Puerto Rico and its people as a result of the Spanish-American War, in 1898. We will not have met our responsibilities, however, until the people of Puerto Rico enjoy the same standard of living as other American citizens.

The Puerto Ricans have done much to help themselves. Per capita income on the island has increased from a bare $297 per year in 1950 to nearly $1,500 per year today. Puerto Rico's gross annual product has increased in the same time period from $755 million to $4.6 billion. Under the administration of Gov. Luis Ferre, health care has been improved and extended, and thousands of classrooms have been constructed for the education of the children of the Commonwealth.

But even with all these efforts, Puerto Rico's needs are great.

Puerto Rico has a greater percentage of its people living in poverty, and a greater percentage of its adults unemployed, than any of the 50 States of the Union. Unemployment on the island is now an unconscionable 11.8 percent.

Nearly 20 percent of the children in this country living in families with less than $1,000 in income, live in Puerto Rico. Clearly, if these children are to be given the opportunity they deserve as American citizens, Puerto Rico must receive a greater percentage of Federal aid.

The legislation presently before us would provide this long-needed opportunity. Instead of allocating 4 percent of funds available under OEO title II to Puerto Rico, the Virgin Islands, Samoa, and the Pacific Trust Territories, this bill would treat Puerto Rico as a State for the purposes of computing its share of the funds, and would reserve 2 percent of the total appropriation to the other territories. Puerto Rico's share of the funds would thus be computed on the basis of: number of public assistance recipients as compared with the other States; average number of unemployed persons as compared with the other States; and the number of related children living with families with income of less than $1,000 as compared with the other States. This system is already being followed with regard to numerous other Federal programs; it should certainly be done with regard to the vitally needed educational and job-training opportunities.

When we consider Puerto Rico's unique position within our system of government, and its extraordinary needs which are directly related to our national policy, I believe we have no choice but to accord Puerto Rico "statehood status" for the purpose of computing its benefits under this bill.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Senators will please take their seats and refrain from conversation.

The Senator from West Virginia may proceed.

TIME LIMITATION AGREEMENT ON DEPARTMENT OF INTERIOR APPROPRIATION (H.R. 15418)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the bill making appropriations for the Department of Interior, H.R. 15418, is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, the time to be equally divided between the distinguished Senator from Alaska (Mr. STEVENS) and the distinguished Senator from Nevada (Mr. BIBLE), with time on any amendment thereto limited to 30 minutes, the time to be equally divided between the mover of such amendment and the manager of the bill (Mr. BIBLE); that time on any amendment to an amendment, debatable motion, or appeal in relation thereto be limited to 20 minutes, to be equally divided between the mover of such and the manager of the bill; and provided that Senators in control of time may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. SCOTT. Presently from Pennsylvania, and for the last many years.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCOTT. Would the distinguished acting majority leader advise me whether this matter has been cleared with the Senator from North Dakota (Mr. YOUNG)?

Mr. ROBERT C. BYRD. This matter has been cleared with the distinguished Senator from Alaska (Mr. STEVENS) and the distinguished Senator from Nevada (Mr. BIBLE), and I think it has been cleared with the distinguished Senator from North Dakota (Mr. YOUNG). The reason I say "I think so" is that I presented this request one day last week after having cleared it and it was objected to at that time by the able Senator from Florida (Mr. CHILES), who objected only because the committee report was not then available.

Mr. SCOTT. I understand from the Senator from Alaska that the matter has been cleared with the Senator from North Dakota (Mr. YOUNG).

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

ORDER FOR ADJOURNMENT FROM TOMORROW TO 9 A.M., WEDNESDAY, JUNE 28, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday it stand in adjournment until 9 o'clock a.m. on Wednesday.

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

ORDER FOR ROUTINE MORNING BUSINESS ON WEDNESDAY, JUNE 28, AND FOR H.R. 15418 TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday after the two leaders, or their designees, have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate H.R. 15418, the bill making appropriations for the Department of the Interior.

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

ORDER FOR FOREIGN ASSISTANCE ACT (S. 3390) TO BE LAID ASIDE TEMPORARILY ON WEDNESDAY, JUNE 28, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday the unfinished business, the Foreign Assistance Act (S. 3390), be laid aside temporarily at the conclusion of morning business, and that it remain in a temporarily laid aside status until the disposition of H.R. 15418, the bill making appropriations for the Department of Interior.

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

UNANIMOUS-CONSENT AGREEMENT ON SPARKMAN-SCOTT AMENDMENT TO FOREIGN ASSISTANCE ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the unfinished business is laid before the Senate on Wednesday, an amendment to be offered by the distinguished Senator from Alabama (Mr. SPARKMAN) and the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT) be made the pending question and that time on that amendment be limited to 1½ hours, the time to be divided and controlled by the Senator from New Jersey (Mr. CASE) and the distinguished manager of the bill (Mr. SPARKMAN).

Mr. PASTORE. Will the Senator tell us what that is all about?

Mr. ROBERT C. BYRD. I shall ask the Senator from Alabama to respond.

Mr. SPARKMAN. Senators will remember that the other day I offered an amendment relating to the Azores and Bahrain. On Wednesday the Senator from Pennsylvania, the minority leader, and I will jointly sponsor an amendment that will pertain to Bahrain only.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any amendment to the so-called Bahrain amendment be limited to 20 minutes, to be equally divided between the mover of such and the Senator from Alabama (Mr. SPARKMAN), and that an equal amount of time be similarly allotted to any debatable motion, or appeal in relation thereto.

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

UNANIMOUS-CONSENT REQUEST ON OEO BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to the pending second track item, the so-called OEO bill, there be a time limitation on further debate thereon of 4 hours, the time to be equally divided between the distinguished Senator from New York (Mr. JAVITS) and the distinguished manager of the bill (Mr. NELSON); that time on any amendment thereto be limited to 1 hour, to be equally divided between the mover of such amendment and the distinguished manager of the bill (Mr. NELSON); that time on any amendment to an amendment, debatable motion or appeal in relation thereto be limited to 20 minutes, equally divided between the mover of such and the manager of the bill; provided that Senators in control of time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal; and provided finally that if the distinguished manager of the bill is in favor of such amendment, debatable motion, or appeal the time in opposition thereto then be under the control of the distinguished Republican leader or his designee.

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

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. I wish to state as to time on the bill which I control, I will be glad to yield as much time as necessary to opponents.

Mr. COOK. I object.

The PRESIDING OFFICER (Mr. HARTKE). Objection is heard.

NAVIGABLE WATERS SAFETY AND ENVIRONMENTAL QUALITY ACT OF 1972—CONFERENCE REPORT

Mr. MAGNUSON. 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. 8140) to promote the safety of ports, harbors, waterfront areas, and the navigable waters of the United States.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HARTKE). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 14, 18, and 21, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "Ports and Waterways Safety Act of 1972".; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 7 of the House engrossed bill, immediately after line 12, insert the following:

TITLE II—VESSELS CARRYING CERTAIN CARGOES IN BULK

SEC. 201. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a) is hereby amended to read as follows:

"SEC. 4417a. (1) STATEMENT OF POLICY.—The Congress hereby finds and declares—

"That the carriage by vessels of certain cargoes in bulk creates substantial hazards to life, property, the navigable waters of the United States (including the quality thereof) and the resources contained therein and of the adjoining land, including but not limited to fish, shellfish, and wildlife, marine and coastal ecosystems and recreational and scenic values, which waters and resources are hereafter in this section referred to as the 'marine environment'.

"That existing standards for the design, construction, alteration, repair, maintenance and operation of such vessels must be improved for the adequate protection of the marine environment.

"That it is necessary that there be established for all such vessels documented un-

der the laws of the United States or entering the navigable waters of the United States comprehensive minimum standards of design, construction, alteration, repair, maintenance, and operation to prevent or mitigate the hazards to life, property, and the marine environment.

"(2) VESSELS INCLUDED.—All vessels, regardless of tonnage, size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, which are documented under the laws of the United States or enter the navigable waters of the United States, except public vessels other than those engaged in commercial service, that shall have on board liquid cargo in bulk which is—

"(A) inflammable or combustible, or

"(B) oil, of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, or

"(C) designated as a hazardous polluting substance under section 12(a) of the Federal Water Pollution Control Act (33 U.S.C. 1162);

shall be considered steam vessels for the purposes of title 52 of the Revised Statutes of the United States and shall be subject to the provisions thereof: *Provided,* That this section shall not apply to vessels having on board the substances set forth in (A), (B), or (C) above only for use as fuel or stores or to vessels carrying such cargo only in drums, barrels, or other packages: *And provided further,* That nothing contained herein shall be deemed to amend or modify the provisions of section 4 of Public Law 90-397 with respect to certain vessels of not more than five hundred gross tons: *And provided further,* That this section shall not apply to vessels of not more than five hundred gross tons documented in the service of oil exploitation which are not tank vessels and which would be subject to this section only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities.

"(3) RULES AND REGULATIONS.—In order to secure effective provision (A) for vessel safety, and (B) for protection of the marine environment, the Secretary of the department in which the Coast Guard is operating (hereafter referred to in this section as the 'Secretary') shall establish for the vessels to which this section applies such additional rules and regulations as may be necessary with respect to the design and construction, alteration, repair, and maintenance of such vessels, including, but not limited to, the superstructures, hulls, places for stowing and carrying such cargo, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers thereof; and with respect to all materials used in such construction, alteration, or repair; and with respect to the handling and stowage of such cargo, the manner of such handling or stowage, and the machinery and appliances used in such handling and stowage; and with respect to equipment and appliances for life saving, fire protection, and the prevention and mitigation of damage to the marine environment; and with respect to the operation of such vessels; and with respect to the requirements of the manning of such vessels and the duties and qualifications of the officers and crew thereof; and with respect to the inspection of all the foregoing. In establishing such rules and regulations the Secretary may, after hearing as provided in subsection (4), adopt rules of the American Bureau of Shipping or similar American classification society for classed vessels insofar as such rules pertain to the efficiency of hulls and the reliability of machinery of vessels to which this section applies. In establishing such rules and regulations, the Secretary shall give due consideration to the kinds and grades of such cargo permitted to be on board such vessel. In establishing such rules and regulations the Secretary shall, after consultation with the Secretary of Commerce and the Administrator of the Environmental Protection Agency, identify those established for protection of the marine environment and those established for vessel safety.

(4) ADOPTION OF RULES AND REGULATIONS.—Before any rules or regulations, or any alteration, amendment, or repeal thereof, are approved by the Secretary under the provisions of this section, except in an emergency, the Secretary shall (A) consult with other appropriate Federal departments and agencies, and particularly with the Administrator of the Environmental Protection Agency and the Secretary of Commerce, with regard to all rules and regulations for the protection of the marine environment, (B) publish proposed rules and regulations, and (C) permit interested persons an opportunity for hearing. In prescribing rules or regulations, the Secretary shall consider, among other things, (i) the need for such rules or regulations, (ii) the extent to which such rules or regulations will contribute to safety or protection of the marine environment, and (iii) the practicability of compliance therewith, including cost and technical feasibility.

"(5) RULES AND REGULATIONS FOR SAFETY; INSPECTION; PERMITS; FOREIGN VESSELS.—No vessel subject to the provisions of this section shall, after the effective date of the rules and regulations for vessel safety established hereunder, have on board such cargo, until a certificate of inspection has been issued to such vessel in accordance with the provisions of title 52 of the Revised Statutes of the United States and until a permit has been endorsed on such certificate of inspection by the Secretary, indicating that such vessel is in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder, and showing the kinds and grades of such cargo that such vessel may have on board or transport. Such permit shall not be endorsed by the Secretary on such certificate of inspection until such vessel has been inspected by the Secretary and found to be in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder. For the purpose of such inspection, approved plans and certificates of class of the American Bureau of Shipping or other recognized classification society for classed vessels may be accepted as evidence of the structural efficiency of the hull and the reliability of the machinery of such classed vessels except as far as existing law places definite responsibility on the Coast Guard. A certificate issued under the provisions of this section shall be valid for a period of time not to exceed the duration of the certificate of inspection on which such permit is endorsed, and shall be subject to revocation by the Secretary whenever he shall find that the vessel concerned does not comply with the conditions upon which such permit was issued: *Provided,* That rules and regulations for vessel safety established hereunder and the provisions of this subsection shall not apply to vessels of a foreign nation having on board a valid certificate of inspection recognized under law or treaty by the United States: *And provided further,* That no permit shall be issued under the provisions of this section authorizing the presence on board any vessel of any of the materials expressly prohibited from being thereon by subsection (3) of section 4472 of this title.

"(6) RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT; INSPECTION; CERTIFICATION.—No vessel subject to the provisions of this section shall, after the effective date of rules and regulations for protection of the marine environment have on board such cargo, until a certificate of compliance, or an endorsement on the certificate of inspection for domestic vessels, has been issued by the Secretary indicating that such vessel is in compliance with such rules and regulations. Such certificate of compliance or endorsement shall not be issued by the Secretary until such vessel has been inspected by the Secretary and found to be in compliance with the rules and regulations for protection of the marine environment established hereunder. A certificate of compliance or an endorsement issued under this subsection shall be valid for a period specified therein by the Secretary and shall be subject to revocation whenever the Secretary finds that the vessel concerned does not comply with the conditions upon which such certificate or endorsement was issued.

"(7) RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT RELATING TO VESSEL DESIGN AND CONSTRUCTION, ALTERATION, AND REPAIR; INTERNATIONAL AGREEMENT.—(A) The Secretary shall begin publication as soon as practicable of proposed rules and regulations setting forth minimum standards of design, construction, alteration, and repair of the vessels to which this section applies for the purpose of protecting the marine environment. Such rules and regulations shall, to the extent possible, include but not be limited to standards to improve vessel maneuvering and stopping ability and otherwise reduce the possibility of collision, grounding, or other accident, to reduce cargo loss following collision, grounding, or other accident, and to reduce damage to the marine environment by normal vessel operations such as ballasting and deballasting, cargo handling, and other activities.

"(B) The Secretary shall cause proposed rules and regulations published by him pursuant to subsection (7)(A) to be transmitted to appropriate international forums for consideration as international standards.

"(C) Rules and regulations published pursuant to subsection (7)(A) shall be effective not earlier than January 1, 1974, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In the absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate.

"(D) Any rule or regulation for protection of the marine environment promulgated pursuant to this subsection (7) shall be equally applicable to foreign vessels and United States-flag vessels operating in the foreign trade. If a treaty, convention, or agreement provides for reciprocity of recognition of certificates or other documents to be issued to vessels by countries party thereto, which evidence compliance with rules and regulations issued pursuant to such treaty, convention, or agreement, the Secretary, in his discretion, may accept such certificates or documents as evidence of compliance with such rules and regulations in lieu of the certificate of compliance otherwise required by subsection (6) of this section.

"(8) SHIPPING DOCUMENTS.—Vessels subject to the provisions of this section shall have on board such shipping documents as may be prescribed by the Secretary indicating the kinds, grades, and approximate quantities of such cargo on board such vessel, the shippers and consignees thereof, and the location of the shipping and destination points.

"(9) OFFICERS; TANKERMEN; CERTIFICATION.—(A) In all cases where the certificate of inspection does not require at least two licensed officers, the Secretary shall enter in the permit issued to any vessel under the provisions of this section the number of the crew required to be certified as tankermen.

"(B) The Secretary shall issue to applicants certificates as tankermen, stating the

kinds of cargo the holder of such certificate is, in the judgment of the Secretary, qualified to handle aboard vessels with safety, upon satisfactory proof and examination, in form and manner prescribed by the Secretary, that the applicant is in good physical condition, that such applicant is trained in and capable efficiently to perform the necessary operations aboard vessels having such cargo on board, and that the applicant fulfills the qualifications of tankerman as prescribed by the Secretary under the provisions of this section. Such certificates shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of this title.

"(10) EFFECTIVE DATE OF RULES AND REGULATIONS.—Except as otherwise provided herein, the rules and regulations to be established pursuant to this section shall become effective ninety days after their promulgation unless the Secretary shall for good cause fix a different time. If the Secretary shall fix an effective date later than ninety days after such promulgation, his determination to fix such a later date shall be accompanied by an explanation of such determination which he shall publish and transmit to the Congress.

"(11) PENALTIES.—(A) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall violate the provisions of this section, or the rules and regulations established hereunder, shall be liable to a civil penalty of not more than $10,000.

"(B) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall knowingly and willfully violate the provisions of this section or the rules and regulations established hereunder, shall be subject to a fine of not less than $5,000 or more than $50,000, or imprisonment for not more than five years, or both.

"(C) Any vessel subject to the provisions of this section, which shall be in violation of this section or the rules and regulations established hereunder, shall be liable in rem and may be proceeded against in the United States district court for any district in which the vessel may be found.

"(12) INJUNCTIVE PROCEDURES.—The United States district courts shall have jurisdiction for cause shown to restrain violations of this section or the rules and regulations promulgated hereunder.

"(13) DENIAL OF ENTRY.—The Secretary may, subject to recognized principles of international law, deny entry into the navigable waters of the United States to any vessel not in compliance with the provisions of this section or the regulations promulgated thereunder."

"SEC. 202. Regulations previously issued under statutory provisions repealed, modified, or amended by this title shall continue in effect as though promulgated under the authority of section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by this title, until expressly abrogated, modified, or amended by the Secretary of the Department in which the Coast Guard is operating under the regulatory authority of such section 4417a as so amended. Any proceeding under such section 4417a for a violation which occurred before the effective date of this title may be initiated or continued to conclusion as though such section 4417a had not been amended hereby.

"SEC. 203. The Secretary of the Department in which the Coast Guard is operating shall, for a period of ten years following the enactment of this title, make a report to the Congress at the beginning of each regular session, regarding his activities under this title. Such report shall include but not be limited to (A) a description of the rules and regulations prescribed by the Secretary (i) to improve vessel maneuvering and stopping ability and otherwise reduce the risks of collisions, groundings, and other accidents, (ii) to reduce cargo loss in the event of collisions, groundings, and other accidents, and (iii) to reduce damage to the marine environment from the normal operation of the vessels to which this title applies, (B) the progress made with respect to the adoption of international standards for the design, construction, alteration, and repair of vessels to which this title applies for protection of the marine environment, and (C) to the extent that the Secretary finds standards with respect to the design, construction, alteration, and repair of vessels for the purposes set forth in (A) (i), (ii), or (iii) above not possible, an explanation of the reasons therefor."

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

On page 13, line 23, of the Senate engrossed amendments, strike out "Title II" and insert the following: "Title I"; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "101."; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(including the substances described in section 4417a(2)(A), (B), and (C) of the Revised Statutes of the United States (46 U.S.C. 391a(2)(A), (B), and (C))", and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 3, line 14, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 3, line 16, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 8: That the House reced from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "102."; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 6, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 11, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 12, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 4, line 17, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) This title shall not be applicable to the Panama Canal. The authority granted to the Secretary under section 101 of this title shall not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under this title shall be delegated to the Saint Lawrence Seaway Development Corporation to the extent that the Secretary determines such delegation is necessary for the proper operation of the Seaway."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 21, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "103."; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 5, lines 20 and 23, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "104."; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 6, line 8, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the

following: "105."; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "106."; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

Omit the matter proposed to be inserted by the Senate amendment, and on page 6, lines 23 and 25, of the House engrossed bill, strike out "Act" and insert the following "title", and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$10,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 7, line 6, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "107."; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 7, line 10, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with amendments, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$50,000."

On page 7, line 10, of the House engrossed bill, strike out "$1,000" and insert the following: "$5,000."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "five years,"; and the Senate agree to the same.

That the Senate recede from its amendment to the title of the act.

WARREN G. MAGNUSON,
RUSSELL B. LONG,
PHILIP A. HART,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

UNIFORMED SERVICE HEALTH PROFESSIONS REVITALIZATION ACT OF 1972

Mr. STENNIS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 2.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STENNIS. Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HARRY F. BYRD, JR., Mr. JACKSON, Mr. BENTSEN, Mr. STENNIS, Mr. DOMINICK, Mr. SAXBE, and Mrs. SMITH conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes tonight. I do not know what the chances are, but it is possible that a request may again be offered, and consent granted thereto, in connection with a time limitation on the economic opportunity bill. I am not sure what may develop, but, at any event, there will be no more rollcall votes tonight.

The order entered last week provides for a recess of the Senate today until 9 o'clock tomorrow morning. In the event an agreement can be reached yet today with respect to the Economic Opportunity amendments, that recess order will be vacated and, instead of coming in at 9 o'clock tomorrow morning, the Senate will adjourn today at the close of business and will come in at 10 o'clock, and after morning business the Senate will proceed to take up the Labor-HEW appropriation bill under the agreement previously entered.

Mr. MAGNUSON. Mr. President, if the Senator will yield to me, I am hopeful that we may start discussion of the Labor-HEW appropriation bill at about 10:30 tomorrow. There are many items in that bill. There are about 105 line items, to begin with. It involves not only HEW, but the Labor Department. I am hopeful that Senators who have an interest in the bill will be present. There are some amendments to the bill. It is a $29 billion bill. The Senator from New Hampshire and I heard almost 500 witnesses. We hope it is the culmination of a long effort. The bill has items of interest to many Senators. I do hope that tomorrow Senators who have an interest in those items will be here to express their opinions.

There will be some amendments on which there will be some rollcalls. The amendments will be to increase, not to cut anything out of the bill. We will discuss those when the time comes, but I wanted Senators to know about it. This is one of the big bills. We hope to get it out of the way tomorrow and get to a conference on it as soon as possible.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Washington.

Mr. President, for the time being, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday, following the recognition of the two leaders or their designees, the distinguished Senator from Virginia, Mr. HARRY F. BYRD, Jr., be recognized for not to exceed 15 minutes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR CONSIDERATION OF THE UNFINISHED BUSINESS AND THE LABOR-HEW APPROPRIATION BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow immediately following the recognition of the two leaders or their designees under the standing order the Senate return to the consideration of the unfinished business; that at the hour of 10:30 a.m. the unfinished business be temporarily laid aside and the Senate proceed to the consideration of the Labor-HEW appropriation bill; and that the unfinished business remain in a temporarily laid aside status until the disposition of the Labor-HEW appropriation bill, or until the close of business tomorrow, whichever is the earlier.

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

ORDER FOR CONSIDERATION OF THE ECONOMIC OPPORTUNITY AMENDMENTS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Labor-HEW appropriation bill tomorrow, the Senate return to the consideration of the economic

opportunity amendments, and that the unfinished business remain in a temporarily laid aside status until the disposition of the so-called Economic Opportunity Amendments Act, or until the close of business tomorrow, whichever is the earlier.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. following the recess.

After the two leaders or their designees have been recognized, the Senate will proceed to the consideration of the unfinished business.

Mr. DOLE. Mr. President, if the Senator will yield, is the unfinished business foreign aid or OEO?

Mr. ROBERT C. BYRD. S. 3390, the Foreign Assistance Act.

At 10:30 am, the Chair will lay aside the unfinished business and the Senate will proceed to consider the bill making appropriations for the Departments of Labor and HEW, H.R. 15417.

The unfinished business will remain in a temporarily aside status, and upon the disposition of H.R. 15417 the Senate will return to the consideration of the so-called second track item, the economic opportunity amendments, and the unfinished business will continue to remain in a temporarily laid-aside status until the dispositon of the second track item, the Economic Assistance Act, or until the close of business tomorrow, whichever is the earlier.

Mr. COOK. Mr. President, will the Senator explain that to me again? It sounds to me as though what we have to do is conclude the OEO bill tomorrow night; is that right?

Mr. ROBERT C. BYRD. No; the unfinished business, the Foreign Assistance Act, will remain in a temporarily laid-aside status until the Economic Opportunity Act is disposed of tomorrow, or until the close of business, whichever is the earlier.

Mr. NELSON. May I ask the Senator a question? There is no time-limitation agreement on either the bill or the amendments; is there?

Mr. ROBERT C. BYRD. There is none.

Mr. NELSON. At what time are we likely to get to the Economic Opportunity Act, could the Senator say?

Mr. ROBERT C. BYRD. I cannot answer that question. The HEW appropriation bill will be laid before the Senate at 10:30 tomorrow morning. There is a time limitation on that bill which was entered into last week, as I recall of 5 hours on the bill and a limitation on amendments thereto which I do not exactly recall.

Mr. NELSON. For HEW?

Mr. ROBERT C. BYRD. For the HEW appropriation bill.

Mr. NELSON. And if it was all used, that would bring us to about 3 o'clock in the afternoon or thereabouts?

Mr. ROBERT C. BYRD. Well, if all the time on the bill were used, yes, but normally all the time is not used. There may, however, be some amendments thereto, which would require some time.

Mr. NELSON. Is it the intent of the leadership to continue on the OEO bill tomorrow until it is finished?

Mr. ROBERT C. BYRD. Depending on developments between now and then. Depending also upon what time the Senate completes the HEW appropriation bill tomorrow.

Mr. COOK. Do I correctly understand that, therefore, if the OEO bill is not finished tomorrow night, it will automatically become the pending order of business on Wednesday morning?

Mr. ROBERT C. BYRD. Not automatically.

Mr. NELSON. I am trying to get an understanding as to where I will stand in respect to time.

Mr. ROBERT C. BYRD. Yes.

Mr. NELSON. Is it the intention, if it is not finished tomorrow, that we go to that bill, if we can get unanimous consent to do so, on Wednesday morning?

Mr. ROBERT C. BYRD. On Wednesday morning, under the order previously entered, the first thing will be the Department of the Interior appropriation bill. There is a time limitation agreement thereon.

Upon the disposition of that bill, the Senate will return to the consideration of the unfinished business, which is the Foreign Assistance Act. The pending question at that time will be on the adoption of the amendment to be offered by the distinguished Senator from Alabama (Mr. SPARKMAN) and the distinguished Senator from Pennsylvania (Mr. SCOTT). There is a time limitation on that amendment.

Upon the disposition of that amendment, it would be the intention of the leadership to return to the Economic Opportunity Act Amendments, if in the meantime that measure has not yet been disposed of.

Does the Senator from Kentucky have a further question?

Mr. COOK. No.

Mr. ROBERT C. BYRD. Mr. President, there will undoubtedly be yea-and-nay votes on tomorrow, especially in connection with the HEW appropriation bill, and I would expect a reasonably long day tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and at 6 p.m. the Senate recessed until tomorrow, Tuesday, June 27, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 26, 1972:

DEPARTMENT OF TRANSPORTATION

John E. Hirten, of California, to be an Assistant Secretary of Transportation, vice Herbert F. DeSimone, resigned.

IN THE AIR FORCE

The following-named officers for promotion in the Air Force Reserve, under the appropriate provisions of chapter 837, Title 10, United States Code, as amended, and Public Law 92–129.

Lieutenant colonel to colonel

NURSE CORPS

Hamlin, Katherine E., xxx-xx-xxxx

Major to lieutenant colonel

LINE OF THE AIR FORCE

Adair, Malcom H., xxx-xx-xxxx
Adam, George F., xxx-xx-xxxx
Adams, William P., xxx-xx-xxxx
Adler, Philip, Jr., xxx-xx-xxxx
Alexander, Charles, xxx-xx-xxxx
Alexander, James D., xxx-xx-xxxx
Alford, Donald E., xxx-xx-xxxx
Allen, Preston H., xxx-xx-xxxx
Allen, Robert D., xxx-xx-xxxx
Allen, Russell E., xxx-xx-xxxx
Anderson, Charles S., xxx-xx-xxxx
Anderson, Dan E., xxx-xx-xxxx
Anderson, James B., xxx-xx-xxxx
Anderson, Robert S., xxx-xx-xxxx
Anderson, Ted Jr., xxx-xx-xxxx
Anderson, William M., xxx-xx-xxxx
Angell, Lloyd E. Jr., xxx-xx-xxxx
Ankeny, Robert H., xxx-xx-xxxx
Annan, James C., xxx-xx-xxxx
Apel, Elmer C., xxx-xx-xxxx
Aten, Donald, xxx-xx-xxxx
Aulds, Lonnie D., xxx-xx-xxxx
Babcock, John B. G., Jr., xxx-xx-xxxx
Badeaux, Nolan J., xxx-xx-xxxx
Badenhoop, Richard L., xxx-xx-xxxx
Bain, Richard A., xxx-xx-xxxx
Baker, Beryl A., xxx-xx-xxxx
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Brenner, Theodore E., xxx-xx-xxxx
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Porterfield, Cliffo, xxx-xx-xxxx
Remboldt, Dennis A., xxx-xx-xxxx
Winslow, Glen R., xxx-xx-xxxx

The following officers for appointment in the Reserve of the Air Force, in grade of Lieutenant Colonel, under the provisions of Sections 593 and 1211, Title 10, United States Code and Public Law 92–129.

French, Kenard J., xxx-xx-xxxx
Stevens, Gene L., xxx-xx-xxxx

The following officers for appointment in the Reserve of the Air Force (Medical Corps), in the grade of Lieutenant Colonel, under the provisions of Section 593, Title 10, United States Code and Public Law 92–129, with a view to designation as Medical Officers under the provisions of Section 8067, Title 10, United States Code, with effective dates to be determined by the Secretary of the Air Force.

Costanzi, John J., xxx-xx-xxxx
Jones, Frank L., xxx-xx-xxxx
Marshall, Angus, xxx-xx-xxxx
Sisson, Charles A., Jr., xxx-xx-xxxx
Warren, Glen C., xxx-xx-xxxx

The following person for appointment in the Reserve of the Air Force in the grade indicated, under the provisions of Section 593, Title 10, United States Code, and Public Law 92–129.

To be Lieutenant Colonel

Malberg, Philip O., xxx-xx-xxxx

DEPARTMENT OF THE TREASURY

Jack Franklin Bennett, of Connecticut, to be a Deputy Under Secretary of the Treasury (new position).

Warren F. Brecht, of Connecticut, to be an Assistant Secretary of the Treasury (new position).

DEPARTMENT OF JUSTICE

Robert E. J. Curran, of Pennsylvania, to be U.S. attorney for the eastern district of Pennsylvania for the term of 4 years vice Louis C. Bechtle, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 26, 1972:

MISSISSIPPI RIVER COMMISSION

Subject to qualifications provided by law, the following for appointment as a member of the Mississippi River Commission:

Rear Adm. Allen L. Powell, Director, National Ocean Survey, National Oceanic and Atmospheric Administration.

DIPLOMATIC AND FOREIGN SERVICE

Clinton L. Olson, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sierra Leone.

Robert L. Yost, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Terence A. Todman, of the Virgin Islands, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Edwin M. Cronk, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

W. Beverly Carter, Jr., of Pennsylvania, a Foreign Service information officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

C. Robert Moore, of Washington, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Cameroon.

Miss Jean M. Wilkowski, of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

INTERNATIONAL MONETARY FUND, INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, INTER-AMERICAN DEVELOPMENT BANK, AND ASIAN DEVELOPMENT BANK

George P. Shultz, of Illinois, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years;

A Governor of the Inter-American Development Bank for a term of 5 years; and

U.S. Governor of the Asian Development Bank.

HOUSE OF REPRESENTATIVES—*Monday, June 26, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My meat is to do the will of Him who sent me and to finish His work.—John 4: 34.

Almighty God, our Heavenly Father, we pray that Thy spirit may come to new life in the lives of these Representatives of our Nation, giving them strength for arduous tasks, wisdom to make right decisions, and courage to lead our Republic in the ways of truth and justice. Direct them in the work of this day that what is done may minister to the welfare of our citizens and increase the spirit of good will in our world.

Kindle in the hearts of all men a true love for peace, a real concern for justice, and a genuine desire for goodness that Thy kingdom may go forward and Thy will be done on earth. To the glory of Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 632. An act for the relief of the village of River Forest, Ill.;

H.R. 3227. An act for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 6820. An act for the relief of John W. Shafer, Jr.;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial;

H.R. 13918. An act to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes; and

H.J. Res. 812. Joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H.R. 2118. An act for the relief of Amos E. Norby;

H.R. 12202. An act to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes;

H.R. 15585. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes; and

H.J. Res. 55. Joint resolution proposing the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15585) entitled "An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MONTOYA, Mr. ELLENDER, Mr. INOUYE, Mr. MCGEE, Mr. BOGGS, Mr. ALLOTT, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to a joint resolution of the Senate of the following title:

S.J. Res. 72. Joint Resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1682. An act to amend title 5, United States Code, to establish and govern the Federal Executive Service and for other purposes;

S. 2147. An act for the relief of Marie M Ridgely;

S. 2753. An act for the relief of John C. Mayoros;

S. 2822. An act for the relief of Alberto Rodriguez;

S. 3001. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes;

S. 3419. An act to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes; and

S. 3722. An act to provide for the establishment of a Foreign Service grievance procedure.

S.J. Res. 204. Joint resolution to authorize the preparation of a history of public works in the United States; and

S.J. Res. 221. Joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the Benjamin Franklin National Memorial.

SWEARING IN OF POSTMASTER

Mr. Robert V. Rota, Postmaster-elect, appeared at the bar of the House and took the oath of office.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1973

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes.

Mr. ANDREWS of North Dakota reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ATTEMPTED BUGGING OF DEMOCRATIC NATIONAL COMMITTEE

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, during the past 2 weeks or so, the public mind and the newspaper headlines have been a great deal agitated by this very mysterious so-called bugging attempt of the Democratic National Committee. In fact, one of the individuals involved happens to bear a name the same as mine—Gonzalez—but I want to say he is not related. He is of Cuban origin and comes from Miami.

My Cuban underground sources have just informed me, and I hope all people involved including the grand juries and the prosecutors will keep this in mind, that this was a terrible foulup. These men were not really going in to bug the Democratic headquarters. They got the wrong apartment. They were supposed to bug Martha Mitchell, so we should not have anything against a husband trying to preserve the marriage.

PERSONAL ANNOUNCEMENT REGARDING VOTE

(Mr. DANIELSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, on Thursday, June 22, I left the floor at 6:30 p.m. after the final passage of H.R. 14370, the revenue-sharing bill. I, therefore, missed rollcall votes 222 through 226, which occurred later that evening, and I would have cast my votes as follows:

Rollcall No. 222: I would have voted "yea" on the amendment to H.R. 15585, that sought to reduce $2 million for salaries and expenses of the Office of Telecommunications Policy. This amendment was rejected by a record teller vote of 148 ayes to 188 noes.

Rollcall No. 223: I would have voted "no" on the amendment to H.R. 15585 that sought to delete $100,000 for the Commission on Executive, Legislative, and Judicial Salaries. This amendment was rejected by a record teller vote of 135 ayes to 196 noes.

Rollcall No. 224: I would have voted "yea" on the amendment to H.R. 15585 that sought to cut the number of personnel paid between $21,000 and $42,500 in the Executive Office of the President from 908 to 549—excluding members of the White House staff. This amendment was rejected by a record teller vote of 122 ayes to 210 noes.

Rollcall No. 225: I would have voted "yea" on the amendment to H.R. 15585 that sought to prohibit the use of funds for chauffeur-driven automobiles except for the President of the United States. This amendment was rejected by a record teller vote of 121 ayes to 205 noes.

Rollcall No. 226: I would have voted "yea" on final passage of H.R. 15585, making appropriations for the Treasury Department, the U.S. Postal Service, and the Executive Office of the President for fiscal year 1973. This measure passed by a record vote of 321 yeas to 11 nays.

INDIANA UNION CARBIDE CORP. AWARDS YOUNG CITIZENSHIP SCHOLARSHIP

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, Washington sees many groups of young people come and go throughout the year, but one group of teenage Americans that are here with us this week merits special attention. I am speaking of the Washington Workshops Congressional Seminar. Since 1967, this involved organization has annually sponsored a series of creative and highly effective seminars dealing firsthand with the work of Congress and American government.

This week close to 200 of these intelligent and concerned workshops students are visiting here on Capitol Hill and throughout the city. I am particularly happy to note that one of my constituents is enrolled in the current seminar session. She is Crista Zivanovic of East Chicago, Ind. Crista's seminar attendance was made possible by a young citizenship award granted to her by the Union Carbide Corp. in East Chicago. I understand this company makes similar awards available to other

young people in their plant communities across the country.

I can think of no better way to make our fine young people more aware of the qualities and greatness of their national heritage. Through the teachers and administrators in each plant community, student scholars are chosen and presented with these Union Carbide-Washington Workshops awards, and I congratulate this organization on its unique and highly successful citizenship program.

Miss Zivanovic is fortunate indeeded to be one of the Union Carbide scholars this year, and I welcome her to Washington and extend my warm good wishes for her future and that of her entire young generation of Americans.

PERSONAL EXPLANATION

Mr. PETTIS. Mr. Speaker, last Thursday, June 22, I had to leave Washington, D.C. at 5:30 p.m. to make transportation connections for important appointments in seven communities of my district in California. Such local problems as flood control, sewage disposal, public housing and other federally related subjects required my presence in California and caused me to miss the final vote on the Revenue Sharing Legislation. At no time on Thursday was the final passage of this bill in doubt and had I been present I would have voted for passage as I did at all stages of this legislation including consideration of it by my committee on ways and means on the Post Office Civil Service appropriation bill I would also have voted "aye"

And on the gross amendment to strike the expenses for the commission on executive; legislative and judicial salaries I would have voted "aye."

CUT THE OFFICE OF EMERGENCY PREPAREDNESS

(Mr. ROBISON of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROBISON of New York. Mr. Speaker, late last Thursday evening, during consideration of the Treasury, Postal Service, and General Government appropriation bill, the House defeated an amendment—on a recorded teller vote of 122 to 10—which would have resulted in about a 30-percent, across-the-board reduction of personnel within the so-called Executive Office of the President.

It is somewhat difficult to say exactly how such a cut in people would be applied—since the amendment did not so specify—but if it were applied proportionately to all the numerous agencies that would have been affected, I think it fair to state that this meat-ax attempt at what was false economy could have cost the Office of Emergency Preparedness some 62 people, reducing its staff from 216 to 154.

Of course, such a cut would not have prevailed until after July 1 but, in light of the vital functions OEP has had to carry out over these past several days, and will have to carry forward for weeks to come in helping the citizens of New York, Pennsylvania, Maryland, and Virginia, especially, recover from the ravages of the disastrous floods those regions have suffered. I should think every Representative from those States would be glad he was on the right side in helping defeat that ill-considered amendment—if that is where he was.

POSITION OF MR. CHAMBERLAIN

(Mr. CHAMBERLAIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, I am unrecorded on several rollcall votes this session and wish to state my position for the RECORD:

On rollcall No. 12, I would have voted "yea."

On rollcall No. 52, I would have voted "yea."

On rollcall No. 76, I would have voted "yea."

On rollcall No. 87, I would have voted "yea."

On rollcall No. 119, I would have voted "yea."

On rollcall No. 123, I would have voted "yea."

On rollcall No. 124, I would have voted "yea."

APPOINTMENT OF CONFEREES ON H.R. 15585, TREASURY-POSTAL SERVICE APPROPRIATIONS, 1973

Mr. STEED. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

The Chair hears none, and appoints the following conferees: Messrs. STEED, ADDABBO, ROYBAL, STOKES, BEVILL, MAHON, ROBISON of New York, EDWARDS of Alabama, RIEGLE, MYERS, and BOW.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15585, TREASURY-POSTAL SERVICE APPROPRIATIONS, 1973

Mr. STEED. Mr. Speaker, I ask unanimous consent that the conferees may have until midnight tonight to file a conference report on the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 92-1174)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15585) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 8, 9, 10, and 13, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$209,000,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$65,859,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 7, 12, 14, 15, and 16.

TOM STEED,
JOSEPH P. ADDABBO,
EDWARD R. ROYBAL,
TOM BEVILL,
GEORGE MAHON,
HOWARD W. ROBISON,
JACK EDWARDS,
DONALD W. RIEGLE, Jr.,
JOHN T. MYERS,
FRANK T. BOW,
Managers on the Part of the House.

JOSEPH M. MONTOYA,
ALLEN J. ELLENDER,
DANIEL K. INOUYE,
GALE W. MCGEE,
J. CALEB BOGGS,
GORDON ALLOTT,
MILTON R. YOUNG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15585) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—TREASURY DEPARTMENT

Bureau of Accounts

Amendment No. 1: Appropriates $62,241,000 for salaries and expenses as proposed by the Senate instead of $62,500,000 as proposed by the House.

Bureau of Customs

Amendment No. 2: Appropriates $209,000,000 for salaries and expenses instead of $210,000,000 as proposed by the House and $208,000,000 as proposed by the Senate.

Bureau of the Public Debt

Amendment No. 3: Appropriates $74,000,000 for administering the public debt as proposed by the Senate instead of $75,000,000 as proposed by the House.

Internal Revenue Service

Amendment No. 4: Appropriates $34,500,000 for salaries and expenses as proposed by the Senate instead of $35,000,000 as proposed by the House.

Amendment No. 5: Appropriates $508,000,000 for accounts, collection, and taxpayer service as proposed by the Senate instead of $510,000,0000 as proposed by the House.

Office of the Treasurer

Amendment No. 6: Appropriates $11,300,000 for salaries and expenses as proposed by the Senate instead of $11,500,000 as proposed by the House.

General Provisions—Treasury Department

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows. In lieu of the language proposed by the Senate, insert the following:

"SEC. 102. No part of any appropriation contained in this Act shall be available for expenses of Customs preclearance activities after March 31, 1973, in any country which does not grant to the United States Customs officers the same authority to search, seize, and arrest which such officers have in connection with persons, baggage, and cargo arriving in the United States or which does not provide adequate facilities for the proper exercise of this authority, as may be approved by the Secretary of the Treasury."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Expenses of Management Improvement

Amendment No. 8: Appropriates $700,000 as proposed by the Senate instead of $600,000 as proposed by the House.

Office of Management and Budget

Amendment No. 9: Appropriates $19,600,000 for salaries and expenses as proposed by the Senate instead of $19,700,000 as proposed by the House.

Office of Telecommunications Policy

Amendment No. 10: Strikes out House language concerning hire of passenger motor vehicles, as proposed by the Senate.

TITLE IV—INDEPENDENT AGENCIES

Civil Service Commission

Amendment No. 11: Appropriates $65,859,000 for salaries and expenses instead of $62,218,000 as proposed by the House and $66,218,000 as proposed by the Senate.

General Services Administration

Construction, Public Buildings Projects

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to eliminate the proviso contained in the Second Supplemental Appropriation Act, 1972, concerning approval of revised prospectuses for public buildings projects.

Expenses, United States Court Facilities

Amendment No. 13: Appropriates $5,344,000 as proposed by the Senate instead of $6,344,000 as proposed by the House.

Department of Defense

Civil Defense Preparedness Agency

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, which makes a portion of the sum appropriated contingent upon enactment of authorizing legislation.

Department of Health, Education, and Welfare

Health Services and Mental Health Administration

Emergency Health

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, appropriating $3,000,000 for Emergency Health community preparedness activities.

TITLE V—GENERAL PROVISIONS

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, which would direct the General Services Administration to continue to apply the existing Buy-America differential in the procurement of hand or measuring tools.

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1973 recommended by the Committee of Conference, with comparisons to the fiscal year 1972 total, to the 1973 budget estimate total, and to the House and Senate bills follows:

	Amounts
New budget (obligational) authority, FY 1972	$4,928,452,603
Budget estimates of new (obligational) authority, FY 1973	5,066,603,000
House Bill, FY 1973	5,057,145,000
Senate Bill, FY 1973	5,057,186,000
Conference agreement, FY 1973	5,057,827,000
Conference agreement compared with:	
New budget (obligational) authority, FY 1972	+129,374,397
Budget estimate of new (obligational) authority, (as amended), FY 1973	−8,776,000
House Bill, FY 1973	+682,000
Senate Bill, FY 1973	+641,000

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J. CALEB BOGGS,
GORDON ALLOTT,
MILTON YOUNG,
Managers on the Part of the Senate.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia Day. The Chair recognizes the gentleman from Texas (Mr. CABELL).

NATIONAL CAPITAL TRANSPORTATION ACT OF 1972

Mr. CABELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15507) to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 1½ hours, the time to be equally divided and controlled by the gentleman from Minnesota (Mr. NELSEN) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15507, with Mr. BRADEMAS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas (Mr. CABELL) will be recognized for 45 minutes; and the gentleman from Minnesota (Mr. NELSEN) will be recognized for 45 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CABELL. Mr. Chairman, under the terms of the unanimous-consent agreement the gentleman from Minnesota (Mr. NELSEN) or the gentleman from Virginia (Mr. BROYHILL) will have control of 45 minutes of the time, pending which I yield myself 15 minutes.

Mr. CABELL. Mr. Chairman and members of the Committee, this bill is for the final completion of the funding and financing of the Metro system, covering upon its completion some 90-odd miles of rapid mass transit covering the District of Columbia and portions of northern Virginia and Maryland, this being under a tripartite compact

As was originally planned, the balance of the financing, other than the grants and contributions made by the compact jurisdictions, and the grants made by the Department of Transportation, was to have been by revenue bonds or tax-free revenue bonds, which have generally been the case in financing operations of this sort. Due to considerable uncertainty concerning the salability of tax-free revenue bonds, and in an effort to hold down the number of such bonds to a minimum, the Department of the Treasury has sponsored this bill which would provide Government guarantee for not to exceed $1.2 billion for the completion of the capital requirements of the Metro system. That $1.2 billion would not exceed $900 million unless the compact made an additional contribution to the metro system of one-third of the $300 million involved.

In other words, they would put up additional venture capital.

To date, under the terms of the National Capital Transportation Act of 1960 and as amended in subsequent bills there has been committed $600 mililon. It is contemplated that with contracts

which are presently pending that commitment would be $800 million within the very near future.

Under the terms of this bond guarantee, the bonds would be sold on a competitive basis to the low bidder. The only exception would be, should the Secretary of the Treasury feel that a better price could be obtained on those bonds it could be done under negotiation. Otherwise it would be to the low bidder or the best bidder for the first increment of $900 million of these bonds.

It is contemplated that these bonds would be sold under those circumstances at a rate of not to exceed 7 percent. The Treasury would rebate to the Transit Authority 25 percent of the interest cost, costs of preparation, and other costs contingent upon the sale of those bonds.

A question has arisen—one always has and always will, of course—as to what chance Metro has for paying off these bonds without calling upon the guarantor.

I call the attention of Members to the first chart, which is on the left, showing the anticipated revenues, compiled by the best engineers and research people available, as to the contemplated and expected revenues to accrue to this operation.

May I say that the present plans, which are on schedule at the present time call for approximately 9 miles of the system to be operated in 1974, with nearly a complete innercity system in operation by 1976, in time for the centennial, and with a completion of the 90-odd miles for the entire system by 1979.

I should like to call attention to the anticipated and projected revenues of this system. Members will note that the total anticipated fare box revenue by 1990 will be $195.5 million. Taking the adjusted gross revenue, the total would be $203.8 million. This is annually. The operating and maintenance expenses are anticipated to be $107.2 million, with a net revenue after depreciation of $81.3 million. This we see is more than ample to pay the costs to retire these bonds, from the fare box.

I should like also to call attention to the fact that this type of financing is entirely feasible. because the payment of interest and principal on the bonds comes off the top of the revenue. It is granted that there are few, if any, subway systems which operate completely out of the fare box today. Please bear in mind that inasmuch as $2.1 billion of the total of $3 billion, approximately, is in the form of grants and contributions that do not have to be repaid under the terms of the Urban Mass Transportation Act. The DOT is committed to provide two-thirds of this cost of $2.1 billion, with the compact, made up of the District of Columbia, Virginia, and Maryland, providing one-third of that amount, or $720.5 million.

May I advise this Committee that at this time all of the contributions of the compact members have been paid in. they are not in default, and they are ready to meet their commitments as they fall due.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, this is such a wondrous statement in high finance that I cannot resist the temptation to welcome some more people over here. Therefore, Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 227]

Abbitt	Dent	McCloskey
Abernethy	Devine	McDonald, Mich.
Abourezk	Dickinson	McKinney
Abzug	Diggs	McMillan
Alexander	Dingell	Mathis, Ga.
Anderson, Calif.	Donohue	Meeds
Anderson, Tenn.	Dowdy	Melcher
Archer	Downing	Metcalfe
Arends	Edmondson	Mills, Ark.
Aspin	Erlenborn	Mills, Md.
Badillo	Esch	Mollohan
Baker	Fish	Mosher
Bell	Flood	Pelly
Blanton	Flynt	Pepper
Boggs	Ford, Gerald R.	Pickle
Bolling	Fraser	Pryor, Ark.
Broomfield	Frey	Pucinski
Burke, Fla.	Fulton	Railsback
Byrnes, Wis.	Gallagher	Rarick
Caffery	Gray	Riegle
Carney	Griffin	Ruppe
Celler	Griffiths	Scheuer
Chisholm	Hagan	Schmitz
Clark	Hall	Schwengel
Clay	Harsha	Stokes
Conyers	Hastings	Stuckey
Cotter	Hébert	Sullivan
Coughlin	Holifield	Symington
Davis, Ga.	Kee	Teague, Calif.
Davis, S.C.	Keith	Teague, Tex.
Delaney	Kluczynski	Thompson, N.J.
Dellums	Kuykendall	
Dennis	Lent	
	Long, La.	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BRADEMAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15507, and finding itself without a quorum, he had directed the roll to be called, when 334 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. At the time the point of no quorum was made the gentleman from Texas (Mr. CABELL) had the floor, and the gentleman has 6 minutes remaining.

Mr. CABELL. Thank you, Mr. Chairman. I will try to wrap this up as quickly and as concisely as possible.

May I inform the Committee that the overall program of the Metro system contemplates not only the Rapid Transit System but also a series of parking facilities to assist those who come from a distance and then take the Metro either into the District or across the District, as the case may be.

There have been a number of proposals submitted with reference to the use of existing rail systems as a part of the rapid transit system. May I inform the Committee that very intensive study has been made as to the feasibility of the use of these rail lines, and it has not been deemed feasible at this time.

May I add, however, that additional studies are contemplated, which possibly will lead to the use of one or two, or perhaps three, of such rail lines, to provide feeders to the Metro System, if the studies indicate the feasibility of such operations.

This proposal, the method of financing came about by the recommendation of and with the full support of not only the Department of Transportation but also the Secretary of the Treasury and the White House. Obviously the bond attorneys and prospective underwriters who would have the problem of selling these bonds at the most advantageous price possible for such undertaking support it.

Does the gentleman from Iowa wish me to yield to him?

Mr. GROSS. Yes, Mr. Chairman, will the gentleman yield?

Mr. CABELL. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I note on page 4 of the report in the third paragraph that it says:

> In addition, the findings of the financial advisors to the Transit Authority were that it would be practically impossible to successfully place the tax-exempt bonds which the Authority was authorized to issue.

What does this mean? Does it mean that without the full faith and credit, and all the full faith and credit of the U.S. Government, these bonds cannot be sold? Is that what it means?

Mr. CABELL. Revenue bonds as such would not carry the full faith and credit of the U.S. Government. They would depend entirely on the fare box. And as the gentleman from Texas stated in the earlier part of this statement, the revenue bond market, the tax-free revenue bond market is very soft, and it is not possible to market them. And it is the considered opinion of the gentlemen who are far more knowledgeable than I am in this subject that it would be most difficult if not impossible to sell State tax-free revenue bonds for this much so that the Secretary of the Treasury and the Department of Transportation have recommended this means of financing these bonds.

Mr. GROSS. If the gentleman will yield further, does the gentleman mean to say that tax-free bonds selling at 7 percent are going to begging these days, and that buyers cannot be found?

Mr. CABELL. May I say that 7 percent is entirely too high for a tax-exempt bond, and that shows definitely how soft this market is.

May I remind the gentleman from Iowa that under the provisions of this bill where they can be guaranteed by the Treasury Department through the Department of Transportation that one-fourth of the interest collected would be rebated to the Metro system which would still yield the Government more money than they would get from a tax-free bond, and would yield as much money as they are getting from their present long-term obligations so that there would be no loss to the Government in that case.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. CABELL. Yes; I will be happy to yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, in answer to the question of the gentleman from Iowa as to why you cannot sell tax-exempt bonds, the fact of the matter is that upon the best evidence from those people who are most expert in this country in selling tax-exempt bonds, in the opinion of the Metro financial advisers, two of the most eminent companies in the country today, they have advised that they would not be able to sell tax-exempt bonds.

Now, we could argue back and forth as to why they cannot sell tax-exempt bonds, but the fact of the matter is that they say it would be almost impossible to sell tax-exempt bonds in the market, transit authority bonds particularly, and other types of authority bonds.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CABELL. Mr. Chairman, I yield myself 5 additional minutes.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I thank the gentleman for yielding.

We are actually faced with the fact that this type of bond cannot be sold. If we are going to proceed with the construction of Metro, then we must change the financing picture. This is why the Treasury Department and the Department of Transportation all have come forth with this revision—it will be a taxable bond with an interest subsidy.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the gentleman.

Mr. GROSS. If that statement is so good—that net revenue statement—then why this bill?

Mr. GIAIMO. Mr. Chairman, will the gentleman yield further?

Mr. CABELL. I am happy to yield to the gentleman.

Mr. GIAIMO. I can appreciate the gentleman from Iowa being impressed with the fact that there will be a net revenue after appreciation of $81 million.

But let me say, even though the gentleman from Iowa may be impressed with that statement, I am certain that no bonding company would be. Because that is talking of estimated income in 1990. You just cannot sell bonds any place in the United States, in 1972, on what the estimated income may be in 1990.

The fact is that we need this money and we need it now in order to provide for the construction of Metro.

Mr. GROSS. I thank the gentleman from Connecticut for his frankness. I was certain that that chart represents the King Midases on the District of Columbia Committee and not reality.

Everything that the District Committee brings here, as with stadiums and everything else, for the District, is sold to us as something which will turn to gold instantly.

I appreciate the gentleman's frankness in telling us that as related to 1972 that 1990 chart is about as meaningless as anything could be.

Let me ask the gentleman a question. If the Treasury Department is so strong for this bill, why did not the Treasury Department submit something to that effect for printing in the report? I find nothing in the report that represents the position of the Treasury Department, which certainly should be an interested party to this kind of a deal.

Mr. CABELL. If there was an omission as to that, it was an error. Because the Treasury Department appeared at our hearings, and representatives of the Treasury Department appeared and they were in full accord. It is in the report that has now been out for the necessary number of days.

May I remind the gentleman—as much as I dislike getting into any kind of argument with my good friend, the gentleman from Iowa—this is not a Midas touch by any means. This estimate has been made by people who we have reason to believe know their business and who know what they are talking about, and not shooting from the hip. The gentleman from Texas is not shooting from the hip on this and if he did not believe it, he surely would not be up here trying to put this bill across.

I will be as frank with you as I can be on any question you wish to ask.

May I further say that the maximum income is based on 1990, when it will be 1979–80 before the full system gets into operation.

But then you will have an ample cushion—you will have more than an ample cushion to retire those bonds as they become due, and during the interim there will be the money available for interest.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the gentleman.

Mr. RANDALL. Mr. Chairman, I have a question or two.

Actually, there must be some strong reason that you are seeking a Federal guarantee for these bonds. There must be some doubt whether they are going to be salable without this guarantee.

Now I have great respect for the gentleman from Texas. He has a job to do, and he must go ahead with it.

I note under the second reason on page 2, why this guarantee is in the interest of the United States, which I read.

(2) the Transit Authority has entered into an agreement with the Secretary of Transportation providing for reasonable and prudent action by the Transit Authority respecting its financial condition if at any time the Secretary, in his discretion, determines that such action would be necessary to protect the interest of the United States;

Let me suggest contrary to this lofty language that there is just no way to protect the interest of the United States—if these revenues go down, then the Government is going to have to pay off the bonds. If we do what we are asked to do today these bonds are no longer revenue bonds, but become general obligation bonds of the U.S. Government.

Mr. CABELL. These are revenue bonds.

Mr. RANDALL. Sure, they are but you are proposing they be guaranteed revenue bonds.

Mr. CABELL. But nevertheless the revenues are derived from the fare box that are used.

Bear in mind, these payments to the bondholders come off the top of this revenue.

Mr. RANDALL. Yes.

Mr. CABELL. I would say at the time that this was worked out and approved, my good fellow, Texas is not in the habit of giving money away and it is with his full approval and full endorsement.

Mr. RANDALL. The fact of the matter is—something has gone wrong. These bonds are not moving. They are not being purchased. There is no way to deny that such is the reason they are asking for this guarantee. Without the guarantee they should be described as soft bonds.

Mr. CABELL. That is partly correct. They are not being purchased.

They are not soft bonds, but this makes them a good deal heavier, which will mean that we can sell them at a lower interest rate than if we had to just throw them on the market.

Mr. RANDALL. One more question: When we guarantee these bonds, they become, in effect, the obligation of the U.S. Government, and have to be paid by the United States if the revenues or fares are not enough to make the payments. Is that correct?

Mr. CABELL. Certainly they do, and may I remind the gentleman that there is ample precedent set for this type of financing? I call your attention to the financing of hospital construction. Bond issues for hospital construction are guaranteed by the U.S. Treasury. May I call your attention to the fact that bonds issued under the Model Cities program are guaranteed by the Federal Government? May I also call your attention to the fact that under FNMA there are certain Treasury guarantees? So this is not a unique situation. There is ample precedent for it.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I am glad to yield to the gentleman from Kentucky.

Mr. SNYDER. Is it not true that a 7-percent tax-free bond on today's market, which is not soft, will sell at a premium of between $108 and $110?

Mr. CABELL. I think the gentleman is correct. Even then some of them go higher than that through a discount of the bonds so that the yield would be 10 percent or more. I thank the gentleman for his consideration.

I yield to the Delegate from the District of Columbia such time as he may consume.

Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 15507, the 1972 National Capital Transportation Act which provides for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, the agency which is charged with the construction of the subway in the Washington metropolitan area.

In 1965, the Congress passed the original legislation authorizing the construction of the subway. Since that time,

11 miles and 14 stations have been put under construction, 23 stations are in the final design stage, and financial plans are well enough along to require that debt financing be looked upon as the primary source of funds.

While the plan originally called for the sale of unsecured bonds, inflation and rising interest rates have made that initial decision unsound. If the bonds are to be marketed at rates which will attract investors and yet be low enough to be repaid from the anticipated revenues which will be collected through the farebox, Federal guarantees are necessary.

The Federal guarantee only assures the investor that for his lower yield the Federal Government stands ready, if the need should ever rise, to repay his principle and interest. The possibility of such an event is very remote for the legislation amply provides for the Secretary of the Treasury to determine and then certify that the bonds represent an acceptable risk to the United States. Beyond this the authority must agree with the Secretary of Transportation to take such action so as to assure that the interest of the United States is protected and the risks minimized. In every case, the decisions that would affect the financial integrity of the bonds is left to those Federal officials who are responsible for national fiscal and national transportation policy. There is no way that the transit authority can ignore the necessities that will permit the implementation of reasonable and intelligent plans for the repayment of these bonds.

Since the time of the original authorization, the local governments and the United States have obligated more than $900 million to this project. A failure to provide the guarantees will mean that work will have to stop. Ultimately—indeed very quickly—unless alternative means of finance were found, it would be necessary to fill the tunnels and the stations, wasting the money already spent. Additionally, since most of the funds have been spent in the District of Columbia, both Maryland and Virginia would have a basis for a suit of rather large proportions against the District, the costs of which may very well have to be ultimately paid out of the Federal Treasury since much of the work has been done with their money.

Both the District of Columbia and the States of Maryland and Virginia have relied on the good faith of the Congress to see this system through. Both Virginia and Maryland have allowed their funds to be committed and spent in building the portions in the city that we expect will be ready for the Nation's bicentennial celebration. More than 40 million Ameircans are expected to visit this city in honor of 200 years of freedom and progress in every conceivable area.

With the anticipated influx of visitors and the continued growth of our metropolitan area, the completion of this subway is our only hope in avoiding strangulation from automotive emissions and congestions that will drive business and people from the capital.

I urge you to support this urgently needed and timely legislation that will assure the completion of this subway system.

Mr. NELSEN. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, first I should like to commend the gentleman from Texas (Mr. CABELL) for his outstanding leadership and the efforts that he put forth during the hearings and in subcommittee and in the full committee in order to get this bill written and make it possible for its consideration on the floor of the House today.

I rise to urge the support of my colleagues for the bill H.R. 15507, of which I am pleased to be a cosponsor. This proposed legislation is vitally important as a means of assuring uninterrupted progress on the construction of the Regional Transit System, an essential element in the orderly development of the Washington metropolitan area.

Basically, this legislation will assure the financial feasibility for the completion of the Metro system by providing assurance of the marketability of the revenue bonds and by helping the WMATA meet the increased costs of planning and construction which have resulted from the severe inflation which has beset the construction industry.

For nearly 20 years, the Congress and the governments of all the jurisdictions in the Washington metropolitan area have engaged in discussion, planning, and providing a basis for the development of a regional rapid transit system, which can serve to alleviate the growing problems of transportation solely by automobiles and buses. Public Law 86–669, approved on July 14, 1960, provided the foundation for the realization of this goal by authorizing the development of an interstate compact, and I am humbly proud that I was the author of that legislation.

In 1965, the Congress authorized initial appropriation to an interim agency; and in 1966, the interstate compact was approved. And most recently, the National Capital Transportation Act of 1969 authorized the construction of the 98-mile Metro system, which will provide a rapid transit system to serve the entire area.

This sequence of legislative achievement represents not only the diligent work of the Congress in its determination to provide a solution to the dire and growing problem of transportation in the Capital region. Much more than that, it reflects a truly remarkable degree of political and financial cooperation among the various local governments, without which this dream could never have been realized.

At this time, despite agonizing setbacks in financing, the Metro system is taking shape at a rapid pace. Starting, of course, in the District of Columbia itself as the heart of the system, the WMATA has forged ahead under most capable administration, in the planning and construction of this mammoth enterprise. Today, more than 9 miles of the system are under construction contract, including 11 stations. Work is proceeding rapidly at Judiciary Square, along G Street, at Dupont Circle, and on both sides of the Potomac River in the Rosslyn-Georgetown area. Tunneling has proceeded as far west as Rock Creek. In addition, final design has been completed on some 26 miles of the system, including 24 stations.

At this time, WMATA has a total of $887 million available, all of which has been committed. Of this amount, $834.7 million has actually been obligated. Thus, only $52.3 million of presently available funds remains unobligated.

When the National Capital Transportation Act of 1969 was approved, the total cost of the 98-mile system was estimated at $2.535 billion. Of this amount, $835 million was to be raised through the sale of revenue bonds, principal and interest of which would be paid from receipts from the fare box. The balance of $1.7 billion was to be shared by the Federal Government and the eight participating jurisdictions of the area, on the basis of two-thirds Federal and one-third local participation.

As a result of inflation and unexpected delays, it is now estimated that the construction of the entire system will cost some $500 million more than was projected in 1969. However, the revenue projections have also increased to some extent, so that the net increase in cost is estimated at $450 million.

This project has now reached the point where the sale of the revenue bonds is essential for the continued and uninterrupted development of the Metro system. However, it has been found that the present condition of the bond market makes it necessary to provide investors with assurances beyond those which were anticipated in 1969. This situation is a result of higher prevailing interest rates than were originally expected, the $450 million cost gap which has developed in the financial plan, and a reluctance on the part of investors to buy transportation bonds in view of the availability of many other types of securities.

Broadly, the thrust of H.R. 15507 is to provide the assurance needed to facilitate the sale of these revenue bonds by authorizing the Secretary of the Treasury to guarantee the repayment of both principal and interest thereon. The bill provides also that the interest on these bonds shall be taxable, with sufficient of these revenues thus accruing to the U.S. Treasury to be returned to WMATA as a subsidy to pay 25 percent of the interest, fees, and commissions incident to the issuance of the bonds. This subsidy is expected to finance the debt service on an additional $300 million in revenue bonds, the total of which will then reach $1.2 billion which is the maximum authorized to be guaranteed by the Federal Government. Thus, through this subsidy the Federal Government's two-thirds share will be provided of the additional $450 million cost of the system; and the local jurisdictions will be required jointly to contribute an additional $150 million as their one-third share of this additional cost. The bill also provides the means for the payment of the District of Columbia's share of this additional cost, through increased borrowing authority.

The bill prescribes certain conditions under which the Secretary of the Treasury may guarantee the Authority's obli-

gations incident to these bonds. First, the Secretary must find that the obligation to be guaranteed represents an acceptable financial risk to the United States. And further, there must be a determination and a certification by the Secretary that (a) the prospective revenues of the Transit Authority furnish reasonable assurance that timely payments of interest on the obligations will be made; (b) guaranteed obligations—other than short-term notes—will be sold by a process of competitive bidding as prescribed by the Secretary unless he makes a written determination that competitive bidding under prevailing market conditions would result in higher net interest costs or otherwise increase the cost of issuing obligations; and (c) the rate of interest payable or guaranteed obligations is reasonable in light of prevailing market yields.

The bill also makes several amendments to the Washington metropolitan area transit regulation compact, one of which removes an existing 6-percent interest-rate limitation applicable to both temporary and long-term borrowing by the Authority. Two other amendments to the compact relate to the protection of the Federal interest if the Authority's bonds are to be guaranteed. The first of these provides labor standards governing transit operations and protective arrangements, terms, and conditions of employment for employees of transit properties acquired by the Authority. These provisions include mandatory arbitration of labor disputes which should assure continuity of operations and, hence, no interruption in the flow of fare-box revenue. The second such amendment would assure that in the event any jurisdiction desired reduced fares for any class or category of its citizens, provision will be made for an equitable subsidy arrangement by contract with the Authority.

Other amendments to the compact provide (a) a redefinition of the term "transit services" so as to permit the performance by the Transit Authority of charter service originating within the transit Zone; (b) that an alternate Director from the District may act on behalf of an absent District of Columbia Director whether or not the absent Director is the one for whom the alternate was appointed—this provision applies, of course, to the board of directors of WMATA; permission for the WMATA to operate its transit facilities either directly or by contract as the board may determine. All of these amendments to the compact have been enacted by both Maryland and Virginia.

Essentially, therefore, this proposed legislation is designed to facilitate the sale of the revenue bonds, to maintain the original ratio of two-thirds Federal to one-third local payment of the balance of the costs, and thus to assure the completion of the Metro system on a schedule designed to minimize the total cost thereof.

The principal provisions of this bill were submitted to the Congress as far back as June 1971, jointly by the Department of Transportation, the WMATA, and the District of Columbia government. The Office of Management and Budget approves the measure as being in accordance with the President's program, and the bill has the full concurrence and support of all the local jurisdictions which are parties to the Interstate Compact.

Mr. Chairman, it has truly been said that the development of the Metro dream has been a bipartisan effort. It was started during the administration of President Dwight D. Eisenhower, it had the strong support of President John F. Kennedy, and President Lyndon Johnson urged the construction of the rapid transit system in the area to "help us fulfill our goal in making the District of Columbia the model city for the Nation that Washington ought to be." And we are all aware of the great promise for our Nation's Capital that President Richard Nixon envisions through the completion of this great enterprise.

All in all, we should be hard pressed to cite a finer example of local, congressional, and Executive togetherness than the spirit and effort of 20 years toward this goal.

All the studies and all the plans for the development and construction of this great transportation system have been made. At this point, the vital need is for a remedy for the financial crisis which has been brought about by the economic circumstances of recent years and which now threatens to delay the completion of the Metro system and thus further increase its cost. For two decades, the Congress has taken the lead in developing and approving the means of achieving this great vision for the Washington metropolitan area, and I am confident that this body will take firm and immediate steps to avert this present threat by favorable action on this proposed legislation today.

Mr. NELSEN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, some of us who find ourselves in the—I almost said "unfortunate"—position of being assigned to the Committee on the District of Columbia often find it very difficult, but we have been given an assignment and we try to do the job, having in mind that we are serving the Nation and our Federal city.

A number of years ago we put together a bipartisan team to go ahead with the transit system, having in mind that something would have to be done, but there has been delay, delay, delay not because of inaction of those who are in charge of the program but because of other obstacles that have arisen relative to other problems dealing with the transportation system of the District. But the cost has gone up and up and up because of inflationary trends which prevail all over the country.

Let me call attention to the fact that in 1950 459,000 automobiles crossed the District line daily in both directions. In 1960, 804,000 crossed the District line. In 1970, 1.2 million crossed the line daily, which is a 140-percent increase in that length of time. There will be further increases in the future unless some action is taken to implement mass transportation in the Washington, D.C., region.

I wish to call attention to the fact that in our deliberations in the committee some of us who move cautiously but deliberately were opposed to a provision in the bill that provided for public takeover. There are some of us who instinctively shy away from setting up a legislative delegative authority that is going to give WMATA a chance to expand its already broad authority. If that is to take place—public ownership—at a later date it needs to be reviewed carefully, because somehow or other it seems to be the rule rather than the exception that where there is public operation and ownership you do not always have the most efficient management. There is a loss of tax revenue, higher costs, and larger Government payrolls potentially facing a public takeover.

The committee has stricken the provision at one time appearing in the bill as far as public ownership of the D.C. Transit is concerned.

In the discussion earlier I noted that the Delegate from the District of Columbia asked to revise and extend his remarks. I do not know just what was in them. I should like to have heard the Delegate read the remarks for the reason that I noted on the news broadcasts this morning that he is requesting the presidential candidate he is supporting an endorsement of the so-called Washington agenda which provides for takeover of D.C. Transit and provision for free bus fares for District residents. If it is the feeling of the Congress that we are committing ourselves to free fares to District transit system users, I wish to make it known here and now that the taxpayers in Minnesota are not going to be very happy about putting Federal money into a system that is going to provide free bus rides in the District of Columbia.

I think it should be made very clear to the Congress whether they so intend to provide free busfares. I think that some of the very liberal forecasts of how the revenues are going to increase and be more than adequate to handle the interest costs of the bonds may be somewhat unrealistic 10 years from now. I have seen this happen before. It has not always worked out as promised; and I know there may be errors in judgment, but I do not wish to make the mistake of supporting something like free fares and bus company purchase without knowing that I may be indirectly supporting it.

The leadership of the District of Columbia Committee does not intend to provide free busfares or for the takeover of the D.C. Transit Co. I have not worked in committee on the details of this bill as some others have—Mr. CABELL and Mr. BROYHILL of Virginia—but I am generally well familiar with its provisions by reason of our work in the committee. My feeling is that we have done the best that we can under these circumstances in reporting out this bill. But I do not want loopholes in this bill that provide for things I do not support.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Iowa.

Mr. GROSS. I am very much interested because we had taken a position contrary to the position of the Delegate of the District of Columbia, because we had that issue up when the busing bill was before the House.

Is the gentleman suggesting that the delegate from the District of Columbia might come along at some time later, after good old "Uncle Sucker" was made the beneficiary of the bonds, in a takeover process, and want the people of the District of Columbia to ride free on this subway that had been unloaded on the Federal Government?

Mr. NELSEN. I do not know. The Delegate's position, I assume, is as stated in his extension of remarks in the RECORD without any oral statement on the floor. I would like to know what the position is on the part of the Delegate from the District of Columbia as to what he supports and what he believes this bill provides as it relates for bus fare subsidy and transit purchase.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I am happy to yield to the gentleman.

Mr. FAUNTROY. Mr. Chairman, while the discussion of free transportation is not at all relevant to the bond issue that is before us for decision——

Mr. NELSEN. I do not agree with the gentleman. It is very relevant in my opinion.

Mr. FAUNTROY. I am sorry this question has been raised. I only wish the distinguished gentleman, my close colleague, would carefully read the entire Washington agenda, for then he would see why the citizens of the District of Columbia believe transportation ought to be free. Frankly, personally I agree with them.

The time has arrived when transportation, like police and fire protection, street maintenance, sanitation, and street lights ought to be provided through the general revenues, thereby spreading the cost to everybody, and protecting everybody in the system at the lowest possible rates.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FAUNTROY. I will yield to the gentleman.

Mr. NELSEN. Mr. Chairman, I have the time. Has the gentleman completed his statement?

Mr. FAUNTROY. No, I have not. May I simply revise and extend my remarks?

I cannot imagine anyone here wanting to return to the era of paying the firemen when they respond, of paying the police on a "use basis," of paying for the maintenance of the street and sidewalk in front of his house. No one seriously suggests "use basis" payment because we all want what is best for all of the people; we all want viable communities, we all want our children and our elderly to be able to participate in all of the events that this Nation and particularly this city can offer.

The fact is that a family of four cannot visit our free museums and galleries, they cannot attend the free concerts, they cannot visit the free zoo and see our playful pandas for less than $3.20. This is an utter shame and it is worse when we stop and realize that the man probably earns less than $3.20 per hour or a mere $6,300 per year.

Transportation is more than allowing people to visit the free events. It is allowing an elderly person to attend church, to visit the doctor and friends, to shop. It is the basis of bringing people to the central business district where goods and services are sold, taxes paid, people employed. It is the lifeblood of a city and it seems to me that these values are worth preserving and worth paying for through the use of general revenues.

The most recent studies show the fallacy of continuing to provide a system of private car transportation for an average one-way commuting trip to the central business district based on 6.2 miles distance in a metropolitan area of 1 million plus person. It costs 42 cents per person per one way by bus versus $2.28 per person for the same trip in a private car. Even using average per person costs in private car transportation, the costs, then based on 1.6 people per car, is a still very high $1.42 per one-way trip. Now the fact is that this is using a very favorable 10-year lifespan for a car and an average—and in this area low—12-year lifespan for buses.

Even the allocation of public costs is extraordinary between the two modes. Assuming transit fares cover operating costs and that fares represent private cost, the fact is that the taxpayer is paying 27 cents per one-way trip per car versus 8 cents per one-way trip per bus. For just a net expenditure of 7 cents more we can make that trip free.

Let me tell you what this means. It means that we can turn some of 142 miles of freeways back to productive use. In this urban community we have 340 square miles of urban area with 142 square miles of freeways—more freeways per miles and per capita than any other city in the United States. Of the 62.5 square miles or 40,000 acres in the city proper, 30 percent is devoted to highways. Since 1948, past and present plans consume 1,218 acres of land.

The loss of property and other taxes is expected to exceed $6 million per year. Today, 60 percent of the central business district is devoted to the function of storing and moving motor vehicles. Less than half of this figure results from the L'Enfant plan.

With the increases in roads and cars came increases in traffic injuries. In 1940, 5.9 persons per 1,000 residents were killed or injured in traffic accidents. In 1964, after $400 million in traffic improvements were made, the accident figures rose to 13.6 persons per 1,000 residents.

In short, injured and dead rose from 3,900 in 1940 to 11,000 in 1964. The costs of these accidents is immeasurable. Yet, the population decreased from a high of 920,000 in 1947 to 760,000 in 1970. Need I begin to discuss the other external costs? Inordinate travel times because everyone drives, pollution, respiratory disease, lead poisoning, et cetera.

Mr. Chairman, I am sorry that it is necessary to take the time to discuss a matter that is not at issue here. The issue is support for the bill and nowhere do I or does anyone urge that the system be free or even be subsidized. All we ask here is the opportunity to be able to see the means to sell bonds at prices we can afford in anticipation of fare box collections.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Virginia.

But first let me say that if Mr. FAUNTROY wishes to provide free bus fares to District residents that he come up with ways to pay for it other than Federal subsidy. I might point out that in committee the other day Mr. FAUNTROY opposed retroactive pay for District police, as I understand it, because there were insufficient funds to provide for it. Where is he going to get the funds for free transit fares and to buy a bus company.

Mr. BROYHILL of Virginia. As I pointed out in my remarks, this legislation prohibits any subsidy for any community for any rides to be charged to the transportation system itself. That would have to be provided by the community.

If the Delegate from the District of Columbia (Mr. FAUNTROY) wants to provide free fares for the citizens of the District of Columbia, he would have to come back with subsequent legislation asking for such payment.

Mr. GROSS. Now is that not nice? What a beautiful clobbering for the taxpayers of Iowa and Minnesota when they come back in subsequent legislation and make them pay through the nose for a program that benefits principally the District of Columbia and the States of Maryland and Virginia. And they will ride the subway free if the Delegate from the District has his way, and all our taxpayers would pay the bill. I do not like it.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Connecticut.

Mr. GIAIMO. I believe it should be made eminently clear that on page 17 of the legislation, as the gentleman from Virginia pointed out, there is a compact against charging any of these reduced fares to the Washington Metropolitan Transit Authority. The Washington Metropolitan Transit Authority is going to furnish subway service. People are going to pay for it.

If some one of the subdivisions wants to come in and make a provision for reduced fares to the poor, or for reduced fares to the elderly, or for reduced fares to the handicapped, that is not a function or a cost of the WMATA. That money will have to be paid to the Transit Authority by the jurisdiction which wants to be generous and kind. We cannot and must not, and under the law absolutely cannot, charge it to the Transit Authority.

Whatever the delegate from the District of Columbia may suggest, he would have to find the money elsewhere, and presumably in the District of Columbia.

Mr. NELSEN. Mr. Chairman, I will conclude my remarks in a moment, and only wish to say that I realize what has been said is contained in this bill.

I dislike very much to have this kind of a proposition suggested over radio and television and not on the floor. I regret that I did not see the statement. It was put into the RECORD without my having an opportunity to read it. As you know one cannot read an extension of remarks, ordinarily until the next day or with the permission of the author.

This does not show responsible leadership, to ask the taxpayers in Minnesota, in Iowa, and all over the country to help pay for the construction of this subway system and then later be asked to provide free rides; because every other community could ask for the same thing and certainly they would be entitled to it if it is provided District residents.

I, for one, do not want to have my fellow members claim that we were not honest in bringing up this bill if 6 or 12 months from now another bill is reported out (even over my objection) providing for free bus fares.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield for a question?

Mr. NELSEN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I think it is important at this point in the debate, and I would suggest to the gentleman from Minnesota that we should clarify one matter. Perhaps the explanation offered by the gentleman from Connecticut (Mr. GIAIMO) has already done that. But I, for my own part, would like to make it perfectly clear that in supporting this legislation today, and as I understand it this is an administration initiative, it is supported by the White House, by the Department of Transportation, by the Treasury Department, and supported by the Republican leadership on this side of the aisle, that in supporting this particular legislation we are not taking even the first small step down the road toward approving free fares for any riders in the District of Columbia.

I am correct in that, am I not?

Mr. NELSEN. The gentleman is correct and I thank him for his remarks which further clarify this matter and I state that I wish to associate myself with his remarks. I believe we are committed to this bill but I believe it should be made abundantly clear that we are not endorsing free transit use or the purchase of a bus company.

Mr. Chairman, the Congress is commited to the construction of a regional mass transportation system in the Nation's Capital. The large number of employees of the Federal Government who live in the metropolitan area must be transported from their homes to their offices in the District of Columbia in an expeditious manner and yet in a manner that does not cause excessive pollution in the air in the District of Columbia either for its residents or for those many visitors to the Nation's Capital. Furthermore, the traffic congestion that the city of Washington has experienced over the last 20 years cannot continue without either vastly improving and increasing the highway system, the parking system in inner city areas, while at the same time, insuring that some type of device is installed on all automobiles that will maintain the exhaust fumes from automobiles at a level that will not contaminate the air beyond permissible and reasonable limits.

The number of vehicles crossing the District of Columbia boundaries during a 24-hour period has increased dramatically since 1950. In 1950 it was estimated that 495,000 automobiles cross the District of Columbia boundaries daily. In the 1960's the estimate was approximately 804,000 automobiles crossed the District of Columbia boundaries daily; and in 1970, the number was approaching 1.2 million daily—for an increase over 20 years of 140 percent. There is every indication that that number has risen substantially since 1970 and will continue into the 1970's and 1980's without some relief such as a subway system.

The commitment of the Congress to the establishment to the National Capital region mass transportation goes back to 1960.

The most recent action of the Congress relating to the Transit Authority was the approval of the National Capital Transportation Act of 1969 (83 Stat. 223), which projected the development of a 98-mile system at a cost of $2.535 billion and authorized Federal contributions of two-thirds of the net project cost for the construction of the planned facilities.

Ground breaking for the 98-mile transit system took place soon after approval of the act by the President. Initial construction was concentrated in the District of Columbia which is the core area of the region. At the present time, about 11 miles of the system are under construction. Work is proceeding at Judiciary Square, Union Station, Farragut Square, and along G Street, out Connecticut Avenue to DuPont Circle, and on both sides of the Potomac River at Georgetown and Rosslyn, Va., and tunneling has progressed as far as Rock Creek. A total of 26.9 miles are under final design. Fourteen stations are under construction, and 23 stations are in the final stages of design.

A major objective of the Transit Authority, the administration, and the compact signatories is to hasten construction of the system, looking forward to completion to the maximum extent possible by the bicentennial year of 1976. It is estimated that during the bicentennial activities an estimated average of 100,000 visitors per day will visit the area during the year. Such parts of the system as are completed will furnish a much needed additional people moving capacity in the National Capital area.

As noted earlier, the principal construction authority for the transit system was enacted by the Congress in 1969, which placed the cost of the 98-mile system at approximately $2.5 billion. However, as all of us know from our own personal financial situation and from the experience in our own congressional districts in the cities, counties, and States that the costs of construction have risen dramatically in the last 3 years. The Washington Metropolitan Area Transit Authority is experiencing the same problems in increases in costs that all local, State, and Federal Government projects are encountering.

In early 1971, the Transit Authority completed a study of the construction progress as of that date, the trends in construction costs, and the conclusions reached by advisers concerning financing of the transit facilities. On the basis of this study it was concluded that the financial plan of the Transit Authority should be revised. The impact of inflation on the construction industry had been without precedent, and the capital costs of the system had increased by about $486 million. It was also found that the potential revenues to the Transit Authority had also increased but the result projected was a net increase of $441 million in net project construction costs.

The original financial plan called for sale of $835 million of bonds which were unsecured revenue bonds. The remainder of the total cost of $2.5 billion was to be borne by the Federal and local governments in a ratio of two-thirds to one-third Federal-local sharing. Revision of the financial plan was imperative to meet the apparent deficit of nearly $450 million.

In addition, the findings of the financial advisers to the Transit Authority were that it would be practically impossible to successfully place the tax-exempt bonds which the Authority was authorized to issue. The alternatives open to the Transit Authority were providing a tax back-up for the revenue bonds, or the issue of taxable obligations supported by a Federal Government guarantee as to interest and principal. The time requirements and the difficulty of securing the tax support of the several local jurisdictions and the urgency of meeting the early need for more capital funds dictated the selection the alternative of Federal guarantee of Transit authority obligations, which were endorsed by the Secretary of Transportation and the Authority's financial advisers.

Now there are those in the House who will say that they forecast this underestimation of the cost of the subway system for the District of Columbia. Certainly I think that most Members of Congress anticipated that over the near-term that there would be some additional costs as a result of inflationary factors in our economy. However, the only alternative to meeting these inflationary costs by providing for increasing bonding authority of approximately $450 million is to cover this with appropriations to meet an apparent deficit. I believe that the choice of increasing the bonding authority is the better way to proceed in the total circumstances as they exist currently in the Washington, D.C. metropolitan area.

The proposed provisions of the new section 9 of the National Capital Transportation Act of 1969 permits the Secretary of Transportation to guarantee Transit Authority bonds issued with the approval of the Secretary of the Treasury. In addition, the Secretary of Transportation must certify that: First, the obligations represent an acceptable financial risk to the United States; second,

that the Transit Authority has entered into a suitable agreement with the Secretary to take such prudent action respecting its financial condition as the Secretary determines to be necessary to protect the interest of the United States; third, that the issue, unless the obligation is a short-term note, will be sold through a process of competitive bidding as the Secretary may prescribed; and fourth, that the interest rate is reasonable in view of market yields.

These requirements clearly provide necessary protections to the Federal Government. The important determinations are not left to persons below the Federal level.

However, the bill also authorizes the Secretary of Transportation, under certain conditions, to guarantee obligations to be sold by the Transit Authority through a process of negotiation. The Secretary must first make a determination that the prevailing market conditions would result in a higher net interest cost to the Authority or the cost of the issuance would otherwise be higher through the competitive bidding process. The Secretary of Transportation shall report his findings in writing, with detailed explanation of the reasons for the recommended action.

The net effect of these new provisions is that while the Transit Authority may receive the benefits of the Federal guarantee, the prime responsibility for the guarantee rests with the Secretary of Transportation and the Secretary of Treasury rather than with the Transit Authority. Thus, the same elements of confidence and judgment which normally guide the Federal Government in its issuance of obligations would be operating in connection with the sale of obligations of the Transit Authority.

The revised financial plan for the subway system, as I understand it, is generally as follows:

Under the revised financial plan, the net additional project cost will be $450 million to be shared on a two-thirds to one-third ratio between the Federal and local governments. Second, the Transit Authority will issue only obligations which are taxable. Third, an interest subsidy of 25 percent of the interest and marketing costs of placing its obligations will be paid by the Federal Government to the Transit Authority. The amount paid will be recovered from the money received by the Federal Government from taxes on income from such bonds. It is estimated that the amount paid will be sufficient to cover the debt service on an additional $300 million of bonds, increasing the total issue of bonds which may be guaranteed to $1.2 billion. No additional outlay is required from the Federal Government. Fourth, local jurisdictions will be required to pay an additional $150 million as matching funds, thus preserving the Federal-local matching ratio of two-thirds to one-third. Fifth, the District of Columbia is authorized to increase its share from $216.5 million to $269.7 million, and the borrowing authority of the District of Columbia is increased by a like amount to secure the necessary funds.

The advantages of the revised plan are that it will allow immediate sale of bonds at the most favorable interest rate and thus avoid any delays in the construction scheduled. It will allow local governments time to arrange the necessary legal steps to provide their increased share and at the same time protect the Federal interest by withholding the sale of the $300 million additional amount of bonds until the matching funds have been committed to or contributions have been paid into the Transit Authority.

Any guarantee by the Secretary of Transportation of a security issued by the Transit Authority shall be conclusive and incontestible except for fraud or material misrepresentation. The aggregate amount which may be guaranteed shall not exceed $1.2 billion. However, no obligation in excess of $900 million may be guaranteed unless local participating governments have made contributions to the Transit Authority in an amount of not less than 50 percent by which any proposed additional obligation would exceed the sum of $900 million or, if local enforceable commitments have been made to the Transit Authority, for payment of such contributions by the end of the fiscal year in which the obligation is issued. The interest on such bonds shall be considered as income for tax purposes under the Internal Revenue Code.

The provisions of the amendments in these bills are generally as follows:

I. Amends the National Capital Transportation Act of 1969 to:

(a) authorize the Secretary of Transportation, on approval of the Secretary of the Treasury, to guarantee the payment of the principal and interest on bonds or other evidences of indebtedness issued by the Transit Authority.

(b) authorize the Secretary of Transportation to make payments to the Authority amounting to 25% of the interest and other financing costs incurred by the Transit Authority.

(c) authorize the appropriation of such sums as necessary to make such payments.

(d) authorize an increase in the contribution of the District of Columbia to the Transit Authority from $216.5 to $269.7 million and provides funds for the increased contribution by increasing—by a similar amount—the authority of the District of Columbia to borrow from the Treasury.

II. Provide the consent of the Congress to amendments to the Compact to:

(a) remove the present limitation on interest rates applicable to borrowing by the Authority.

(b) provide for maintenance of fare box revenues by requiring local jurisdictions to make equitable payments to the Transit Authority for any difference between the full rate fare and any reduced fare available to any class of riders.

(c) provide labor standards governing operation of the Authority's transit facilities including a system of arbitration for the settlement of controversies or disputes which may arise between employee groups or between employees and the Authority. This is in effect a "no strike—no lockout" provision.

(d) permit the Authority to operate its transportation facilities either directly or under contract.

Generally speaking, the cost estimates as noted in the House Report No. 92–1155, accompanying this bill, are as follows:

This bill provides for new expenditures of Federal funds as follows: there is an authorization of appropraitions of such sums as may be necessary to (1) make payments under Federal guarantees of Transit Authority obligations, and (2) make payments to the Transit Authority of one-fourth of the interest and other marketing costs it incurs in issuing such obligations. The Transit Authority estimates that appropriation requests under that authorization will be made as follows: Fiscal year 1973—$8 million, fiscal year 1974—$11 million, fiscal year 1975—$16 million, fiscal year 1976—$20 million, and fiscal years 1977 and 1978—$21 million each.

As has been pointed out, the additional costs to the Federal Government are expected to be offset by the additional revenue the Federal Government will receive from taxes on interest income received from Transit Authority obligations.

The District of Columbia's share of the transit system is increased by $53.2 million dollars. However, the additional contribution will be made from funds provided by loans from the United States which will be repaid by the District of Columbia from its revenues.

This bill has the support of the Department of Transportation, the District of Columbia government and the Federal Office of Management and Budget. The latter indicates that enactment of this bill is in accord with the President's program for the Washington metropolitan area. It also has the strong support of members of the business and community groups who testified before the Committee of the District of Columbia. There are also a number of other provisions in this bill, as indicated earlier, which I would like to address. First, at one point it was proposed to be included in this legislation a provision authorizing WMATA to purchase and operate the D.C. Transit Bus System. I voted in the committee to delete that provision from the bill, and I will vote against any amendment on the floor today which would add such a provision to this bill. It is my position that that matter should be the subject of separate legislation and that any such purchase authority that is undertaken by Congress should be narrowly drafted if it is to be delegated—and it is questionable whether it should in fact be delegated—and it should be consistent with the earlier action taken by Congress in granting a franchise for the operation of the transit system in the District of Columbia to the D.C. Transit Co.

Furthermore, I believe that questions of such a matter in this bill will only tend to confuse the principal issue which is before us, which is that of the commitment that the construction of the subway system should proceed as we have authorized on a number of previous occasions by this Congress.

The following subjects are included in the bill, and I believe they have been reported out in a form such that they can be given favorable consideration by the House, that is, matters covering reimbursement for interest and related costs, lawful investments, compact labor amendments, and the matter of the compact labor amendment as well as fare box revenues.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. Mr. Chairman, I would rather reserve some of my time for other requests, and if the gentleman from Maryland would request time from my colleague (Mr. CABELL) I would prefer

that he do so. But I will be glad to yied time to the Members that I have on my list, and the first of those is the gentleman from Maryland (Mr. HOGAN).

So, Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, I want to associate myself with the remarks made by the gentleman from Illinois (Mr. ANDERSON) and to state that those of us who so strongly support this legislation as well as the concept of a balanced transportation system, are in no way indicating that we are in support of free bus transportation. I personally would very much oppose such a thing.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Texas.

Mr. CABELL. Mr. Chairman and members of the committee, this dog has been kicked around long enough, and I think it is time we put it to rest. This argument about the reduced fares is completely moot. The bill before us becomes the indenture under which those bonds are sold and as long as there is one of those bonds outstanding it cannot be amended, and there can be no reduced fares. Furthermore, the compact has the obligation to put a fare on the fare box sufficient to pay these bonds and their interest.

So let us not kick that dog around any longer. If we have anything else to argue about, all right, but this argument is completely moot.

Mr. NELSEN. I thank the gentleman, but I believe our discussion was enlightening to all Members.

Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I do not believe the relationship between this bill and the reduction of fares could be any more forcibly or better stated than has already been done by the gentleman from Connecticut (Mr. GIAIMO), and the gentleman from Texas, the chairman of our subcommittee (Mr. CABELL).

The gentleman from Texas (Mr. CABELL), has served as the chief executive of one of the large cities in the United States, and he well understands the needs and problems of a metropolitan area. He has worked long and hard on this legislation, and we are eternally grateful to him for his careful analyses and his work in its production.

Let us face it, 12 of Metro's most difficult downtown underground track-miles and 16 similarly difficult subway stations are already under construction, with contracts let amounting to 27 percent of the total system's cost, as was planned and forecast. In terms of construction much of the hard work is done or underway so that a fast highly automated and very practical system will be ready to serve the citizens from the 50 States who will celebrate the Nation's bicentennial with visits here.

With labor costs in this automated system amounting to only about 55 percent of operating costs, the Metro is a practical and conservative investment. But its financing is tied to the sale of revenue bonds beginning now. At the present time, however, this is difficult because of the current strong demand for capital the availability of more seasoned securities, the past congressional delay in releasing the District of Columbia's contribution and the competition of bonds backed by tax-raising authority. Thus, Metro's revenue bonds require a Federal guarantee, as would be provided in this legislation.

The alternatives would produce an overall increase in costs and almost certainly an additional Federal grant. Economy and prudence—in assuring that the great investment already made in the system is not undermined—require a vote today for the Federal guarantee.

The guarantee sought today would be for an amount not to exceed $1.2 billion. Since the Metro program has always worked under a conservative approach designed to pay off all bonds from revenues, the Federal guarantee would be backing a very conservative enterprise.

The Metro cars' average speed of 35 miles an hour, for example, is as much as twice the speed of older systems and will not only attract riders but reduce the number of trains needed, saving on both crew and maintenance costs. The broad, sweeping curves of track that permit this speed are made of heat-treated rails that promise a life expectancy four times that of ordinary rail.

The longer cars, their automation and their easy housekeeping all are planned to permit a good ratio of revenue to costs.

Metro's planning and its accuracy in forecasting these future costs gain great credibility from its great accuracy in estimating the costs of construction.

Pride in our Nation, prudence in our use of public moneys, concern for the soundness of our cities—all dictate a vote in favor of this Federal guarantee.

Mr. CABELL. Mr. Chairman, I yield to the gentleman from Louisiana (Mr. WAGGONNER) 3 minutes.

Mr. WAGGONNER. Mr. Chairman, it is in no way my intention to criticize the House Committee on the District of Columbia.

The truth is that they have an impossible task. They are doing a good job in an impossible situation.

I think the truth is that all you can do here is probably to voice a protest by voting "no" because as a practical matter, I can see no way to build this system and to bring it to its completed stage except to guarantee these bonds.

But I am here today simply to point out that you have to be on pot—if you believe these statistics that are up here—having to do with the estimated income statement for 1990.

In 1965, we authorized the construction of a system to be 25 miles long. It was estimated to cost $438 million. In 1969, we expanded it to be a 98-mile regional project to cost in the vicinity of $2.5 billion.

Go back and look at the track record. How many of you remember the rosey and glowing projections about the District of Columbia stadium and its value—look where it is now. They cannot even pay the interest on the borrowed money. They are paid nothing on the principal.

Go back and look at the glowing and rosey projections about the Kennedy Center and what it would do and what income would be available there toward its operation and the retirement of the debt. Go and look at yesterday's paper and you will see that they cannot even pay the construction costs and they need upward of $5 million now to even pay their delinquent operating costs.

Anybody who believes that these figures are right just simply adheres to the old idea that you can prove whatever you want with statistics. It is not easy to believe, if you know what to believe in.

But do not believe these figures. The revenues are not going to be there. It simply is not going to be the case. The Government is going to subsidize it from here on and make no mistake about it.

If you think this is not so, look at New York City which has a system for which they cannot even pay their operating costs much less defray modernization costs and construction costs if they want to expand the system. You are not going to do it here either. Revenue sharing will not even do it.

I am just simply saying that if you are going to vote for it—just vote for it on the basis that this is the only way to complete it.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman.

Mr. LONG of Maryland. The gentleman surely has, as I have, looked at the average income of the people who live in the Washington area and compared it with the average income in his own district. I have certainly compared it with the average income in my district. Average income in the Washington area is the highest in the Nation.

I ask, why the moderate-income people who live in my district or in your district for that matter, should dig into their pockets to pay a transportation subsidy to the people who live in one of the highest income areas of the United States?

Can the gentleman give me any reason why?

Mr. WAGGONNER. We are told we are going to make Washington your model city. It is a model, all right, but at the wrong end of the spectrum.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from Maryland.

Mr. HOGAN. The gentleman made some very sage observations about the stadium in the District of Columbia and the Kennedy Center. I would remind the gentleman that there are those who seriously propose creating still another white elephant here in the District of Columbia—a sports arena. I hope the gentleman will oppose that as I do. The facility which will be built in Largo, Md., is far preferable.

Mr. WAGGONNER. We have one here, do not worry about another one yet.

Mr. CABELL. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I rise in support of this legislation. I do not think there is any Member of the House who will be more adversely affected by the construction of the Metro than I am, as I told you some time ago, because they are building a station right in front of my house on D Street SE., and will be terrible for me personally for the next year and a half. It will come within 4 feet of my house, taking the front yard, the trees, and everything else.

The fact is that I believe in Metro because it is in the best interest of the District and of the people of this country, and I do not think we are here today to argue whether we should or should not have Metro. Metro is already in construction. Metro has been approved by the Congress. We must go ahead with it. Certainly we do not want to stop construction on Metro after we have spent or committed to spend in the neighborhood of $500 million already of the total package cost of $3 billion. The question today is one of financing. That is the argument.

Surely, it is all well and good to point out, as my good friend from Louisiana did—and I love him and he knows that I do—the problems of the District of Columbia Stadium, which is used 7, 8, 9, or 10 days a year, and surely it is all right to point out that the Kennedy Center is costing us money, and I am not going to get into the argument of how you evaluate the real benefits of a cultural center. Is it in terms of just dollars alone or is it in terms of the great cultural contributions which it brings to our Nation?

Suffice it to say, America lags behind many of the other nations of the world in supporting the arts and humanities, and at long last we have begun to do something about it and we are supporting them.

Metro is a very real thing. It is going to carry people to and from their occupations in the city, and the gentleman from Louisiana—and I hate to pick on my good friend, Mr. WAGGONNER—has pointed out that the New York Subway System cannot pay its own way, and it is true that it cannot pay its own way. Many Metro systems are old and antiquated, and with rising operating costs, rising labor costs and everything else, they cannot pay their own way.

But I would ask this committee one question today: Could the City of New York survive without a mass transit system? I submit to you that the city would not.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I am delighted to yield to the gentleman from Louisiana.

Mr. WAGGONNER. Perhaps it would be a better question if we asked whether New York can survive with one.

Mr. GIAIMO. The question is a good one. But the fact of the matter is, and I am sure the gentleman well knows, that with our growing population we have got to have mass transit. We have got to have it in these large urban areas. We certainly have to have mass transit in a city the size of New York, and it is obvious that we have to have one here in the city and in the Greater Washington area.

So the question today is not whether we should go ahead and build a subway. We are already building it. We have already spent or committed $500 million. The question today is what? First, changing the method of selling bonds because of the fact that they cannot, on the best advice obtainable, sell tax-exempt bonds. They must be bonds guaranteed either by the full faith and credit of the Federal Government or by some tax back-up plan, which cannot be accomplished, particularly since, as I understand it, the Supreme Court of Virginia has ruled against it.

This leaves the full faith and credit of the Federal Government. Is that unusual? It is not.

We are guaranteeing hundreds of millions of dollars in bonds for housing, billions of dollars over a 40-year period. We are doing it in many other areas. In this instance, we are asking to have taxable bonds issued to the extent of $880 million or $900 million taxable bonds issued, guaranteed by the Federal Government, and hopefully and I trust they will be retired out of the fare box.

In addition to that, because of the high inflation which has hit this Nation in the last 3 or 4 or 5 or 6 years, and because of delays in construction and in getting underway, and because of refinement in engineering design, the original cost of Metro has increased by $450 million.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. CABELL. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. GIAIMO. Where will that money come from?

It will come, $300 million of it, from the Federal Government through this interest subsidy. Bear in mind that the $300 million will be matched by another $150 million by the other communities, making in all $450 million additional which is needed. Of the $300 million interest subsidy which the Federal Government will be putting in, that will be recouped by the Federal Government by the fact that it will be deriving taxable income on the bonds, and it should wash out; in fact, I think there will be a balance left in favor of the United States Treasury, as I think the gentleman from Viriginia pointed out.

So this works out fairly well, and it will enable us to obtain the $450 million additional needed for the additional cost estimate.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Chairman, I commend the gentleman from Connecticut for his very fine statement.

I support the bill. I had the privilege of serving on the District Committee and chairing this subcommittee the able gentleman from Texas chairs now. The plan was discussed in the committee for many years. I think this is the only way we can sell these bonds. It is not unique to pledge the full faith and credit of the Government behind these bonds. I think the plan is feasible, and we need it very desperately in the District of Columbia.

Mr. Chairman, I commend the gentleman for his statement and urge the passage of the bill.

Mr. GIAIMO. I thank the gentleman from Florida.

Mr. Chairman, there is another thing I would like to point out here. Metro has come in and honestly shown why it is going to cost $450 million additional over the past 3 years. There have been all kinds of figures mentioned as to what the ultimate cost of Metro will be. The best estimate figures at the present time are $3,046,000,000. We have never in the history of this Congress authorized a public works program where we have hit an estimate on the head, and let us not fool ourselves today, but Metro has held very closely to the line on its estimates and what has actually happened. I think they are to be commended. For example, on the contractor's low bids, compared with Metro estimates as of May 10, 1972, the Metro estimates were $592 million.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. NELSON. Mr. Chairman, I yield the gentleman from Connecticut 2 additional minutes.

Mr. GIAIMO. Mr. Chairman, the contractors' low bids, and this included figures as of May 10, as compared with the WMATA estimates shows the estimate was $592 million—and remember, these are contracts actually contracted for and let—and the contractors' low bid was $544 million, which shows a differential in favor of Metro. So they are doing good bargaining. They are doing even better than staying within their original estimates.

There is no runaway in the costs as compared to the estimates. This includes many or all of the contracts which are contracted for and engaged in today. It includes the ones which were recently let for the subway cars. This shows a real effort on the part of the Transit Authority to hold the line on inflation and on inflated costs.

Mr. Chairman, I think this legislation is necessary, because obviously if we do not pass it and if they cannot sell their bonds under the present legalization, they will not be able to proceed with Metro.

Mr. GROSS. Mr. Chairman, will the gentleman yield to me?

Mr. GIAIMO. Yes. I yield to the gentleman from Iowa.

Mr. GROSS. Why can you not sell the bonds? This is a question that no one seems to be able to answer.

Mr. GIAIMO. Mr. GROSS, if you have ever dealt with bonding authorities—and they are mainly located in New York—you will find they are pretty tough cats to deal with. The fact of the matter is that they want the best they can get for the money and the best they can get for the money means governmental guarantees. Authorities which seek to sell bonds have a very difficult time in doing that at any time in our history and particularly today when there is high competition for the available bond dollar.

Mr. NELSEN. Mr. Chairman, I yield

5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, passage of this legislation is absolutely essential if we are to realize our goal of establishing and operating the Metro system in the Nation's Capital.

On two previous occasions this year, the House by overwhelming margins approved the continuing funding of the subway in the District of Columbia and transportation appropriations bills. This meritorious legislation should likewise receive our enthusiastic endorsement.

Make no mistake about it, a vote against this bill is a vote against the hopes, the sacrifices, and the determination of the many individuals who have such a vital stake in the successful completion of this project. I had the privilege of inspecting portions of the subway last December and I was amazed at its progress. There can be no question that the Metro will add immeasurably to the prestige of our Nation's Capital. I am convinced that our system will rival and surpass those of Moscow, Paris, and London. In terms of design, safety, and equipment, it will be second to none.

And with the 100,000 visitors that will be flocking to the Capital and its environs each day in 1976 for the bicentennial celebration, it is imperative that we allow for the anticipated 24 miles of service linking 28 stations by that time. Passage of this legislation will help insure the attainment of that goal.

There is more at stake here, however, than questions of prestige and convenience to visitors. There is the even more urgent concern of the millions of area residents. It is they who must bear the agonizing frustration of not being able to travel from one point to another in this area with a reasonable expenditure of time and effort.

The daily experience of us all, coupled with the catastrophic conditions caused by the flooding of the Potomac last week, dramatically demonstrates the need for an alternate mode of transportation in the Washington metropolitan area. We cannot ignore the legitimate interests of those who seek nothing more than to reach their jobs or residences with a modicum of dignity and efficiency.

It is important to stress that there are 175 cases of precedent for the Federal guarantee of bonds issued by local governmental agencies. And there are two recent instances in Congress which provide a precedent for the interest subsidy embodied in the legislation we are now considering.

Also important is the fact that the taxability of the bonds will enable the Federal Government to receive back as much or more than the amount of the subsidy that will be paid on the bonds. Thus, no extra cost to the Federal Government should result from passage of this legislation.

All of us on one occasion or another have invoked the rhetoric of commitment to a balanced transportation system. All of us have pledged our support of efforts to ease the plight of the urban traveler. Let us now transform our rhetoric into reality by approving this bill.

Thank you, Mr. Chairman.

Mr. CABELL. Mr. Chairman, I yield at this time 2 minutes to the gentleman from Missouri (Mr. RANDALL).

(Mr. RANDALL asked and was given permission to revise and extend his remarks.)

Mr. RANDALL. Thank you, Mr. Chairman. I asked for this time to try to put a few things into perspective. One speaker said a moment ago there were precedents for what we are doing. I would ask the Chairman now if he knows of any mass transit projects anywhere in the country, other than this one where the Federal Government is guaranteeing revenue bonds. I think I know the answer. This is the only project that after revenue bonds have already been issued there is a subsequent request that they be guaranteed by the United States.

Mr. CABELL. Will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Texas.

Mr. CABELL. The gentleman from Texas cited several instances of guaranteed bonds for hospital construction for inner cities, and they have nothing to fall back on. This is not a general obligation tax bond; this is a capital bond which requires only one-third of this bond issue to pay their total capital outlay back. But they are given additional support and additional strength by pledging in their indenture that the fare rate must be kept at a rate that would top off and pay the obligation of these bonds; so it is a better bond than might otherwise be considered.

Mr. RANDALL. Of course, these may be guarantees for some hospital bonds, but I submit again this is the only transit project, metro or subway, in America in which the Government guarantees revenue bonds.

If I understood the Delegate from the District a moment ago, he advocated free transportation for the residents of the District.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDALL. May I have 1 additional minute?

Mr. NELSEN. I yield the gentleman 1 additional minute.

Mr. RANDALL. I will ask the gentleman, what will happen as we look down the road a few years to the day of home rule. What will happen if the city government under home rule says, "No, we are not going to pay attention to the compact; we are going to provide free transportation to our citizens?"

Mr. CABELL. Mr. Chairman, apparently the gentleman from Missouri was out in the hall at the time that this dog was laid to rest, so for his benefit may I advise him that this becomes a part of the indenture under which the bonds are sold, and once they are sold and guaranteed, they cannot be amended.

I do not know how much the gentleman knows about bonds, but one does not amend a bond indenture without the approval of the bondholder.

Mr. FRENZEL. Mr. Chairman, the Washington Metropolitan Area Transit Authority study shows that the Metro subway system cannot go forward without a Federal guarantee of revenue bonds issued by the Transit Authority. Without this Federal guarantee, financial experts tell us it would be practically impossible to market the tax-exempt bonds which the Transit Authority is currently authorized to issue.

This project has suffered more than its share of delays in funding authority. A total of nearly $1 billion has already been obligated for the Metro. A significant proportion of the system should be working to help carry the thousands of daily visitors during the 1976 bicentennial celebration.

Delay will only permit further inflation of projects. Hopefully Congress will move quickly to forestall further delays in construction.

Mr. HOGAN. Mr. Chairman, I rise in support of H.R. 15507, the National Capital Transportation Act of 1972.

The purpose of the bill before us, H.R. 15507, is to authorize Federal guarantees of debt obligations issued by the Washington Metropolitan Area Transit Authority and to complete the enactment of certain amendments to the Washington Metropolitan Area Transit Authority Compact, these amendments have been adopted by the legislatures of the States of Maryland and Virginia. Approval of the bill is urgently needed to facilitate and expedite the construction program for the completion and operations of the Transit Authority facilities.

Enactment of the bill would amend the National Capital Transportation Act of 1969 to authorize the Secretary of Transportation, on approval of the Secretary of the Treasury to guarantee the payment of the principal and interest on bonds or other evidences of indebtedness issued by the Transit Authority. I would authorize the Secretary of Transportation to make payments to the Transit Authority of an amount equal to 25 percent of the interest and other financing costs incurred by the Transit Authority. It would authorize the appropriation of such sums as are necessary to make such payments and authorize an increase in the contribution of the District of Columbia to the Transit Authority from $216.5 million to $269.7 million and to provide funds for the increased contribution by increasing by a similar amount the authority of the District of Columbia to borrow from the Department of the Treasury. The bill would also provide the consent of the Congress to amendments to the Washington Area Transit Authority Compact to remove the present limitation on interest rates applicable to borrowing by the Transit Authority the legislation before us today provides for maintenance of fare box revenues by requiring local jurisdictions to make equitable payments to the Transit Authority for any difference in the full rate fare and any reduced fare available to any class of riders, such as the elderly, schoolchildren, or low-income people. The bill would provide labor standards governing operation of the Authority's transit facilities including a system of

arbitration for the settlement of controversies or disputes which may arise between employee groups or between employees and the Transit Authority, and permit the Authority to operate its transportation facilities either directly or under contract.

Severe inflationary pressures within the construction industry have made necessary the revision of the financial plan for the Transit Authority. The revised financial plan covers the deficiency in the original plan and maintains the two-thirds to one-third formula for Federal-local participation in the costs of financing the system.

The Transit Authority's financial advisors concluded that it would be impossible to successfully place an issue of Transit Authority revenue-financed bonds. The alternatives were either a Federal guarantee or a complicated tax back-up to be approved by the several local taxing jurisdictions involved. The revised financial plan proposes the use of a Federal guarantee. It is important to the Transit Authority and to the signatory parties to the Compact agreement as well as to the Federal Government that the obligations of the Authority be issued on such terms that will provide for their purchase in the market at the lowest possible interest cost. The Transit Authority plan has progressed to a point where the needs for capital require the Transit Authority to rely primarily upon debt financing through the issuance of bonds or, for short interim periods, the sale of short term notes. To provide the best possible protection to the Federal Government for its guarantee, the Transit Authority needs approval of the proposed Compact amendments to maintain fare-box revenues and those designed to resolve disputes which might otherwise curtail or stop transportation operations. It is, therefore, urgent that this bill be promptly enacted.

The program for mass transportation for the metropolitan area was launched by the enactment of the National Capital Transportation Act of 1960, which provided the authority to study and prepare a development program. The National Capital Transportation Agency was created and charged with the responsibility of preparing a mass transit program indicating the location of facilities and containing a timetable for such development and of reporting on financial costs, revenues, and benefits to the National Capital Region.

Maryland, Virginia, and the District of Columbia were authorized by the 1960 act to negotiate an Interstate Compact agreement which would provide for a regional organization, as a successor to the Agency, to carry out and perfect the plans and proposals of the Agency.

The first authorization of rapid transit facilities was made in the act of September 8, 1965, the National Capital Transportation Act of 1965 which authorized a development program essentially limited to the District of Columbia, consisting of a basic system of 25 miles at an estimated cost of $438 million and designed for expansion into a regional transit system. Following the development and approval of the terms of the Washington Metropolitan Area Transit Compact by the Congress in the act of November 6, 1966, the Washington Metropolitan Area Transit Authority was formed. The Authority proceeded with the expansion of the transit system into the National Capital region outside the District and the development of the financial base within the compact jurisdictions to provide the contributions to furnish the local share of construction costs.

The most recent action of the Congress relating to the Transit Authority was the approval of the National Capital Transportation Act of 1969, which projected the development of a 98-mile system at a cost of $2.535 billion and authorized Federal contributions of two-thirds of the net project cost for the construction of the planned facilities.

Ground breaking for the 98-mile transit system took place soon after approval of the act by the President. At the present time, about 11 miles of the system are under construction. Work is proceeding at Judiciary Square, Union Station, and, Farragut Square, and along G Street, out Connecticut Avenue to Dupont Circle, and on both sides of the Potomac River at Georgetown and Rosslyn, Va., and tunneling has progressed as far as Rock Creek. A total of 26.9 miles are under final design. Fourteen stations are under construction, and 23 stations are in the final stages of design.

A major objective of the Transit Authority, the administration, and the compact signatories is to hasten construction of the system, looking forward to completion to the maximum extent possible by the bicentennial year of 1976.

In early 1971, the Transit Authority completed a study of the construction progress as of that date, the trends in construction costs, and the conclusions reached by advisers concerning financing of the transit facilities. On the basis of this study it was concluded that the financial plan of the Transit Authority should be revised. The impact of inflation on the construction industry had been without precedent, and the capital costs of the system had increased by about $486 million. It was also found that the potential revenues to the Transit Authority had also increased but the result projected was a net increase of $441 million in net project construction costs.

The original financial plan called for sale of $835 million of bonds which were unsecured revenue bonds. The remainder of the total cost of $2.5 billion was to be borne by the Federal and local governments in a ratio of two-thirds to one-third Federal-local sharing. Revision of the financial plan was imperative to meet the apparent deficit of nearly $450 million.

In addition, the findings of the financial advisers to the Transit Authority were that it would be practically impossible to successfully place the tax-exempt bonds which the Authority was authorized to issue. The alternatives open to the Transit Authority were providing a tax back-up for the revenue bonds, or the issue of taxable obligations supported by a Federal Government guarantee as to interest and principal. The time requirements and the difficulty of securing the tax support of the several local jurisdictions and the urgency of meeting the early need for more capital funds dictated the selection the alternative of Federal guarantee of Transit Authority obligations, which were endorsed by the Secretary of Transportation and the Authority's financial advisers.

Under the revised financial plan, the net additional project cost will be $450 million to be shared on a two-thirds to one-third ratio between the Federal and local governments. Second, the Transit Authority will issue only obligations which are taxable. Third, an interest subsidy of 25 percent of the interest and marketing costs of placing its obligations will be paid by the Federal Government to the Transit Authority. The amount paid will be recovered from the money received by the Federal Government from taxes on income from such bonds. It is estimated that the amount paid will be sufficient to cover the debt service on an additional $300 million of bonds, increasing the total issue of bonds which may be guaranteed to $1.2 billion. No additional outlay is required from the Federal Government. Fourth, local jurisdictions will be required to pay an additional $150 million as matching funds, thus preserving the Federal-local matching ratio of two-thirds to one-third. Fifth, the District of Columbia is authorized to increase its share from $216.5 million to $269.7 million, and the borrowing authority of the District of Columbia is increased by a like amount to secure the necessary funds.

Mr. Chairman, I urge my colleagues to support this vitally needed legislation.

Mr. NELSEN. Mr. Chairman, I have no further requests for time.

Mr. CABELL. I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Capital Transportation Act of 1972".

TITLE I—FEDERAL GUARANTEES OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY OBLIGATIONS

Mr. CABELL. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, at this time I object.

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

SEC. 101. The National Capital Transportation Act of 1969 is amended by adding at the end thereof the following new sections:

"GUARANTEE OF TRANSIT AUTHORITY OBLIGATIONS

"SEC. 9. (a) The Secretary of Transportation is authorized to guarantee, and to enter into commitments to guarantee, upon such terms and conditions as he may prescribe, payment of principal of and interest on bonds and other evidences of indebtedness (including short-term notes) issued with the approval of the Secretary of the Treasury by the Transit Authority under the Compact. No such guarantee or commit-

ment to guarantee shall be made unless the Secretary of Transportation determines and certifies that—

"(1) the obligation to be guaranteed represents an acceptable financial risk to the United States and the prospective revenues of the Transit Authority (including payments under section 10) furnish reasonable assurance that timely payments of interest on such obligation will be made;

"(2) the Transit Authority has entered into an agreement with the Secretary of Transportation providing for reasonable and prudent action by the Transit Authority respecting its financial condition if at any time the Secretary, in his discretion, determines that such action would be necessary to protect the interest of the United States;

"(3) unless the obligation is a short-term note (as determined by the Secretary), it will be sold through a process of competitive bidding as prescribed by the Secretary of Transportation; and

"(4) the rate of interest payable with respect to such obligation is reasonable in light of prevailing market yields.

Notwithstanding clause (3) of the preceding sentence, the Secretary of Transportation may guarantee an obligation under this section sold through a process of negotiation if he makes a determination that prevailing market conditions would result in a higher net interest cost or would otherwise increase the cost of issuing the obligation if the obligation was sold through the competitive bidding process. The Secretary's determination shall be in writing and shall contain a detailed explanation of the reasons therefor.

"(b) Any guarantee of obligations made by the Secretary of Transportation under this section shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee so made shall be incontestable, except for fraud or material misrepresentation, in the hands of a holder of the guaranteed obligation.

"(c) The aggregate principal amount of obligations which may be guaranteed under this section shall not exceed $1,200,000,000; except that (1) no obligation may be guaranteed under this section if, taking into account the principal amount of that obligation, the aggregate amount of that obligation, the aggregate amount of principal of outstanding obligations guaranteed under this section exceeds $900,000,000 unless the local participating governments (A) make, in accordance with agreements entered into with the Transit Authority, capital contributions to the Transit Authority for the Adopted Regional System in a total amount not less than 50 per centum of the amount by which the principal of such obligation causes such aggregate amount of principal to exceed $900,000,000, or (B) have entered into enforceable commitments with the Transit Authority to make such contributions by the end of the fiscal year in which such obligation is issued, and (2) obligations eligible for guarantees under this section which are issued solely for the purpose of refunding existing obligations previously guaranteed under this section may be guaranteed without regard to the $1,200,000,000 limitation.

"(d) The interest on any obligation of the Transit Authority issued after the date of the enactment of this section shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

"REIMBURSEMENT FOR INTEREST AND RELATED COSTS

"SEC. 10. The Secretary of Transportation shall make periodic payments to the Transit Authority upon request therefor by the Transit Authority in such amounts as may be necessary to equal one-fourth of the total of the—

"(1) net interest cost, and

"(2) fees, commissions, and other costs of issuance, which the Secretary determines the Transit Authority incurred on its obligations issued after the date of the enactment of this section.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 11. (a) There are authorized to be appropriated to the Secretary of Transportation such amounts as may be necessary to enable him to discharge his responsibilities under guarantees issued by him under section 9 and to make the payments to the Transit Authority in accordance with section 10. Amounts appropriated under this section shall be available without fiscal year limitation.

"(b) If at any time the moneys available to the Secretary of Transportation are insufficient to enable him to discharge his responsibilities under guarantees issued by him under section 9 or to make payments to the Transit Authority in accordance with section 10, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary of Transportation from appropriations available under subsection (a) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"OBLIGATIONS AS LAWFUL INVESTMENTS

"SEC. 12. (a) Obligations issued by the Transit Authority which are guaranteed by the Secretary of Transportation under section 9 shall be lawful investments, and may be accepted as security for fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof, and shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission to the same extent as securities which are issued by the United States.

"(b) The sixth sentence of the paragraph of section 5136 of the Revised Statutes of the United States designated 'Seventh', (12 U.S.C. 24) is amended by inserting ', or obligations of the Washington Metropolitan Area Transit Authority which are guaranteed by the Secretary of Transportation under section 9 of the National Capital Transportation Act of 1969' immediately following 'or general obligations of any State or of any political subdivision thereof'.

"(c) Any building association, building and loan associations, or savings and loan association, incorporated of unincorporated, organized and operating under the laws of the District of Columbia, or any Federal savings and loan association, may invest its funds in obligations of the Transit Authority which are guaranteed by the Secretary of Transportation under section 9."

Mr. GROSS (during the reading). Mr. Chairman, I ask unanimous consent that section 101 of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, none of the answers given as to why these bonds cannot be sold without a Federal Government guarantee, in my opinion, is valid.

These bonds could be sold if the brokers and purchasers had any faith in the District of Columbia. The reason why the bonds cannot be sold without Federal guarantee is because there is no confidence in the District of Columbia government's ability to pay. This is startling, because less than 2 months ago the Department of Commerce produced figures which showed that the per capita income in Washington, D.C., jumped 11.1 percent in 1971 over 1970, almost twice the national average of 5.6 percent.

When the people of my State, my county, or the municipality in which I live have to float bonds, there is no guarantee by the U.S. Government to help them get a favorable rate and U.S. Government to help pay the interest. They have to peddle their own bonds.

Let me add that in Virginia and Maryland per capita income has also increased. In Virginia it was up 6.9 percent and in Maryland it was up 5.9 percent. Thus the area served by this subway system is in better condition to issue bonds without the direct backing of the U.S. Government than are the people of Mississippi, Iowa, Minnesota, or Texas. Yet there are those who have the nerve to come in here today and ask that the taxpayers of Iowa and of all the other States underwrite the bonds for this subway boondoggle.

Let me go back to July 15, 1965, when Mr. Whitener, our former colleague from North Carolina, fronted out for a subway system. In a colloquy with the gentleman from North Carolina, Mr. Whitener, I asked:

Are the taxpayers of the country going to be saddled with the expense of providing parking lots to serve the subway in Virginia?

Mr. WHITENER. Of course the gentleman knows that after the $150 million is paid out of the District and Federal Treasuries in the fares paid in to the fare boxes will pay the balance. The folks who use the system will be paying for it.

I repeat:

The folks who use the system will be paying for it.

Later in that colloquy I said:

Go back and read the Record of the debate on the District of Columbia Stadium. You will find that Members of Congress came down to the well of the House as they are doing today saying it was not going to cost the taxpayers, your taxpayers and mine, a dime, for that white elephant stadium.

They also asserted that it would cost six or seven million, and it wound up costing $20 million.

Continuing with respect to the stadium I said:

Yet today not one dime has been paid on the principal of the stadium bonds, and they are not likely to be paid by the District. One of these fine days the House is going to get the bill for that $20 million. I said at that time I did not care if a stadium was built at every street intersection in the District of Columbia, and I do not care today if you build a subway system east, west, north and south in the District of Columbia, but I want the taxpayers of the District of Columbia and not the taxpayers I represent to pay the bill.

That was 7 years ago—

If you want this kind of a deal—if you propose to obligate your taxpayers today for nearly half a billion dollars to build a subway in Washington, D.C., that has an ultimate cost of $3 billion—

And I understand it is now estimated at $5 to $6 billion—

Then you explain it to the citizens you represent. I want no part of it.

And I doubt that the people of Texas want any part of this underwriting because you know as certainly as you are sitting or standing in this House today that it will be the U.S. Government that eventually takes over the bonds that you are proposing to underwrite—$1.2 billion worth of bonds. And it is something you will not do for any other transportation or transit system anywhere in the country.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. GROSS. Mr. Chairman, if you think that the Federal Government is not going to wind up holding the sack for $1.2 billion worth of subway bonds, you should look out of the windows of the House Chamber. I am sure you will see pigs flying by.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Texas.

Mr. CABELL. I want to thank the gentleman in the well for his splendid contribution to the passage of this legislation by having cited the splendid per capita income that prevails in the District, in Virginia, and in Maryland. This shows that there is ample per capita income for those folks to afford the fares necessary to pay off these bonds.

Mr. GROSS. The gentleman does not think for one cockeyed minute that the people in and near this area are going to miss the opportunity to saddle on poor old Uncle Sam the $1.2 billion; do you? I have been around long enough to know better. I listened to the assurances made to the House on the stadium deal, and on the beggar's roost known as the Cultural Center. I have heard all these assurances that have not been kept, and I am hearing another one here this afternoon. I hope that before that chart disappears from the well of the House that somebody reads the estimated income figures into the RECORD for posterity so that when the day comes that the taxpayers of the Nation wind up holding the bag for these local bonds anyone who cares to do so can look back in the CONGRESSIONAL RECORD, as I went back today to the assurances of the gentleman from North Carolina 7 years ago that after the $150 million we would not be asked for additional money.

Mr. Chairman, the proponents of this bill have displayed a chart in the House this afternoon in an attempt to justify this legislation. It reads as follows:

Estimated income statement in millions of dollars

Total fare box revenue	195.5
Nonfare box revenue	8.3
Adjusted gross revenue	203.8
Operating and maintenance expenses	(107.2)
Net revenue before depreciation	96.6
Depreciation expenses	15.3
Net revenue after depreciation	81.3

Mr. Chairman, anyone who believes the District of Columbia subway will ever return a net revenue of $81.3 million in 1990 or any other year believes that the rails are made of pure gold.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. O'KONSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the Committee, here we are again with a broken record. I have heard it time and time again in the years I have been a Member of this House. This is all it is going to cost. This is all it is going to cost. This is all it is going to cost. How many times have we heard this refrain?

What we are actually engaged in is a deception. We are again deceiving the taxpayers of our Nation. Time and time again we have engaged in gross deception. But this Metro system is the grossest deception of all time.

We deceived the taxpayers and Members of Congress when the Member from this House from the State of Arkansas got on the floor of the House over here and said that the stadium was going to cost $4 million. He said every penny of it would come back from the use and the rental of the stadium.

He deceived the taxpayers. It did not cost $4 million—it cost close to $20 million. It is falling apart at the seams and is costing the taxpayers $2½ million a year to keep it up. Every time the Redskins play a game at the stadium it costs the taxpayers a quarter of a million dollars.

We deceived and we lied to the taxpayers about the Center for the Performing Arts. I remember when supporters of the Center came in the well of the House and said "If we give them the land, that Center is not going to cost the taxpayers a dime—it is going to be paid for by the schoolchildren, a dime a piece. The taxpayers were to be spared."

But somehow the schoolchildren forgot about it and did not respond. It already has cost us $70 million. As one gentleman mentioned in the paper yesterday they are $5 million in the red right now. What the end is going to be—nobody knows. But they will be back for more millions, rest assured of that. And they will be back for more and more and more.

Again we deceived the taxpayers of this Nation. We are engaged in the biggest deception in the history of the Congress with Metro. Now we are deceiving them by what I consider to be the biggest boondoggle in the history of all mankind—and that is what this Metro System is—the biggest boondoggle in the history of man. Nothing in the whole wide world comes near the cost of this biggest of all boondoogles.

I do not know of a single boondoogle in the history of the world that is going to cost as much as this Metro System. When Members get up on the floor of the House over here and say its going to pay for itself they are engaging in gross deception. These same people said the stadium is going to be paid for by the rentals and by those who are going to use this stadium. They said the center is going to be paid for by the schoolchildren of America. Now they say these bonds are going to be paid for by way of the fare box.

They also say that Metro is going to cost only $3 billion. When anybody here comes before this body and tells me that this Metro System is going to be finished for $3 billion, they are insulting my intelligence, and I do not subscribe to it at all. This system is going to cost the taxpayers of the United States of America a minimum of $5 billion before it is finished and it could well go to $7 billion. And it may well never be finished after we spend the $7 billion.

You talk about priorities spending $5 billion to $7 billion in one city is madness. I think we would be better if we turned those holes that they have dug into the ground and handed them over to the underground like the Quick Silver and other underground groups. At least we would know where they are.

Now this is just for one city. It is going to set an example of what we are going to be asked to do in every major city in the United States of America. This is not the end—it is just the beginning.

Now let us look at it in another way. Suppose we took this $3 billion—not the $5 billion or $7 billion that it is actually going to cost—let us take just $3 billion—if we gave this $3 billion to Amtrak, we could restore railroad service to every major community in the country—to every city with a population in excess of 10,000 and we could put a quarter of a million men and women to work if we give this money to Amtrak instead of giving it to this boondoggle, the largest in the history of mankind—in one city.

So I am not going to be fooled by this figure of $3 billion.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(Mr. O'KONSKI was granted permission, at the request of Mr. GROSS, to proceed for 2 additional minutes.)

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from Michigan.

Mr. RUPPE. Is it not really true that there is one reason, and probably one only, why these bonds cannot be sold, and that is simply that the bond houses in New York have absolutely no confidence whatsoever that either the principal or the interest on the bonds will ever be paid out?

Mr. O'KONSKI. If there is any notion, or if any financier had any idea or belief that the bonds were worth the paper they were written on, you would not have this bill before Congress. The very fact that you have this bill before Congress demonstrates that no one in America feels that the value of these bonds is worth the paper they are written on unless the Federal Government says, "If they default, we will pay the bill."

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from Iowa.

Mr. GROSS. I want to point out to Members of the House that the gentleman from Wisconsin (Mr. O'KONSKI) is no "Johnny come lately" in opposition to Federal financing of this subway deal. He denounced this proposed rape of all the taxpayers on July 15, 1965, 7 years ago, just as he denounces it today, and I commend him.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman has made a profound statement and I agree with everything he says. I want to add one more consideration, however. People are going to be afraid to ride the subway because you are going to have a tremendous crime problem unless one or two thousand police ride shotgun on it day and night.

Mr. O'KONSKI. I wanted to point out that what you are doing is your are asking me and all other taxpayers to underwrite bonds that are not worth the paper they are written on otherwise you would not have to appear before this body and ask it to assist in the financing of the greatest boondoggle in the history of mankind.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(On request of Mr. CABELL, and by unanimous consent, Mr. O'KONSKI was allowed to proceed for 1 additional minute.)

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from Texas.

Mr. CABELL. The gentleman from Texas would like to express the very sincere regret that the gentleman in the well, who is a member of the committee, did not give to the committee any of his time or the benefit of his superior knowledge as to what the ultimate cost of this system would be. I am sure that had he seen fit to attend the hearings and to attend the markup meetings on the bill, his very sage observations and, I am sure, his accurate statements as to the probable cost would have been given an attentive hearing.

Mr. O'KONSKI. Is the gentleman talking about the cost of the system? Is that what the gentleman referred to? I may answer that by saying that the Rayburn Building, in which I have my office, was originally supposed to cost the taxpayers $32 million. When it was finished it had cost, I believe, $138 million.

Then you come before this body and say that you are going to build the subway for $3 billion, and I say that I have been around here long enough to know that that will be only a small percentage of what it will actually cost.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRASER. Mr. Chairman and members of the committee, I am not an expert on the Metro subway and I am not an expert on selling revenue bonds. But I do have the very firm impression from my work on the District of Columbia Committee that this bill is essential. We are going to have the Metro System completed. I do not really see any choice. This system is well under construction. We cannot stop now.

Before I was a Member of Congress there was a time that I was involved in trying to market municipal bonds. I know that just because a bond might be difficult to market does not mean it is worthless.

The revenue bonds are notoriously difficult to market particularly, when it is hard to predict with certainty that they will generate the needed revenue. But this does not mean the bonds are no good or that there is prospect for repayment.

I see no choice except to move ahead with Metro unless we leave a great many holes in the ground, and leave this area with a transportation system that is totally inadequate. I just do not see any choice. I really do not understand how anybody can propose that there is a realistic alternative before us.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I think the gentleman has made a very valid statement.

I ask the gentleman if it is not true that, given a choice, given the fact that the subway is already under construction, and the fact that we do not want to come to 1976 or any other year with torn up holes in the ground, I ask the gentleman whether the only other choice would be the infusion of more Federal capital funds into this project? The very purpose of this guaranty provision of the revenue bonds is to avoid new amounts of Federal capital having to be appropriated by this body.

Mr. FRASER. The gentleman is correct. As I understand it, the only other way to do it is by appropriation, if we do not do it in this way.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Iowa.

Mr. GROSS. I would be glad to shift the burden of this from the taxpayers of Iowa to the taxpayers of Illinois or Minnesota. I would be delighted to have it taken off our backs and transferred to the backs of the taxpayers of Illinois and Minnesota.

Mr. FRASER. I think the gentleman's constituents want to get around in the capital in an efficient manner also. These observations should have been made before this project was started.

Mr. GROSS. They were made.

Mr. FRASER. If we do not underwrite the sales of these bonds in this fashion, the funds for Metro will come directly from the taxpayers. There is no other choice.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the Delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, I thank the gentleman for his observations. I would like to remind the Members that at stake in this vote is whether or not we will complete the subway system. We have already voted on a number of occasions as to whether or not there should be a system, and that subject is not really the question before us unless we vote against this bond bill, in which case there will be required, as the gentleman pointed out correctly, an infusion of Federal capital to carry out the construction of the system, or we will not be able to complete the system.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Chairman, I can understand the gentleman's interest and the fact that he has done a great deal of work, profound work, exercised in behalf of the subway system.

I do think one of the weakest excuses possible for this legislation is the feeling or the statement that since we have begun or that we have 24 holes dug in the ground, that we have to go forward regardless of the cost. It seems to me the subway ought to be able to stand on better merit than that. This legislation today reflects the fact that the legislation was not well considered, and the cost and revenues of the project were not estimated accurately.

As the gentleman says, the revenue bonds are difficult to sell when the revenue itself is in question, and I think the gentleman has indicated that very well by his statement.

Mr. FRASER. When the revenue bondholders cannot predict with some confidence that the revenues will be sufficient to pay the principal and interest, they want some margin of safety. When we cannot give that firm assurance, it does not mean the bonds cannot be paid off, but only that marketing might be somewhat more difficult. Obviously its a gross overstatement to say that the bonds are worthless. I have been involved in the sale of municipal bonds, and I have some concept and some understanding of what the buyers want.

I think it is also unfair to say that Metro to date is only a series of holes in the ground. Development is much farther along than that.

Former Congressman Whitener was involved in the original work on this project, and he spent a great deal of time on it. There have been some changes in cost, and there will probably be more, but it seems to me quite clear that Washington needs a Metro subway system.

Mr. RUPPE. I understand the gentleman's position. I would suggest whether we guarantee the bonds or put more Government infusion of money into it is immaterial. I think we will have to pay out the moneys for the increased cost in the subways.

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BIAGGI: Page 7, insert after line 18 the following:

SEC. 102. The Secretary of Transportation shall (1) conduct a study to determine the additional funds (if any) needed to bring the facilities and services of the Adopted Regional System into conformity with the national policy respecting the needs of the elderly and the handicapped stated in section 16(a) of the Urban Mass Transportation Act of 1964, and (2) report to the Congress the results of such study.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

POINT OF ORDER

Mr. GROSS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Mr. Chairman, I think the House ought to proceed in an orderly fashion. This bill has not been considered as read. Only the first section, section 9, has been read. Therefore, I ask unanimous consent, without invalidating the reading of the gentleman's amendment, that the bill now be considered as read and open to amendment at any point.

PARLIAMENTARY INQUIRY

Mr. CABELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CABELL. Was this amendment to section 1, which has been read? Does it apply to that?

The CHAIRMAN. It is an amendment to the first section of the bill.

Mr. CABELL. I believe the gentleman from Iowa himself asked unanimous consent that it be open to amendment to the first section.

Mr. GROSS. Mr. Chairman, yes, but page 7 goes beyond the first section of the bill.

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from New York is an amendment to the first section of the bill.

Mr. GROSS. Mr. Chairman, a further point of order. The request I made was to dispense with the reading of section 9, which ends on page 4 with section 10.

The CHAIRMAN. The Chair will state that the unanimous consent request that was made by the gentleman from Iowa and that was agreed to was to dispense with further reading of the first section of the bill, which ends on page 7, line 18, and the amendment offered by the gentleman from New York is to the first section of the bill and is therefore in order.

The Chair recognizes the gentleman for 5 minutes in support of his amendment.

Mr. CABELL. Mr. Chairman, this side accepts the amendment offered by the gentleman from New York.

Mr. NELSEN. Mr. Chairman, we find the amendment acceptable.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. Yes. I am delighted to yield.

Mr. GROSS. What is the amendment?

Mr. BIAGGI. The amendment deals with the Mass Transportation Act of 1964, as amended by my amendment of 1970. This amendment would require the Secretary of Transportation to conduct a study to determine what additional funds, if any, would be needed to bring the facilities and services of the Metro subway stations into conformity with the national policy respecting the needs of the elderly and the handicapped. This national policy was established with the passage of my amendment to the Urban Mass Transit Act of 1970 which stated that the elderly and the handicapped should have an equal right to mass transit facilities. It further required that all federally funded projects include design features to meet their needs. It also authorized discretionary funding for modification of existing facilities and for research and development programs.

I decided to offer this amendment when I learned this weekend that a U.S. district judge ruled Friday that unless Congress provides the money, the Washington Metropolitan Area Transit Authority cannot be compelled to obey the Urban Mass Transit Act requiring added facilities to serve the handicapped.

Under the present plans for Metro stations, they will have only escalators to carry passengers from street-level station entries to the fare-collection mezzanines and from the mezzanines to the track platform and back again. The handicapped and elderly citizens need elevators at these stations, however, if they are to use this system. The Urban Mass Transit Act requires Metro to use part of whatever money is now available for the system to provide the elevators.

Mr. Chairman, the vast majority of Federal resources have been directed toward research and development of separate systems such as the Dial-a-Ride bus program currently in operation. Such separate systems are too costly and do not reach a sufficient number of the affected persons to justify the expenditures. We must have systems that can be used equally by our elderly and handicapped citizens—not separate and unequal facilities. The Washington Metro system and all of the Nation's transit systems must be as accessable to our elderly and handicapped citizens as they are to anyone else. We cannot stand idly by while these citizens are kept from riding on these facilities.

We must, therefore, modify existing systems as well as be certain that new mass transit facilities are accessible to these people. They cannot be treated as second-class citizens any longer. They have an equal right to use the system and should be served as a matter of course.

Mr. Chairman, my amendment to the Urban Mass Transit Act, section 16, marked a turning point in national concern for the transit needs of the elderly and the handicapped. For the first time, it was acknowledged that these people have an equal right to mass transit facilities. We must make every effort in the Congress to see to it that this section of the law is carried out.

I, therefore, offer this amendment to the National Capital Transportation Act to require a cost study by the Secretary of Transportation to determine the costs, if any, to bring the Metro facilities in line with the intent of Congress and make these facilities accessable to the elderly and handicapped citizens.

I urge my colleagues to support my amendment for the good of our elderly and handicapped citizens so that they may enjoy the new Metro system—along with everyone else.

Mr. GROSS. This does not provide for policemen or armed persons of some description to ride on every subway car, does it?

Mr. BIAGGI. No. Nothing whatsoever like that.

Mr. NELSEN. Will the gentleman yield?

Mr. BIAGGI. I am glad to yield to the gentleman.

Mr. NELSEN. I want to say this is a very thoughtful amendment. I know the gentleman is concerned that facilities are designed in a manner that makes it possible for the handicapped to make use of the system. It is a thoughtful amendment and I am sure this House will approve it.

I thank the gentleman for yielding.

Mr. CABELL. Will the gentleman yield?

Mr. BIAGGI. I am delighted to yield to the gentleman.

Mr. CABELL. Will the gentleman yield for a motion?

Mr. BIAGGI. Yes.

Mr. CABELL. Mr. Chairman, I move that the bill be considered as read and printed at this point in the RECORD and open to amendment at any point.

The CHAIRMAN. The Chair must rule that the gentleman from Texas is not in order in making that motion at this time. The Chair will entertain, however, a unanimous-consent request to that effect.

Mr. CABELL. Then, I make that as a unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The remainder of the bill is as follows:

TITLE II—INCREASED DISTRICT OF COLUMBIA CONTRIBUTION

SEC. 201. (a) Section 4(a) of the National Capital Transportation Act of 1969 (D.C. Code, sec. 1–1443(a)) is amended (1) by striking out "$216,500,000" and inserting in lieu thereof "$269,700,000", and (2) by striking out "$166,500,000" and inserting in lieu thereof "$219,700,000".

(b) Paragraph (3) of subsection (b) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9–220(b)(3)) is amended (1) by striking out "$216,500,000" and inserting in lieu thereof "$269,700,000", and (2) by striking out "$166,500,000" and inserting in lieu thereof "$219,700,000".

TITLE III—COMPACT AMENDMENTS

SEC. 301. (a) The Congress hereby consents to amendments to articles I, III, VII,

IX, XI, XIV, and XVI of title III of the Washington Metropolitan Area Transit Regulation Compact (D.C. Code, sec. 1-1431 note) substantially as follows:

(1) Section 1(g) of article I is amended to read as follows:

"(g) 'Transit services' means the transportation of persons and their packages and baggage by means of transit facilities between points within the Zone including the transportation of newspapers, express, and mail between such points, and charter service which originates within the Zone but does not include taxicab service or individual-ticket-sales sightseeing operations; and".

(2) Section 5(a) of article III is amended to read as follows:

"5. (a) The Authority shall be governed by a Board of six Directors consisting of two Directors for each signatory. For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia by the City Council of the District of Columbia from among its members, the Commissioner and the Assistant to the Commissioner of the District of Columbia; and for Maryland, by the Washington Suburban Transit Commission. In each instance the Director shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with his term on the body by which he was appointed. A director may be removed or suspended from office only as provided by the law of the signatory from which he was appointed. The appointing authorities shall also appoint an alternate for each Director, who may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate shall serve at the pleasure of the appointing authority. In the event of a vacancy in the office of Director or alternate, it shall be filled in the same manner as an original appointment."

(3) Section 21 of article VII is amended to read as follows:

"Temporary Borrowing

"21. The Board may borrow, in anticipation of receipts, from any signatory, the Washington Suburban Transit District, the Northern Virginia Transportation District or any component government thereof, or from any lending institution for any purposes of this title, including administrative expenses. Such loans shall be for a term not to exceed two years and at such rates of interest as shall be acceptable to the Board. The signatories and any such political subdivision or agency may, in its discretion, make such loans from any available money."

(4) Section 35 of article IX is amended to read as follows:

"Interest

"35. Bonds shall bear interest at such rate or rates as may be determined by the Board, payable annually or semiannually."

(5) Section 39 of article IX is amended to read as follows:

"Sale

"39. The Board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The Board may sell bonds at less than their par or face value but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the Authority calculated upon the entire issue so sold in excess of the applicable rate determined by the Board, payable semiannually, computed with relation to the absolute maturity of the bonds according to standard tables of bond values, deducting the amount of any premium to be paid on the redemption of any bonds prior to maturity. All bonds issued and sold pursuant to this title may be sold in such manner, either at public or private sale, as the Board shall determine."

(6) Section 51 of article XI is amended to read as follows:

"Operation oy Contract or Lease

"51. Any facilities and properties owned or controlled by the Authority may be operated by the Authority directly or by others pursuant to contract or lease as the Board may determine."

(7) Section 66 of article XIV is amended to read as follows:

"Operations

"66. (a) The rights, benefits, and other employee protective conditions and remedies of section 13(c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1609(c)), as determined by the Secretary of Labor shall apply to the operation by the Washington Metropolitan Area Transit Authority of any mass transit facilities owned or controlled by it and to any contract or other arrangement for the operation of transit facilities. Whenever the Authority shall operate any transit facility or enter into any contractual or other arrangements for the operation of such transit facility the Authortiy shall extend to employees of affected mass transportation systems first opportunity for transfer and appointment as employees of the Authority in accordance with seniority, in any nonsupervisory job in respect to such operations for which they can qualify after a reasonable training period. Such employment shall not result in any worsening of the employee's position in his former employment nor any loss of wages, hours, working conditions, seniority, fringe benefits and rights and privileges pertaining thereto.

"(b) The Authority shall deal with and enter into written contracts with employees as defined in section 152 of title 29, United States Code, through accredited representatives of such employees or representatives of any labor organization authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions.

"(c) In case of any labor dispute involving the Authority and such employees where collective bargaining does not result in agreement, the Authority shall submit such dispute to arbitration by a board composed of three persons, one appointed by the Authority, one appointed by the labor organization representing the employees, and a third member to be agreed upon by the labor organization and the Authority. The member agreed upon by the labor organization and the Authority shall act as chairman of the board. The determination of the majority of the board of arbitration, thus established shall be final and binding on all matters in dispute. If after a period of ten days from the date of the appointment of the two arbitrators representing the Authority and the labor organization, the third arbitrator has not been selected, then either arbitrator may request the Federal Mediation and Conciliation Service to furnish a list of five persons from which the third arbitrator shall be selected. The arbitrators appointed by the Authority and the labor organization, promptly after the receipt of such list shall determine by lot the order of elimination, and thereafter each shall in that order alternately eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator. The term 'labor dispute' shall be broadly construed and shall include any controversy concerning wages, salaries, hours, working conditions, or benefits including health and welfare, sick leave, insurance or pension or retirement provisions but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements, and the interpretation or application of such collective bargaining agreements and any grievance that may arise and questions concerning representation. Each party shall pay one-half of the expenses of such arbitration.

"(d) The Authority is hereby authorized and empowered to establish and maintain a system of pensions and retirement benefits for such officers and employees of the Authority as may be designated or described by resolution of the Authority; to fix the terms of and restrictions on admission to such system and the classifications therein; to provide that persons eligible for admission in such pension system shall not be eligible for admission to, or receive any benefits from, any other pension system (except social security benefits), which is financed or funded, in whole or in part, directly or indirectly by funds paid or appropriated by the Authority to such other pension system, and to provide in connection with such pension system, a system of benefits payable to the beneficiaries and dependents of any participant in such pension system after the death of such participant (whether accidental or otherwise, whether occurring in the actual performance of duty or otherwise, or both) subject to such exceptions, conditions, restrictions and classifications as may be provided by resolution of the Authority. Such pension system shall be financed or funded by such means and in such manner as may be determined by the Authority to be economically feasible. Unless the Authority shall otherwise determine, no officer or employee of the Authority and no beneficiary or dependent of any such officer or employee shall be eligible to receive any pension or retirement or other benefits both from or under any such pension system and from or under any pension or retirement system established by an acquired transportation system or established or provided for, by or under the provisions of any collective bargaining agreement between the Authority and the representatives of its employees.

"(e) Whenever the Authority acquires existing transit facilities from a public or privately owned utility either in proceeding by eminent domain or otherwise, the Authority shall assume and observe all existing labor contracts and pension obligations. When the Authority acquires an existing transportation system, all employees who are necessary for the operation thereof by the Authority shall be transferred to and appointed as employees of the Authority, subject to all the rights and benefits of this title. These employees shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records of labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The Authority shall assume the obligations of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employees. The Authority and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employees through their representative transferred to the trust fund to be established, maintained

and administered jointly by the Authority and the participating employees through their representatives. No employee of any acquired transportation system who is transferred to a position with the Authority shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits, than he enjoyed as an employee of such acquired transportation system."

(8) Section 79 of article XVI is amended to read as follows:

"Reduced Fares

"79. The District of Columbia, the Northern Virginia Transportation District, the Washington Suburban Transit District and the component governments thereof, may enter into contracts or agreements with the Authority to make equitable payments for fares lower than those established by the Authority pursuant to the provisions of article XIII hereof for any specified class or category of riders."

(b) The Commissioner of the District of Columbia is authorized and directed to enter into and execute on behalf of the District of Columbia amendments, substantially as set forth in subsection (a), to title III of the Washington Metropolitan Area Transit Regulation Compact with the States of Virginia and Maryland.

Mr. PEYSER. Will the gentleman yield?

Mr. BIAGGI. I am delighted to yield to my colleague.

Mr. PEYSER. I would like to compliment the gentleman from New York on his amendment. I think it speaks to the very problem involved in transportation throughout this country. I am delighted to have the elderly and the physically handicapped included in this kind of action and hope that it will produce results that will enable their travel to be made far easier and less expensive under this system.

I strongly urge that the House support this amendment.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I shall be glad to yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I wish to commend the gentleman from New York on his amendment. It is certainly worthwhile and deserving of support of the House.

We must explore every reasonable means to assure that the elderly and the handicapped truly have the same right as other persons to mass transit facilities. Conduct of this study to eliminate such barriers to free access to transit is consistent with the rigorous standards the Metro authority has steadfastly pursued.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BIAGGI).

The amendment was agreed to.

Mr. CABELL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BRADEMAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15507) to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. Without objection, the previous question is ordered on the bill and the amendment thereto.

There was no objection.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 282, nays 75, not voting 75, as follows:

[Roll No. 228]

YEAS—282

Abbitt	Carlson	Evins, Tenn.
Adams	Carter	Fascell
Addabbo	Casey, Tex.	Findley
Anderson, Ill.	Cederberg	Flynt
Andrews, N. Dak.	Chamberlain	Foley
Annunzio	Clausen, Don H.	Ford, William D.
Ashley	Clawson, Del	Forsythe
Aspin	Clay	Fountain
Aspinall	Cleveland	Fraser
Badillo	Collier	Frelinghuysen
Barrett	Collins, Ill.	Frenzel
Begich	Conable	Fuqua
Belcher	Conover	Galifianakis
Bennett	Conte	Garmatz
Bergland	Conyers	Gaydos
Betts	Corman	Gettys
Biaggi	Culver	Giaimo
Biester	Curlin	Gibbons
Bingham	Daniel, Va.	Gonzalez
Blackburn	Daniels, N.J.	Goodling
Blatnik	Danielson	Grasso
Boland	Delaney	Gray
Brademas	Dellenback	Green, Oreg.
Brasco	Dellums	Green, Pa.
Brooks	Derwinski	Grover
Brotzman	Dingell	Gubser
Brown, Mich.	Dorn	Gude
Brown, Ohio	Dow	Haley
Broyhill, N.C.	Drinan	Halpern
Broyhill, Va.	Dulski	Hamilton
Buchanan	du Pont	Hammer-schmidt
Burke, Mass.	Dwyer	Hanley
Burleson, Tex.	Eckhardt	Hanna
Burton	Edmondson	Hansen, Idaho
Byrne, Pa.	Edwards, Ala.	Hansen, Wash.
Byrnes, Wis.	Edwards, Calif.	Harrington
Byron	Ellberg	Harvey
Cabell	Eshleman	Hathaway
Carey, N.Y.	Evans, Colo.	Hébert
Hechler, W. Va.	Minish	Scott
Heckler, Mass.	Minshall	Selberling
Heinz	Mitchell	Shipley
Helstoski	Mizell	Shoup
Hicks, Mass.	Monagan	Shriver
Hillis	Moorhead	Sikes
Hogan	Morgan	Sisk
Horton	Moss	Smith, N.Y.
Hosmer	Murphy, Ill.	Springer
Howard	Murphy, N.Y.	Staggers
Hungate	Natcher	Stanton, J. William
Hunt	Nedzi	Stanton, James V.
Jarman	Nelsen	Steele
Johnson, Calif.	Nix	Steiger, Wis.
Johnson, Pa.	Obey	Stephens
Jones, Ala.	O'Hara	Stratton
Karth	O'Neill	Stubblefield
Kastenmeier	Pelly	Talcott
Kazen	Pettis	Taylor
Keating	Peyser	Teague, Calif.
Keith	Pike	Thompson, Ga.
Kemp	Pirnie	Thompson, N.J.
King	Poage	Thone
Koch	Podell	Tiernan
Kyros	Poff	Udall
Landrum	Powell	Ullman
Leggett	Preyer, N.C.	Van Deerlin
Lennon	Price, Ill.	Vander Jagt
Lent	Pucinski	Vanik
Link	Purcell	Veysey
Lloyd	Quie	Vigorito
Lujan	Rangel	Waldie
McClory	Rees	Wampler
McCloskey	Reid	Ware
McClure	Reuss	Whalen
McCormack	Rhodes	Whalley
McCulloch	Riegle	White
McDade	Robison, N.Y.	Whitehurst
McEwen	Rodino	Widnall
McFall	Roe	Wiggins
McKay	Rogers	Williams
McKevitt	Roncalio	Wilson, Bob
Macdonald, Mass.	Rooney, N.Y.	Wilson, Charles H.
Madden	Rooney, Pa.	Winn
Mahon	Rosenthal	Wolff
Mailliard	Rostenkowski	Wright
Mallary	Roush	Wyatt
Mann	Roy	Wylie
Martin	Roybal	Yates
Mathias, Calif.	Ruth	Yatron
Matsunaga	Ryan	Young, Tex.
Mazzoli	St Germain	Zablocki
Melcher	Sandman	Zwach
Mikva	Sarbanes	
Miller, Calif.	Satterfield	
	Saylor	
	Schneebeli	

NAYS—75

Andrews, Ala.	Henderson	Price, Tex.
Archer	Hicks, Wash.	Quillen
Ashbrook	Hull	Randall
Baring	Hutchinson	Roberts
Bevill	Ichord	Robinson, Va.
Bow	Jacobs	Rousselot
Bray	Jonas	Runnels
Brinkley	Jones, N.C.	Ruppe
Burlison, Mo.	Jones, Tenn.	Scherle
Camp	Kyl	Sebelius
Chappell	Landgrebe	Skubitz
Clancy	Latta	Slack
Collins, Tex.	Long, Md.	Smith, Calif.
Colmer	McCollister	Smith, Iowa
Crane	Mayne	Snyder
Davis, Wis.	Michel	Spence
de la Garza	Miller, Ohio	Steed
Denholm	Mills, Md.	Steiger, Ariz.
Duncan	Montgomery	Terry
Fisher	Myers	Thomson, Wis.
Flowers	Nichols	Whitten
Goldwater	O'Konski	Wydler
Gross	Passman	Wyman
Harsha	Patman	Young, Fla.
Hays	Patten	Zion

NOT VOTING—75

Abernethy	Chisholm	Frey
Abourezk	Clark	Fulton
Abzug	Cotter	Gallagher
Alexander	Coughlin	Griffin
Anderson, Calif.	Davis, Ga.	Griffiths
Anderson, Tenn.	Davis, S.C.	Hagan
Arends	Dennis	Hall
Baker	Dent	Hastings
Bell	Devine	Hawkins
Blanton	Dickinson	Holifield
Boggs	Diggs	Kee
Bolling	Donohue	Kluczynski
Broomfield	Dowdy	Kuykendall
Burke, Fla.	Downing	Long, La.
Caffery	Erlenborn	McDonald, Mich.
Carney	Esch	McKinney
Celler	Fish	McMillan
	Flood	Mathis, Ga.
	Ford, Gerald R.	

Meeds	Perkins	Schwengel
Metcalfe	Pickle	Stokes
Mills, Ark.	Pryor, Ark.	Stuckey
Mink	Railsback	Sullivan
Mollohan	Rarick	Symington
Mosher	Scheuer	Teague, Tex.
Pepper	Schmitz	Waggonner

So the bill was passed.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Arends.
Mr. Waggonner with Mr. Hall.
Mr. Dent with Mr. Devine.
Mr. Cotter with Mr. McKinney.
Mr. Celler with Mr. McDonald of Michigan.
Mr. Kluczynski with Mr. Broomfield.
Mr. Holifield with Mr. Erlenborn.
Mr. Fulton with Mr. Baker.
Mr. Pickle with Mr. Esch.
Mr. Pepper with Mr. Burke of Florida.
Mr. Meeds with Mr. Schwengel.
Mr. Blanton with Mr. Fish.
Mr. Boggs with Mr. Gerald R. Ford.
Mrs. Sullivan with Mr. Mosher.
Mr. Stuckey with Mr. Perkins.
Mr. Stokes with Mr. Dowdy.
Mr. Anderson of California with Mr. Bell.
Mr. Abourezk with Mrs. Abzug.
Mr. Hawkins with Mr. Scheuer.
Mr. Carney with Mr. Metcalfe.
Mr. Diggs with Mr. Gallagher.
Mrs. Chisholm with Mrs. Griffiths.
Mr. Abernethy with Mr. Hagan.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Mollohan with Mr. Donohue.
Mr. Davis of Georgia with Mr. Dickinson.
Mr. Clark with Mr. Caffery.
Mr. Davis of South Carolina with Mr. Frey.
Mr. Alexander with Mr. Long of Louisiana.
Mr. Flood with Mr. Coughlin.
Mr. Fountain with Mr. Hastings.
Mr. Rarick with Mr. Dennis.
Mrs. Mink with Mr. Railsback.
Mr. Mathis of Georgia with Mr. Symington.
Mr. McMillan with Mr. Schmitz.
Mr. Mills of Arkansas with Mr. Downing.
Mr. Kee with Mr. Pryor of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corp of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 15586, with Mr. ASPINALL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Tuesday, June 20, 1972, the Clerk had read through line 10, page 2 of the bill.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on Tuesday, June 20, under the rule of general debate I spoke at length on the public works and Atomic Energy Commission appropriations bill for 1973.

I went into some detail concerning the appropriations and merits of this vital and important bill.

At that time I omitted any reference to the disastrous flood at Rapid City, S. Dak. Subsequently the tropical storm Agnes has wreaked havoc in the mid-Atlantic States, triggering the worst floods in this area in the Nation's history.

Virginia, Maryland, Pennsylvania, New Jersey, New York, Delaware, and the District of Columbia have all been hard hit by devastating floods.

The latest reports indicate that 117 persons have died in this unprecedented flood in the East with thousands left homeless and property damages estimated at more than $2 billion.

I am sure it is not necessary to point out the impact of nature uncontrolled as a polluter and contaminator of the natural environment.

I am also sure it is not necessary to point out that this flood demonstrates the necessity of providing for adequate flood control to assure the protection of life and property.

In this connection, I think it is again appropriate to stress the importance of this bill as a protector of life and property throughout the United States.

In my view, these latest disastrous floods have demonstrated the necessity of strengthening existing floodwalls which have shown to be inadequate.

My committee will consider any request for supplemental appropriations to relieve the effects of this disaster as required and needed.

The Corps of Engineers has advised that their preliminary estimates are that during the recent flood disaster on the east coast—

First. The Kinzua Dam, Allegheny River, averted damages of $160 million in the areas of Pittsburgh and New Kensington, Pa., and Wheeling, W. Va. Total cost of the dam was $107 million.

Second. The Conemaugh Dam, Allegheny River, averted $200 million worth of damages in the areas of Pittsburgh and New Kensington, Pa. and Wheeling, W. Va. The total cost of the dam was $46 million.

Third. The Mount Morris Dam, Genessee River near Rochester, N.Y., averted $140 million in damages; the cost of the dam was $24 million.

Fourth. Various projects on the Lehigh River averted $25 million worth of damage.

Total $860 million.

In addition, five other projects—Bush Curwensville, and Sayers Reservoirs; and local protection projects at Williamsport and Sunbury, Pa.—averted damages of $360 million. The total cost of these works was $80 million.

Mr. ROBISON of New York. Mr. Chairman, will the distinguished gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from New York.

Mr. ROBISON of New York. I should like to congratulate the distinguished gentleman, the chairman of our subcommittee, for the statement he has just made.

I am probably one of several Members of this House who, over the past weekend, returned to their home districts to see the actual amount and extent of the devastation which followed in the wake of "Agnes" this past week and continued into the weekend.

The area in my part of upstate New York, particularly the cities of Corning and Elmira, were especially badly hit, as reported in the press, with loss of life and destruction of property which will obviously cost millions of dollars to repair or restore.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVINS of Tennessee. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

Mr. ROBISON of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to complete my statement.

Mr. Chairman, the Chemung River, a tributary of the Susquehanna River flows through Corning and Elmira. On that river there is a flood prevention structure under construction, in the northern part of Pennsylvania, to be known as the Tioga-Hammond Reservoir. I wish there were additional money in this bill before us to further accelerate the construction of that reservoir, because if it had been in existence at the time of this flood there would not have been anywhere near this amount of damage, and perhaps no damage at all, to these communities. The $10.8 million in the bill before us for this particular reservoir represents, however, the full capability of the Corps of Engineers. I merely wish to express the hope, for the record, that the Corps will keep this project in mind and appreciate more than it has, perhaps, in the past, the now demonstrated and re-demonstrated need for this particular flood prevention project, and will do all it can in future years to accelerate its construction.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Arizona.

Mr. RHODES. I should like to say to my good friend the gentleman from New York, and to the chairman of the subcommittee, that I associate my remarks of both gentlemen concerning the effectiveness of the structures which have been completed. I join in the remarks of my friend from New York, in being sorry that perhaps some projects have not now been completed.

In Arizona we had 160 days without rain. Then mother nature tried to make up for it all in one day. As a result there were disastrous floods in the Phoenix and Scottsdale areas. The flood at Scottsdale would have been contained largely by the Indian Bend Wash flood control project, had the project been completed.

The Arizona Canal, a part of the Salt River Project system, helps carry off flood waters, but in this instance could not carry them off fast enough. The waters broke over the canal and flooded the north central area of the city of Phoenix.

There again, if Cave Creek Dam, also in the planning stage in this bill, had been constructed, this probably would not have happened.

The bill we have before us today is extremely important to all parts of the country, and I hope we can proceed with expedition to pass it.

Mr. ROBISON of New York. I thank the gentleman.

Mr. CONOVER. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Pennsylvania.

Mr. CONOVER. I thank the gentleman for yielding.

I should like to say to the chairman of the subcommittee, I have just returned from Pittsburgh. I believe the comments he made about the projects in Pittsburgh and the vicinity are very appropriate, and those projects have reduced the amount of damage. It is estimated that without those projects the flood would have been about 3 feet higher than the 1936 flood. It crested at approximately 37 feet, in this flood.

I should like to compliment the gentleman on his comments, and I hope we can continue our review of flood control projects which I hope will avoid any future situation in southwestern Pennsylvania similar to those of 1936 and the recent damage caused by Hurricane Agnes.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to commend the committee for including in the bill substantial funds for flood control on the Missouri and Big Sioux Rivers which affect my hometown of Sioux City. We have had disastrous floods there in the past, but fortunately they are not occurring in that part of the country right now, thanks in part to the good foresight that this committee has shown in providing adequate funds for flood control and abatement.

Mr. Chairman, I am pleased that the administration and the House Appropriations Committee would provide $78,000 for this next fiscal year for Army Corps of Engineers planning toward solution of flood control problems engendered by the lower Big Sioux River at my hometown of Sioux City, Iowa, and its South Dakota environs. There is no question but that the history of disastrous floods in the lower Big Sioux River Basin and the tragic experiences of the hapless victims of this flooding more than amply justifies this expenditure. Although this year those living in the area of the Big Sioux River have so far been fortunate in not having the torrential rains and conditions which brought tragedy to our good neighbors in western South Dakota, there is no guarantee that the Big Sioux River, if not tamed, will not soon again surge out of its banks and wreak havoc upon all in its path.

The tragedies caused by the torrential flooding in recent weeks at Rapid City, S. Dak., and in Metropolitan Washington and other parts of the eastern seaboard must surely have persuaded all in this Chamber of the urgent need for stepping up flood control planning and construction to help prevent such disasters in the future. We can ill afford to ignore this pressing problem. Appropriate solutions are within our grasp within the foreseeable future if only we continue to allocate the needed funds for flood control and assign to such projects higher priority than any other public works programs.

I commend the administration and the committee also for providing $10,000 for general investigations and study regarding flood control for the Little Sioux River, another northwest Iowa tributary of the Missouri River capable of tremendous destructive power if left unleashed. I know those living in the basin of the Little Sioux, a beautiful and fertile valley in normal times, will appreciate this consideration of their need for assistance to assure protection of their homes, farms, and businesses.

The administration requested and the committee fully provided in its wisdom the $1,675,000 required to continue construction of flood control projects affecting the Missouri River. I strongly approve this action, and the further action taken by the committee providing the $10,300,000 requested for the improvement of navigation on the Missouri River between the Port of Sioux City and the mouth of the Missouri. The Army Corps of Engineers over the years through its persistent and dedicated efforts has to a great extent tamed the wild Missouri, making disastrous floods largely a thing of the past—this work must not be abandoned.

Mounting inadequacies of railroad transportation and recurrent problems of boxcar shortages at harvest time, together with vast export market opportunities abroad for corn, soybeans, and other produce of northwest Iowa and other Missouri River Basin areas served by the Port of Sioux City, have made it increasingly important that water routes to the Midwest, particularly between the Port of Sioux City and the Gulf of Mexico, be maintained and improved. The export trade flowing through this already important and thriving river port has contributed massively to the improvement of our balance-of-payments picture. The future of the Port of Sioux City may well be assured by the funds which the administration and the committee have provided in the present bill for Missouri River navigation programs.

In this connection, I am pleased to take this opportunity to invite all my colleagues, but most particularly those serving on the House Appropriations Committee Subcommittee on Public Works Appropriations, to participate in the annual Rivercade celebration beginning July 26 at Sioux City. There you will readily observe the great extent to which opening the Missouri River to navigation has already contributed to the continuing economic prosperity of an area which otherwise would be painfully caught in the pinch of diminishing access to adequate transportation.

Certainly the committee's direction to the Army Corps of Engineers, that the corps consult with the Tribal Council in an effort to work out a mutually acceptable plan of action before any construction is initiated regarding the proposed Snyder-Winnebago recreation project, is appropriate. Every effort should be made in every project to consult with all persons and parties affected.

In general, I believe the various flood control and navigation projects contemplated in the bill and report are justified. Growing needs for energy to meet industrial needs and home consumption can be met at least partially through hydroelectric and nuclear power generation capabilities proposed in the bill, subject to appropriate safeguards to negate or lessen impact on the environment.

However, I seriously question the wisdom of funding the several very substantial Bureau of Reclamation irrigation projects proposed in this bill. These projects would add countless acres of irrigated cropland to the present surplus of tillable acres, in subsidized competition with northwest Iowa farmers and other farmers who have voluntarily cooperated in the feed grain program's retirement of land from production. This does not make good sense in my opinion and that of millions of farmers and taxpayers throughout this Nation.

No land receiving irrigation through these Federal projects should be able to enter into production of crops already in surplus or near surplus. Bureau of Reclamation programs should not become a vehicle for moving the Corn Belt artificially from those areas best adapted by nature to the raising of feed grains, and as the fertile, unirrigated farms of northwest Iowa, farms dependent on God's providence and not on taxpayer-subsidized irrigation. I seriously question whether there is any real national interest in the false economy proposed by these Bureau of Reclamation irrigation projects. In many cases they do irrevocable damage to our environment, bury some of our Nation's most beautiful natural wonders under the muck of irrigation reservoirs, wash away the soil cover and pollute the rivers and lakes with salts and alkali. I do not believe many of these irrigation projects will produce any short- or long-term benefits which can equal their high cost and detrimental effects.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise once again in strong support of the Public Works Appropriations bill for fiscal year 1973. I reviewed the basis for my approval of this legislation in some depth during debate last week. Since that time, however, much of the Eastern Seaboard has been hit hard by severe flooding caused by heavy rains.

It is extremely regretable that it takes a major disaster of this magnitude to focus some people's attention on the need

for adequate and foresighted flood control and water conservation planning.

For years I have witnessed the aftereffects of these natural disasters and have on each occasion urged the completion of an integrated, comprehensive flood control and water conservation plan for every river basin in the country. But, on each occasion and with each passing day the memory of the devastation fades and with it goes the impetus for constructive action.

Many are willing to expend billions after the fact for repair and restoration but give no consideration or, in fact, oppose the expenditure of only millions—or even thousands—for prevention. In this particular instance, if ever a cliche was true it is that "an ounce of prevention is worth a pound of cure."

At the present time there are 117 dead and 112,000 homeless in this most recent flooding. According to early reports, property damage in Pennsylvania alone has exceeded $1 billion.

These incredible damage costs justify our Government assisted flood insurance concept and our comprehensive disaster relief program. Both of these measures have been enacted by the Congress but the basic solution—flood control and water conservation—remains a budgetary stepchild.

The committee report on the bill before us points out that only 25 of 127 flood control or related projects ready for construction can be funded in the coming year. In addition, planning starts for only 31 of a backlog of 185 can be funded.

Preventing floods requires a carefully formulated combination of flood plain management, major reservoirs, smaller impoundments, estuarine improvements, development prohibtions, and many other actions.

In many river basins the river can, and should, be left as it is. In others, flood protection is desperately needed and a plan should be adopted. In any event, planning should begin now.

I believe the Subcommittee on Public Works has come up with and excellent bill but, as I have said, last week's major flood shows clearly the scope of the task that lies before us.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; hiring, maintenance, and operation of aircraft; publication and dissemination of atomic information; purchase, repair and cleaning uniforms; official entertainment expenses (not to exceed $30,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; $2,129,000,000 and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That of such amount $100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided further*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

AMENDMENT OFFERED BY MR. DOW

Mr. DOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dow: On page 2, lines 21 and 22, strike "$2,129,000,000" and insert in lieu thereof "$2,079,000,000".

Mr. DOW. Mr. Chairman, the amendment I am offering would delete $50 million in the appropriation which is authorized for the liquid metal fast breeder reactor—LMFBR—demonstration project. This item is referred to on page 5 of the committee's report. I am not attempting to reduce the $131.5 million in the bill for LMFBR research which we already debated during the authorization process on June 7.

The LMFBR has been hailed as the answer to our energy shortage problems. It is argued that the predicted national uranium shortage will be avoided, because the LMFBR will produce more fuel than it consumes. Great savings have been projected.

The negative side of the picture, however, should make us stop dead in our tracks and reassess our entire program for developing future energy resources.

The switch to LMFBR's will lead to a tremendous increase in the Nation's production of plutonium, one of the most toxic substances known to man.

It is unanimously agreed that fusion reactors will be preferable to LMFBR's when they are developed.

We are committing the Nation to LMFBR's when their feasibility has not been fully established.

The toxicity of plutonium, considered by itself, should make us very wary of a switch to plutonium energy production. An impressive list of America's foremost scientists, including several Nobel laureates, have warned us of the hazards involved. As long as these eminent men express such doubt, the LFMBR should be held in limbo and the doubt resolved before going ahead.

Plutonium has a half-life of 24,000 years. It takes half a million years to decay to an innocuous level. The persistence of this substance in the environment is said to exceed any of the chemicals or elements we have ever worked with on a large scale. The amount of plutonium now produced in the Nation annually is measured in kilograms. AEC projects that 30 tons will be produced annually by 1980, and by the year 2000, 100 tons will be produced annually. This will add up to millions of pounds of material that will be extremely deadly so far into the future that it is impossible for the ordinary mind to comprehend the danger.

Plutonium is so deadly that one-millionth of a gram has caused cancer in mice. Similar amounts injected into dogs created a high incidence of bone cancer, one of the most painful and incurable forms of this dread disease. Plutonium is not soluble; as a consequence, it cannot be diluted in the environment or a living organism. Plutonium is eliminated so slowly from the body that as much as 80 percent will still be there after 50 years.

At the present time, the permissable concentration of plutonium in the air is about one part per million billion. A particle of plutonium the size of a pollen grain can remain suspended in the air for a very long period of time. If inhaled, a tiny particle such as this would pose a threat of lung cancer.

It is true that we do handle plutonium now and even ship it for long distances, but nothing done presently even approaches the scale of transportation and production contemplated with a plutonium energy economy. Right now we make about 100 shipments per year of spent radioactive material. By the year 2000, we will have 20,000 shipments per year. We are multiplying the chance of an accident by a factor of 200.

In addition to the chance of accident, we are greatly increasing the risk of unauthorized diversion or sabotage. It only takes a few kilograms to provide the raw material for an explosive device. The Nuclear Materials and Equipment Corp.—NUMEC—over several years of operation, was unable to account for 6 percent, or 100 kilograms, of highly enriched uranium that passed through its plant. A number of misroutings of nuclear material has already occurred. Crime in interstate commerce is notorious. Consider, for a moment, that plutonium, at a present price of $10,000 a kilogram, is five times more costly than heroin, and 10 times as costly as gold.

With 100 tons transported in 20,000 shipments per year, you do not need a very fertile imagination to consider the possibilities for unauthorized diversion. AEC has conceded that, at the very best, losses can be limited to 1 percent. We will have to do better than that, or there will be 1 ton of plutonium unaccounted for every year by the year 2000.

I do not see why we must be so committed to the plutonium energy economy. We are running low on uranium to fuel our existing light water reactors, but we will have plenty enough to last into the next century. Long before that, we should be able to develop a fusion reactor technology which is much cleaner and efficient. Everyone agrees that we should eventually switch to fusion reactors, so why should we sink $3 or $4 billion into development of a reactor that will become obsolete? I would like to offer an amendment on the positive side to increase funding for the fusion process but that option was foreclosed when we sought to do just that in the related authorization bill.

Moreover, the feasibility of LMFBR's has not been firmly established. The first attempt to build a commercial LMFBR power plant, the Enrico Fermi nuclear powerplant near Detroit, has not succeeded in producing more than a trickle of electric power, and a fossil-fueled plant had to be built to supplement it. It was shut down in 1966 after a core melt-down accident, and its license ex-

pired in February of this year. Experimental Breeder Reactor I—EBR I—went into operation in 1951 and melted down in 1955 due to an operator's mistake. Finally, testing of the LMFBR's component parts has not been completed. Appropriations for such a facility were begun in 1967, and it will not be completed until June or July 1974. The LMFBR operates at a temperature quite close to the melting point of its component parts, and is more difficult to control for that reason. Moreover, recent studies indicate that the stainless steel portions of the reactor swell due to radiation bombardment, and the implications of this discovery have yet to be fully assessed.

I think we ought to delay this project, and not put so much emphasis on the LMFBR to meet our future power needs. Other nations are proceeding with the development of the LMFBR, and it has been argued that we ought keep ahead of these nations. If we really want to be ahead we should concentrate on fusion, which everyone agrees is the power source of the future. We should not allow the LMFBR, a questionable endeavor, to gather so much momentum that our course is irreversible and our work toward fusion is neglected.

In a memorandum to Senator GRAVEL, Hannes Alfven, winner of the 1970 Nobel Prize for physics, stated that—

In my opinion, a solution of the fusion problem is less distant today than the moon was when the Apollo project was started.

He stated that, although there were serious problems to be overcome in fusion technology, there was no fundamental obstacle.

In testimony before the Joint Committee on Atomic Energy, Dr. Roy Gould, AEC's Assistant Director of Reactor Reseach, stated that a strong financial commitment would create a high probability of scientific feasibility for fusion in the 1970's.

At best, LMFBR's will not begin to function in any significant number until 1985 or later. With the proper amount of research and funding, we could probably have fusion power on a large scale by the end of the century. With fusion so close, we should not fund an interim power source that will leave a permanent legacy of deadly waste. The demonstration project should be delayed until we have a total assessment of all the technologies that will best meet our future power needs, and the feasibility and safety of any program fully established before we proceed with a multibillion dollar commitment.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. DOW. I yield to the gentleman.

Mr. BINGHAM. Mr. Chairman, I rise in support of Mr. Dow's amendment to delete the funds for the LMFBR demonstration plant until an independent assessment of this technology taking into consideration other energy options is completed. There are many aspects of the LMFBR project that disturb me. There have been questions raised about this project's environmental, technological, and safety hazards by a group of over 30 prominent scientists, including the noted physicist, Dr. Donald Geesemen, of Lawrence Livermore Radiological Laboratory. The 1970 Nobel Prize winner in physics, Dr. Hans Olof Alfven, has released a statement known as the "Alfven Memorandum" in opposition to the LMFBR technology. The AEC's uranium reserve estimates have been brought into question by the Edison Electric Institute, the Kerr-McGee Corp., and the new Energy Forms Task Force of the National Petroleum Council. Without a uranium reserve incentive, there is no reason to push rapidly ahead with this project. With ample supplies of uranium, we have the time to wait until the feasibility of fusion is established before we push forward with a new nuclear energy initiative.

The priority of this initiative is very much a major point to consider in this situation. Dr. Gould of the AEC believes that with a high funding priority, the scientific feasibility of fusion could be established by 1977. I see no reason for us not to wait. The LMFBR will not be giving us a significant amount of electricity until 1995 if all goes well. We could have fusion power by 2000 or 2010. Why are we funding an interim power source which will leave us with a permanent legacy of radioactive wastes?

I urge my colleagues to withhold the funds for the LMFBR demonstration plant until we have the answer to the fusion question and until this project has been evaluated by an impartial panel of experts.

Mr. EVINS of Tennessee. Mr. Chairman I rise in opposition to the amendment.

Mr. Chairman, the gentleman from New York wants to strike out $50 million for the liquid metal fast breeder reactor program.

May I say, this Nation is confronted with a power crisis. Leaders in key positions in the energy field have warned repeatedly that many areas of the Nation this summer may face blackouts and serious brownouts.

Chairman Schlesinger of the Atomic Energy Commission testified to this fact. Chairman Nassikas of the Federal Power Commission, Chairman Wagner of the Tennessee Valley Authority, and leaders in the private power industry have all warned of this potential danger.

We must develop more efficient sources of power. With only a few hydroelectric sites remaining available in the Nation—and with fossil fuels limited—the LMFBR appears to offer the best opportunity for safe, clean, efficient, and abundant electric power.

This reactor will utilize uranium 40 times more efficiently than today's light water nuclear plants.

The President in a special message to the Congress recommended high priority for the fast breeder technology.

The President recommended $100 million for a demonstration project. Fifty million dollars has already been appropriated and this bill will provide the remaining $50 million for the demonstration project.

The demonstration plant has been approved by the Joint Committee on Atomic Energy. The amount has been recommended by the President and these funds have been approved by the Committee on Appropriations.

With reference to the technical and economic aspects pointed out by the gentleman from New York (Mr. Dow), I would say the only way to determine these factors and the only way to get the information is to build the demonstration plant and to secure the facts through research and development.

The bill does not commit this Nation to a $4 billion or $5 billion investment, as was stated, but only the $100 million that the President recommended.

The gentleman from New York (Mr. Dow) refers to fusion in his "Dear Colleague" letter circulated to Members. Fusion power is way down the road.

Testimony before our committee, Dr. Gould, of AEC, indicated that fusion power will not be available before the year 2000 or beyond. With the current power crisis facing this Nation, we cannot wait that length of time. We face a power crisis, and we should go forward with this LMFBR technology. I recommend defeat of the amendment.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I thank my colleague for yielding. Nobody has been more critical of the AEC than I have been over the years, but in this instance I rise in opposition to the Dow amendment. We should build a plant that will really test the technology that has been developed up until now. If we do not do so, all the money that we have spent in experiments until now will have been wasted. I urge defeat of the amendment.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from New York would eliminate appropriations requested for this Nation's first liquid metal fast breeder demonstration reactor.

Much can be said about the importance of this project to our national effort to meet our future energy needs. I would like to point out that the Joint Committee on Atomic Energy, of which I have the honor to serve as vice chairman, has been studying for well over a decade the potential contribution which nuclear power and other energy sources can make toward solving the energy needs of our future generations. The committee's review has been founded upon comprehensive studies within the executive branch which have collated and evaluated the data, the research, and the judgments of the major Federal agencies having expertise in the various energy fields. The judgments, made years ago, have produced carefully considered programs which are already underway and are vital to future progress in this important endeavor.

The Joint Committee on Atomic Energy has oversight and authorizing responsibility with respect to the programs conducted by the Atomic Energy Commission. We have fully supported the

scope, the objectives and the plans which form this country's liquid metal fast breeder reactor program. President Nixon has designated the development of the breeder reactor as a national program of highest priority and has established the goal of achieving a successful demonstration breeder by 1980. I am pleased to note that the Appropriations Committee of this body has consistently supported this program and provided the necessary funds to permit it to proceed at an appropriate pace. Our colleagues on the Appropriations Committee have given careful study to this program and I would be reluctant to see any modifications made which did not represent a carefully considered, well-thought-out appraisal of the impact which those modifications could have on the program.

The LMFBR research program is now over 20 years in being. It has been supported to the extent of some $800 million. Experimental reactors of this type have been operating since 1951 when ERB–I was started up—and, by the way, that was the first generation of electricity by any type of nuclear reactor in the world. That reactor demonstrated the feasibility of breeding in 1953. Since then we have had the EBR–II started in 1963 and the SEFOR—Southwest experimental fast oxide reactor—in 1969. The first, small, central station type liquid metal breeder, Enrico Fermi atomic powerplant unit 1, was started in 1963 under the power demonstration program and it generated approximately 60 megawatts of electricty. We are now undertaking the demonstration of a commercial size breeder—the goal of this 20 years of research. The very questions being raised by the proponents of the amendments are those which this demonstration plant is designed to answer.

I urge my colleagues not to send this research program to purgatory—not to resort to the bromide of bureaucracy by avoiding decision for yet more study. I urge defeat of the amendment.

Individual Members of this body in recent years have urged that funds be provided to exploit the possibilities of various new sources of electrical energy—fusion, wind power, solar power, ocean thermal gradients, tidal power, photosynthesis, and the like.

Our need for energy is so great and the provision of that energy is so vital to our national well-being that we must utilize all practicable means of meeting those needs. I do not scoff at the possibility that a form of energy other than fossil fuel, nuclear fuel, or hydropower will some day make a significant contribution. I do urge, however, that every Member of this body recognize that it does require a great deal more than simply a provision of funds to achieve a device or technique which will contribute to the solution of the problems now before us. Certainly, time is a factor ignored by those who recommend the exploitation of the various energy forms and energy converters which I have already enumerated. We cannot overnight demonstrate the scientific feasibility, the practicability, and the economic attractiveness of fusion, magneto-hydrodynamics, harnessing the gulf stream, or satellite-borne solar collectors microwaving energy into Times Square. We need research and development at a studied pace in all areas which show reasonable promise of success.

The Federal energy R. & D. funding picture for other than the LMFBR program is far from discouraging. An examination shows that during the past 5-year period the following percentage increases are evident:

	Percent
Coal Resources Development	+305
Fusion	+100
Petroleum and Natural Gas	+93

The appropriations request now before us contains $50 million intended for a portion of the Federal assistance to be provided for the first demonstration fast breeder reactor—the total amount authorized in prior years for this demonstration project is $100 million. The funds requested are needed to keep this program going at a pace which should make it possible to meet the goal established in June of last year by President Nixon to have a demonstration fast breeder reactor on the line by 1980. Time is already short, we must continue to move ahead without delay.

It is anticipated that liquid metal fast breeder reactor plants will begin to come on the line in increasing numbers late in the 1980's and throughout the 1990's. The expectation is that by the year 2000 one-half of this country's electric generation will be in the form of reactor powerplants and many of these will be breeder reactors.

The breeder reactor, as has been stated many times, has been demonstrated to have the capability of producing more nuclear fuel than it consumes. This attribute will extend the energy capability of our uranium resources from a few decades to centuries. It is our responsibility in this body to authorize and appropriate funds for programs which have far reaching impact. Our judgment should be based upon the very best information, counsel, and advice we can obtain. We should not shoot from the hip hoping that somehow we will hit the right target.

I urge rejection of the amendment.

I should like to make one additional—and very fundamental—point. The proponents of the amendment state in their letter of June 20 to the Members of this body:

> We will not attempt to delete research funds, but only those appropriations for the demonstration project.

I am compelled to inquire, what is a demonstration project if not the last step in and the culmination of a research program—that final portion of research effort without which all of the labor, all of the funding, all of the plans are relegated to limbo. This assertion by the proponents of the amendment is tantamount to advocating that research for research's sake is justifiable, but research for the purpose of developing and testing and proving the usefulness of a real machine is not what the Congress had in mind when it authorized this LMFBR demonstration powerplant 2 years ago in the AEC authorization act for fiscal year 1971—Public Law 91–273.

Such an assertion is astounding. I cannot imagine that any Member of the Congress supported a program of research with the thought that it should never be applied in a practical sense, and the capacity to make such a practical application is not developed without the final phase of the research—the demonstration plant.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Does the gentleman feel that the best way to get the facts and the information needed for analysis is to have the demonstration plant itself?

Mr. PRICE of Illinois. That is the only way we are going to get the information. The gentleman from New York himself said he supports the research in this area. You are not going to get the answer, no matter how much book research you do, unless you do build a demonstration plant. A demonstration plant is the essential part of any reactor research program.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from New York.

Mr. DOW. I am fearful that we will put our eggs in this one basket of the fast breeder reactor and come down the road 10 years from now and find out that it is unsafe.

It is a hazard, because there will be less of plutonium around, not just the grams we have today, and then where will we be if we have not put more emphasis on the much better prospects inherent in the fusion process?

Mr. PRICE of Illinois. We are not placing all our eggs in one basket. I think the gentleman from New York recognizes that fact. For 20 years we have been researching the fusion process. We are 10 years away from proving the feasibility of the fusion process, and maybe it would not be until the year 2000, after we prove feasibility before we have it available. I will say to the gentleman that we have appropriated millions in fusion research and we have increased our efforts about 100 percent in the last year.

Our distinguished colleagues who would scuttle the LMFBR demonstration project while searching madly for other methods of generating electricity have not done their homework with regard to fusion as the means to alleviate the forthcoming energy crunch. They have stated only a very small part of what will be necessary to have fusion providing electricity for the United States. In their "Dear Colleague" letter of June 20, they stated that Dr. Gould, who is Director of the Atomic Energy Commission's Division of Controlled Thermonuclear Research, stated that the scientific feasibility phase, the so-called "break even" experiment, could be demonstrated by 1977. For the edification of those present, I would like to explain that the dem-

onstration of scientific feasibility requires that a gas be heated to a temperature near 100 million degrees; that this gas be dense enough to represent a current of 1 million amperes or more; and that this hot, dense gas be held together for the significant portion of a second so that the fusion reaction can take place.

Let me tell you what Dr. Gould said at the joint committee hearings, which were held November 10 and 11, 1971, on controlled thermonuclear research in the United States. Dr. Gould stated that should the Congress approve a significantly expanded program for CTR, an expenditure of $559 million from fiscal year 1973 through 1980, he was fairly certain that scientific feasibility could be demonstrated. If the Congress was willing to go all out and appropriate almost $900 million between 1973 and 1977, there was a probability that scientific feasibility might be demonstrated by 1977.

But where are we when we have this demonstration of scientific feasibility? Our distinguished colleagues who are against the LMFBR failed to inform you that two additional research phases will still be necessary before CTR will be providing electrical energy in the United States. After scientific feasibility, it will be necessary to develop an experimental reactor which will provide a net output of energy. This demonstration will take the program well into the 1980's. After the experimental reactor proves successful, it will still be necessary to build prototype or demonstration reactors to prove the economics of the system. The best estimates of the experts who testified before the Joint Committee was that this would not take place before the time period of 1995 to the year 2000. I would ask my distinguished colleague what we will use for electricity so that we can conduct experiments if the breeder program does not come to fruition.

I urge that the amendment be rejected.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope this amendment will not be adopted. The liquid metal fast breeder reactor is a most important mechanism for the future welfare not only of the people of this country, but also for the economy of the country. As is well known, there are studies that the Federal Power Commission has made recently which indicate we face an imminent power shortage in this country. We face brownouts and sometimes even blackouts, and some of them may occur in certain parts of the country this year. It would be well if we could have this liquid metal fast breeder reactor ready right now, but we do not have it. But let us do all we can to make sure it is on the line as soon as possible.

Mr. Chairman, this device will allow the consumption of uranium at a rate 40 times as efficient as is the case in the most efficient reactor we have now in operation. We do not have enough uranium in this part of the world to provide for all our needs at the rate of efficiency at which we are now using it, so it becomes necessary for us to be more efficient. The liquid metal fast breeder reactor allows us to do that. The gentleman from New York, I think, has an anachronistic position here. He is saying he is going to strike the demonstration plant because he feels there will be too much plutonium created, and yet he is not striking the amount of money which is in for research for the liquid metal fast breeder reactor. It seems to me if plutonium is such a terribly bad thing, we should not be even conducting research to complete a reactor which will result in more plutonium being created from the U^{238} which is in the reactor. The credibility of the movement to take this money out, I think, suffers rather heavily from this very fact.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from New York.

Mr. DOW. Mr. Chairman, we intended to take out the research money in the authorization bill, and since we were thwarted in that endeavor, we have turned to the demonstration project.

Mr. RHODES. The gentleman knows perfectly well plutonium is plutonium, and if it is bad in a demonstration plant, it is bad as far as research is concerned.

The gentleman has also made some very simplistic statements concerning the fusion process. To hear the debate on the floor today, we would assume the fusion process is going to be available the day after tomorrow, if we just spend more money on it. Those unfortunately are not the facts. I would agree with the gentleman that the best means for producing power for the distant future of this country and for the world will be in the fusion process, but it is not ready, and it is not going to be ready for the foreseeable future.

The state of the art has just not advanced that far. We hope it will. We are spending more mony in this bill for the fusion process than ever before. There is $38 million, compared to $31 million last year. We have told the Atomic Energy Commission year after year that if they can spend more money and do it efficiently to hasten the day we have the fusion process completed, we will give them the money. They have not been able to do that as yet, and there is not any reason to believe they are going to be able to complete this process much before the year 2000.

Mr. Chairman, we just cannot wait for the year 2000 to begin to supply the electric energy which this country will need long before that time.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I will be glad to yield.

Mr. DOW. I am in confusion about the fusion process, because on the one hand, I hear we are working on it, and spending money on it, yet other speakers on the gentleman's side of this issue have said it is way down the track, years away, to the year 2000.

Mr. RHODES. That is what I have said.

Mr. DOW. Which is it?

Mr. RHODES. Those statements are not contradictory.

Mr. DOW. What is the status of the fusion process today?

The CHAIRMAN. The time belongs to the gentleman from Arizona.

Mr. RHODES. Those statements are not contradictory. The gentleman is confused, as he said he was. We are working on the process and hope for success, but it has not yet occurred.

Mr. DOW. Will the gentleman yield further?

Mr. RHODES. Yes. Certainly.

Mr. DOW. I want to apologize. I understood the gentleman yielded to me, and I hope that the Chairman will understand that I thought he had yielded to me. I did not intend to usurp his time.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in relation to the question that was just posed as to when fusion technology might on an economic scale be available to produce kilowatts in the United States, I would say to the gentleman from New York that in careful hearings last November held by the Joint Committee on Atomic Energy addressed to that precise question we asked most of the greatest experts on the subject in the United States to come to the hearing room here in the Capitol and tell us when this could be expected.

Their universal answer was the year 2000 as a beginning, and they added this qualification: that if you spent untold billions of dollars, you might accelerate that date by perhaps as much as 10 years. That would bring you to the year 1990 for this fusion process at the absolute earliest.

In the meantime this country requires all of the kilowatts that it is now capable of producing, and each day, each month, each year it requires more. Our usual conventional sources of energy are finding it difficult to supply the new and additional electrical generating capability. We are starting to depend heavily upon overseas petroleum and we are having problems in the coal mines getting out low-sulphur coal which is compatible with producing electric kilowatts without at the same time contaminating the environment.

Mr. DOW. Will the gentleman yield?

Mr. HOSMER. So at this period of time between now and when this fusion process can come into being there has to be some kind of a rational system in addition to what we have now of generating kilowatts. This gap is at least 20 years wide and, as a practical matter, probably much wider.

Throughout many years of study both in the United States and abroad the liquid metal fast breeder reactor has been decided upon by men of wisdom on this side of the Iron Curtain and on the other side of the Iron Curtain as the most likely prospect for filling this gap and producing these necessary kilowatts.

Today we are at the stage of putting $50 million up to demonstrate the feasibility of this particular process that has been agreed upon.

There could be alternate ways of generating these needed kilowatts with different kinds of breeder reactors. There are such possibilities as the light water breeder reactor, the molten salt breeder reactor, and the high-temperature gas pool. These are good possibilities but

none of them is by no means as good a possibility as the liquid metal fast breeder reactor. That is why we are betting on it primarily and covering our bets by continued research and development in these other technologies.

Going ahead with the LMFBR is the only sensible thing we can do unless we want to surrender our modern world to the antitechnologists, turn back the clock to the dark ages, and forget about the modern, energy-dependent economic society we now enjoy and simply revert to some totally different and primitive kind of life.

This is the decision that the Dow amendment is posing to this body today. To stop the breeder would be the signal to stop other things too. Are we going to forget about technology and go back to a different, a pretechnology type of existence? I do not think you want to do that.

Nor do I think you would particularly want for the totally specious reasons stated by the gentleman from New York (Mr. Dow) concerning plutonium. Plutonium already is being manufactured in quantity in the light water reactors we have today. There is plenty of it around. If there is a proliferation problem or a toxicity problem it has certainly not been created nor will it be intensified by the fast breeder reactors. Rather, it will probably be minimized by them because plutonium is valuable for a peaceful purpose, namely the production of energy. When we have the breeders, plutonium will find its way inside reactors. It will not be stored and be laying around some place to cause proliferation or public health problems.

I urge defeat of the amendment.

Mr. McCORMACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I shall be glad to yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, I rise in opposition to the amendment to delete funds for the liquid metal fast breeder reactor demonstration plant.

This demonstration plant is an integral part of the Commission's research and development program. The engineering accomplishment of a demonstration project is an inherent part of any development program. If this project is slowed or eliminated, the entire program of developing this needed new resource for energy production will suffer.

It has been alleged that the safety aspects of the breeder give cause for alarm. I know from personal study of the Commission's reactor safety program over the years, including visits to remote sites where safety experiments are conducted, that safety has been of paramount importance in the breeder development program. Much of this work has been done at the National Reactor Testing Station in Idaho. It was there that in 1953 the feasibility of the breeding reaction was first achieved in the EBR–I reactor. The TREAT reactor, also at NRTS, was instrumental in providing valuable data on the safety of breeder fuel. The SEFOR reactor, in Arkansas, was built and operated solely for the purpose of proving the inherent shutdown capability of the breeder through the demonstration of a negative doppler coefficient.

Let me list some of the other factors under study by the Commission which form the basis for my belief that breeder reactor safety design is receiving the utmost in consideration:

First. Incorporation of intrinsic design features, protection against minor incidents, prevention of major failures.

Second. Capability for inspection and maintenance of systems and components.

Third. Capability to detect and locate failed fuel assemblies—outlet instrumentation on fuel assemblies—design features to avoid flow blockage.

Fourth. Control and protection equipment testable during full load operation.

Fifth. Use of nationally recognized codes and standards.

Sixth. Use of three piped loops with loop isolation provisions.

Seventh. Emergency cooling through natural circulation in primary system.

Eighth. Two independent shutdown systems with diverse location and configuration.

Ninth. Use of inerted equipment cells and gastight, steel-lined reinforced concrete containment building to provide a two barrier containment system.

There has been much said about the toxicity of plutonium. It is highly toxic, no one denies that. But, we have been handling it for 25 years in this country in a variety of forms. We have this experience both in our nuclear weapons program and in our civilian reactor program. Naturally, we will need to continue to exercise a high degree of care and engineering expertise in the design and operation of nuclear facilities which utilize plutonium.

In summary, the Commission and the participants in the demonstration breeder project are fully cognizant of the need to develop a safe, reliable reactor plant which will assure proper protection of the public health and safety and the environment.

I urge rejection of the amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to take this time to express my support for the defeat of the amendment offered by the distinguished gentleman from New York (Mr. Dow).

I suggest, Mr. Chairman, that our colleagues pay particular attention to the remarks of the chairman of the Subcommittee on Public Works (Mr. EVINS) and the gentleman from Arizona (Mr. RHODES) who have been holding hearings on this appropriation for about 5 months.

In addition, we should note well the views of two leading congressional experts on this subject, the gentleman from California (Mr. HOSMER) and the gentleman from Washington (Mr. McCORMACK) who is a nuclear physicist.

Based upon the research I have conducted both on my own and with the Committee on Interior and Insular Affairs, of which I am a member, I am of the very strong conviction that we cannot postpone the President's recommendation for the necessary research and development of pilot breeder reactor plants.

While others more technically qualified can discuss this question in more depth, it is my understanding that the overwhelming percentage of scientists are in accord with the President's recommendation and the committee's decision on this matter.

We must develop and demonstrate the scientific feasibility now because it will obvoiusly require a long leadtime to accomplish.

Questions of safety have quite rightly been raised by those who would have us limit our energy capacity and capability. However, the overwhelming preponderance of the evidence anyone has yet to offer clearly shows that safety has been and can be expected to be the primary concern of those in the nuclear energy field.

The greatness of America is due in part to a cheap, bountiful supply of electrical energy. Every aspect of American society and culture is served and enhanced by electricity. Furthermore, atomic energy is the least damaging to our environment.

Increasing utilization of nuclear power is inevitable and we must now move to make certain that all the basic research and development is concluded at an early date so we can make our future decisions on the basis of firm scientific knowledge.

The Dow amendment would nullify this effort and should be soundly defeated.

Mr. McCORMACK. Mr. Chairman, I should like to speak directly to the sponsors and supporters of this amendment concerning several points that have been made here today. Perhaps I can take this opportunity to clear up a little confusion that may exist in your minds. Some of my statement will be repetitious, but let us make these points once more, just for clarification. There are many tons of plutonium in existence today, and more is being manufactured every day. It has been manufactured for the last 25 years. It will continue to be manufactured by our light water reactors, and every reactor that operates. The proper care of plutonium is simply a matter of responsible engineering.

We have demonstrated, under the guidance and regulations of the Atomic Energy Commission that we can manage plutonium. It does not create any problem that cannot be solved by good sense and responsible engineering.

The second asks why we should develop the breeder. The answer to that is really quite simple. Based on what we know today, we need the breeder reactor to provide us with adequate fuel to give us the energy we need during the late years of the century. If we do not have the breeder, we are in serious danger of having to burn up virtually all the fossil fuels we have in this country, and use up most of our uranium resources just to provide the energy we need between now and the year 2000.

Speaking to the schedule for the development of the fusion reactor, Congressman Dow has quoted the statement that scientific feasibility may be demonstrated in the 1970's. I agree. I hope we can make it. If we can demonstrate scientific feasibility for a fusion reaction during the seventies, then we can hope that we can have electricity from fusion by the year 2000; but it will require that 20 years between demonstrating scientific feasibility and getting the power on the line. There are major steps between. When we demonstrate scientific feasibility, we will not be creating electricity; we are just showing that a reaction will occur. Then we have to determine how to convert the energy released into electricity.

Then we have to learn what materials we can use in fusion reactors. This will be a billion-dollar program itself, just developing materials that can be used in a fusion reactor. Then we will need a pilot plant before we get a demonstration plant producing electricity. We hope to accomplish this by the year 2000, if we demonstrate scientific feasibility by the 1970's. So we must proceed with the breeder now because we cannot now anticipate fusion produced electricity before the year 2000. The energy crisis we are facing demands an unemotional program, and this program calls for building a breeder now and pushing ahead on fusion research as rapidly as we can in the hope that we can have breeders on the line producing by 1985, and fusion reactors by the year 2000.

I urge the Committee to reject this amendment.

Mr. DOW. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from New York.

Mr. DOW. I have heard a great deal about the need for more power sources, and certainly we all admit the need for more power sources, but I have heard very little from the other side to rebut the assertion I have made that these grant breeder reactors are very unsafe, and I do not think, I may say to the gentleman, that the need for power is any index for safety. The emphasis that I should like to place here is an emphasis on safety.

Mr. McCORMACK. The consensus of almost all qualified nuclear physicists and nuclear engineers is that breeder reactors will be in many respects safer than are the light water reactors now in use, and these water-cooled reactors are so safe that the most informed and qualified nuclear scientists all over the world have no qualms about working in the reactor control rooms, and raising their families just downwind and downstream from them.

Mr. DOW. May I comment on that?

Mr. McCORMACK. I am glad to yield to the gentleman.

Mr. DOW. I have the names of a large number of eminent scientists, some of them Nobel laureates, who are advising against the breeder on the grounds of safety. Among these are Dr. Linus Pauling, Dr. Barry Commoner, Dr. Harold Urey, and Dr. George Wald.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. McCORMACK was allowed to proceed for 1 additional minute.)

Mr. McCORMACK. Mr. Chairman, it is true there are about 30 members of the scientific community whose names have been solicited and have been obtained in a statement that says they believe the breeder program should not be pursued on its present schedule. These gentlemen, esteemed as they may be, represent only a minute fraction of the scientific community, and their position is overwhelmed by that of thousands of highly qualified nuclear physicists and engineers who have spent their lives in research and development on reactor and nuclear safety.

Mr. RONCALIO. Mr. Chairman, during the recent AEC funding bill, several Members spent a long afternoon debating the value of the various programs now under discussion.

I offered at that time to transfer some $10 million from the Wagon Wheel program on natural gas production to the breeder program, arguing among other things that Wagon Wheel was a waste of two valuable resources, uranium and natural gas. Also that Wagon Wheel was not making a substantial contribution to solving the emerging energy crisis.

I was pleased to notice that an item in the Sunday Denver Post by Mr. Robert C. Cowen, copyrighted by the Post and the Christian Science Monitor, sustains my point and makes an excellent argument in its favor. The high point of this article is that the success in harnessing fusion begins to look not like a question of whether but more like a question of when.

When depends only on Congress.

Energy planners will continue to emphasize fusion plants, especially breeders. To continue wasteful programs like Wagon Wheel, and skimp on thermonuclear research, is the essence of shortsightedness, of national folly. New sources of energy cannot be found by repeating wasteful practices of the past. The only technologically visible solution is atomic (fusion) energy, not atomic explosives compounding wasteful practices of the past.

I was very pleased to notice that within 3 days following the House debate on delaying the Wagon Wheel project for a year or two, Dr. Philip Randolph of the El Paso Natural Gas Co. was thoughtful enough to delay the program on his own initiative citing the congressional discussion regarding the program as one of his reasons. Also, AEC has not yet OK'd the trigger mechanisms to sustain the shock of the one below it, to safely be used in sequential firings.

Wagon Wheel and similar unsound programs should be permanently delayed and the atomic (fission) program should be spurred on with a crash program of research funding now. This article tells why. This is why I reluctantly oppose the Dow amendment.

The article from the Denver Post of June 25 follows:

HOPES BEGIN TO GROW FOR FUSION POWER UNIT

(By Robert C. Cowen)

WASHINGTON.—Trying to tame hydrogen fusion to tap a virtually unlimited fuel supply has been like a fairy tale quest for fabled treasure.

Whenever discouragement threatened to overwhelm the researchers, their goal swam distantly into view. They realized just enough laboratory progress to keep their hopes alive.

Now that goal looms more closely, those hopes glow more brightly than in the two decades. A bit more money, a bit more effort, and most fusion workers expect they could have a tame hydrogen reaction running in their laboratories by 1980.

Given a bit more money and prodigiously more effort they think they could have a prototype power plant running by the late 1980s or early 1990s and by the century's end, they just might have developed economically attractive power plants.

The energy reward of fully mastering fusion power would be immense. It's primary fuel would be doubly heavy hydrogen, called deuterium. This is present in seawater to the extent of one in every 6,500 hydrogen atoms.

While this may not sound like much of a concentration, the half gram of deuterium in a gallon of seawater has the fusion energy equivalent of 300 gallons of gasoline.

VAST SOURCE

To put it another way, the fusion energy available from a cubic kilometer of seawater corresponds to the energy equivalent of 2,000 billion barrels of oil or roughly the world's oil reserve, to use a recent estimate.

Experts figure there's enough easily extracted deuterium to supply human-energy needs at something like 10 times present world consumption for several billions of years and a population level of seven billion people.

Lawrence M. Lidsky of the Massachusetts Institute of Technology notes in the journal, Technology Review, "It is far simpler and just as accurate to say that fusion of deuterium represents an essentially inexhaustible supply of energy."

Furthermore, the deuterium fuel can be had rather cheaply. Its extraction should account for only a few thousandths of a percent of the price of electric power.

To get that power, physicists must hold the reacting hydrogen gas together for perhaps a second and at temperatures of many tens of millions or even hundreds of millions of degrees. The research agonies they have endured for the past decade have involved this problem of containment.

MAGNETIC FORCES

Since the hot gas is made up of electrically charged particles, magnetic forces can grasp hold of it. Thus researchers use magnetic fields to manage the gas. They quickly discovered that the gas has more ways than a greased pig of escaping the magnetic grip. These instabilities in its behavior allow it to escape to the walls of the reactor vessel where it quickly loses temperature and any fusion reaction is quenched.

By the early 1960s, some of these instabilities seemed so intractable, from both a theoretical and experimental point of view, that many workers were openly discouraged. America and Britain gave only lukewarm support to the research. But the Soviet Union maintained both faith in and funding of its projects and thanks to the Russian research, nearly everyone now takes a much brighter view of fusion's prospects.

Researchers in several countries have confirmed and extended Russian work. These and other experiments have brought fusion research to the point where there is a growing acceptance among experts that the eventual achievement of fusion power is a virtual certainty.

"WHEN QUESTION"

Thus success in harnessing fusion begins to look like a question of "whether" and more like a question of "when." And "when" depends as much on money as on the skills and insights of the researchers.

M. B. Gottlieb who heads the Princeton Plasma Physics Laboratory, told the congressional Joint Committee on Atomic Energy that fusion workers could fiddle indecisively for decades if restricted to present funding levels.

Roy W. Gould, head of the U.S. Atomic Energy Commission's Division of Controlled Thermonuclear Research, has given Congress cost estimates for three alternative levels of effort.

Just to keep on as at present would take about $300 million from 1973 to 1977. Roughly doubling this outlay would give a significantly more active program that might well demonstrate scientific feasibility by 1980. A "go for broke" crash program would involve spending $900 million to $1 billion between 1973 and 1977. It just might show scientific feasibility by that earlier date, Gould said.

NO ONE KNOWS

Right now, no one knows what Congress will approve. The AEC thinks it will probably get $38 million for fiscal 1973. That's about a 24 per cent rise from the $31 million for fiscal 1972, the kind of boost Dr. Gottlieb says would merely take some of the strain out of present efforts. However, observers here also think Congress has sympathy for Dr. Gould's intermediate program suggestion. It may well vote $600 million to $700 million to try to get fusion going in the laboratory by 1980.

This compares with roughly $450 million America has spent to date on fusion research. That's perhaps half of the Russian outlay. To give some feel for the world effort, the Russians last year accounted for something like 37.5 per cent of that effort. Western Germany accounted for 16.6 per cent, America for 15.6 per cent, Britain for 7.0 per cent, Japan for 6.1 per cent and a miscellany of other countries for the balance.

Dr. Edward E. David, presidential science advisor, noted, there's far more a spirit of world sharing in this field than of competition.

With laboratory fusion seemingly close at hand, many environmentally concerned people urge authorities to concentrate on its development, playing down further development of nuclear-fission power plants, especially those based on breeder reactors. They realize that fusion would be easy on the environment. It involves less radioactivity. It offers relatively little danger of catastrophic accident. It should involve less heat pollution.

However experts see several misconceptions in the fusion-only approach. First, there are many different kinds of fusion. This is a process in which nuclei of light weight elements fuse to form heavier nuclei, releasing energy in the process. With 30 kinds of such reactions to choose from, physicists concentrate on the simplest and easiest to control.

When deuterium fuses with deuterium is the full fusion dream likely to be realized. Then will the fuel be virtually unlimited. Only with this and a few other reactions will radio-active dangers be minimized and heat pollution reduced to the fullest extent.

In such reactions, much of the energy goes off as electrically charged particles. It may be possible to tap this electrical energy directly, bypassing any heat cycle, and realizing efficiencies of 80 per cent or 90 per cent compared with 35 per cent for present power sources.

Today, such reactions largely wait in the wings while work focuses on the more tractable tritium-burning cycles. Thus decades of expense and effort could well bring commercial fusion power by A.D. 2000. Yet this would only be a stage in the attainment of the full fusion goal.

More importantly in setting energy-development priorities now, no expert foresees substantial installation of fusion power before A.D. 2000. Meanwhile, over this century's remaining three decades, mankind's energy needs will leap ahead.

WON'T WORK

Trying to hold those needs in check while waiting for fusion just won't work, as economist Barbara Ward and biologist Rene Dubos point out in their book "Only One Earth," a background report commissioned for the United Nations Conference on the Human Environment.

"If the world population which is already on the way to be better fed and housed . . .", they write, "new sources of energy must be found and the only technology visible on a sufficient scale at this moment is atomic (fission) energy. Even if citizens in already developed societies decide to check the rise of their own energy demands . . . the sheer basic needs of all the world's people could not be met by rationing the energy of the already rich . . .

"To keep 7 to 10 billion people alive and reasonably well served on this planet, atomic (fission) energy looks like being the most likely answer. The alternative—of too little energy—would cause infinitely larger rates of malformation and death."

This is why energy planners continue to emphasize fission plants, especially breeders, for this century even though environmentally soft fusion now seems the brightest gleam on their long-distance horizon.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had no intention, when I sat down here, of getting into this argument, but it has gone so far I believe I should clarify something. I hope the gentleman from New York (Mr. Dow) will kindly give me his attention, because he made certain statements and has mentioned Nobel laureates.

I believe I have had about as much experience in this House as most people who deal with the scientific community, and I have never seen one facet of it yet that did not have those who differed with the majority. We do not get unanimous support out of any facet of the scientific community in its recommendations.

So if we want to approach this from that point of view, we have to take the findings of the great majority of the respected scientists, and I believe the gentleman from Washington (Mr. McCormack) has set forth this very point.

We talk about the necessity for this. We cannot wait for 20 years or 10 years from now to replace the present sources of power and energy in this country. Why, 25 years ago if we had told people that oil and gas and coal were going to disappear by the beginning of the century they would have laughed at us.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I am happy to yield to the gentleman from California.

Mr. HOSMER. I believe somebody should express appreciation to the gentleman for what he is saying. No one in this body better knows the scientific community or has a closer association with it or has a more capable assessment of what it does, how it does it, and what the backgrounds and what the motives of the members of that community are, than the gentleman from California.

The gentleman is properly pointing out that the so-called list of a very small minority of the so-called scientific people who oppose the breeder reactor is composed of a very large mix of disciplines. Out of the 30 they have been able to muster in opposition to the fast breeder reactor only a small fraction are men in disciplines that give them any expertise whatsoever to render judgment upon the breeder reactor. That, too, should be considered in evaluating this opposition.

There are a lot of Ph. D.'s "popping off" in the public press as scientists, but very few of them really are identifying whether or not they are in fact experts on the subject in which they are "popping off."

When we see most of these lists to which these names denouncing the breeders have been attached we find out that they are mostly biologists or M.D.'s or others who may know something about their own specialty, but who are totally outside the field of their expertise when rendering these olympian judgments against the breeder reactor.

I thank the gentleman.

Mr. WOLFF. Mr. Chairman, the Public Works-Atomic Energy Commission appropriations measure which we are considering today contains a funding provision which I believe should be brought to the attention of this body as an ill-advised proposal. Such an indictment is not lightly made, but I strongly believe that if we act today to appropriate funds for development of the Liquid Metal Fast Breeder Reactor, we will be committing our Nation to an unwise, unsafe, uneconomical, and certainly irrevocable course of action for decades to come.

Let us examine the assumptions upon which the administration, and subsequently the Joint Atomic Energy Committee and the Appropriations Committee based their judgment. First, it is declared that we are faced with a serious and immediate energy crisis, as a result of near depletion of our traditional fossil fuel energy sources. While I accept this premise in principle, I question the ability of the LMFBR to adequately respond to this so-called crisis. Overlooking the alternatives we might employ simply within the realm of conventional fossil fuel, including a revision of our policies of energy development, energy use and distribution, and our import and energy development agreements with other nations, the projected capabilities of the LMFBR plainly do not satisfactorily answer the stated needs for magnitude or immediacy to any decree to justify so massive, a commitment to its development.

If we consider the fact that estimates place our reserves of uranium as lasting only through the year 2020, it appears that we are putting all our eggs in one very shaky basket in our approach to meeting this Nation's energy needs.

Supporters of the LMFBR maintain that this is merely an interim power source, which will fill in the gap until a more permanent, stable energy source can be developed. Yet the facts present a convincing rebuttal of this argument as

well. Our existing technologies are not adequate to cope with the dangers of a nuclear accident from a conventional conversion reactor; if we commit ourselves to development of a plutonium-fed reactor, we will be jeopardizing the population to possible exposure to one of the most highly toxic and permanent elements known to man. For example, an infinitesimal speck of plutonium on the lungs can cause cancer. Plutonium has a half-life of 24,000 years in comparison to a 15-year half-life attributed to most present waste materials. Additionally the LMFBR depends upon constant transportation and handling of this deadly fuel, which presents an uncontrollable possibility for accident or theft.

Consider for a moment what conditions we have created with wastes from conventional reactors, wastes whose radioactive properties are supposedly much less dangerous than those that will be manufactured by the LMFBR. Several years ago, the Atomic Energy Commission sought to dispose of a quantity of highly radioactive waste by enclosing the material in steel casing and then completely enclosing the steel canister in concrete. This package was subsequently lowered into a hole 3,000 feet deep into the base of a mountain. Three years later, after the canister had been buried, and the hole filled, the snow on the top of the mountain started to melt from the radioactive heat. It is dangerous speculation indeed to wonder what would be the result should that package ever be unearthed by earthquake or other means.

Another frightening but no less significant an event occurred in 1966 at the Enricho Fermi reactor located near Detroit when the reactor core suddenly melted, halting operation of the plant and threatening the surrounding area with the possibility of nuclear contamination. For 2 months the core was not opened for fear that the concrete protective shield would disintegrate and precipitate just the sort of disaster our technology is unable to contain.

In light of the existing potential for disaster, I question the advisability of turning our attention so exclusively to development of yet another interim solution, with even greater hazards than we already have, when we could instead continue for a time to rely upon the capabilities of conventional converter reactors while devoting the bulk of our resources, both research effort and money, to the development of safe, functional alternatives, many of which are well into the development stage already, such as nuclear fusion, solar energy, magnetohydrodynamics and geothermal energy sources.

Mr. Chairman, today, an amendment has been offered to delete all funds for a liquid metal fast breeder reactor demonstration plant until an independent assessment of this technology, taking into consideration other energy options, is completed. I would like to call to my colleagues attention an article which further illustrates the need for caution and the folly of committing ourselves to full-scale development of the breeder reactor prototype without more objective consideration of alternatives. And finally, I urge my colleagues to consider carefully the decision they make today that will affect the safety and well-being of our population and will ultimately affect the future of our Nation as a responsible leader in energy development in the world. I therefore urge my colleagues to join with me in opposing funding for development of the LMFBR at this time, and until such time as an appropriate independent assessment of other energy options can be completed.

Mr. LLOYD. Mr. Chairman, the budget request of the Atomic Energy Commission includes funding for a demonstration plant of an LMFBR, which the Joint Committee on Atomic Energy fully supports. Congressman Dow offers an amendment to delete the demonstration plant funds, which were to be used in conjunction with private industry in developing the plant.

In evaluating the advisability of building the LMFBR demonstration plant, I have been concerned with four issues:

First, energy needs; second, available alternatives; third, environmental effects; fourth, safety of the technology.

U.S. energy needs are growing at a phenomenal rate, projected to quadruple by the year 1990 A.D. Even if the need does not grow at this rate, present brown-outs indicate a pressing need in the future. Unless we develop energy sources for the long run, we will not be able to supply the demand, especially in light of the limited nature of the present fuel sources.

Present sources of power are primarily fossil fueled. Limited fuel sources make this alternative risky in matters of national security—foreign source dependence—as well as not guaranteeing fulfillment of energy needs. The environmental effects of these plants are also devastating, and with a proliferation of new plants would become prohibitive.

The only other viable alternative is nuclear power. Other possible sources have not reached anywhere near a stage of technological feasibility. Light water reactors, the present type of powerplant, rely on diminishing sources of uranium 238 for fuel. We cannot depend on the supply of deposits being able to supply our needs, according to the AEC, especially in light of the inefficiency of the process.

The LMFBR utilizes uranium 40 times more efficiently than today's nuclear plants, extending fuel sources for centuries. As with every new technology, however, we must be concerned with its safety and the environmental effects.

The Joint Committee on Atomic Energy is convinced that all necessary precautions are being taken to assure that development of the LMFBR demonstration plant. The plutonium produced by the breeder will be handled with extreme caution to protect both the environment and people. Such precautions are necessary if we want to supply future needs of energy without adverse effects on our children, not only in the nuclear area, but on all fronts.

An attractive alternative being proposed by some groups is a fusion-type reactor, which would reduce the production of radioactive wastes and utilize fuel even more efficiently. However, the technology is not sufficiently advanced to be workable until at least the year 2000 A.D. for commercial purposes, even with massive funding. If we were to rely on this development, we face an energy crisis for at least 10 to 15 years more than with the breeder. If the technology did not develop as expected, with technical feasibility in the last 1970's or early 1980's, the crisis would last even longer.

The breeder reactor will begin to provide power in the 1980's, and will continue to solve our needs until an alternative, such as nuclear fusion, is available. The LMFBR should be regarded as an interim solution, just as fossil fuels is now, and funding should be continued and increased for promising alternatives such as the fusion reactor—CTR—controlled thermonuclear reaction. The necessity for safeguards to protect against accidents must continually be stressed to insure a safe, reliable, and economical source of energy for our future.

Safety precautions include testing of components and safety devices at other plants, and the FFTF, fast flux test facility, will be used to improve the economic factors of the reactors and provide fuel for the LMFBR.

Mr. HOLIFIELD. Mr. Chairman, an allegation has been made by the gentleman from New York that because breeder reactors produce and utilize plutonium as a form of nuclear fuel, we should delay the breeder demonstration reactor project. The basis for this is said to be that plutonium is highly toxic.

It is certainly true that plutonium is a toxic material; however it has been handled in considerable quantity in this country for 25 years. The toxicity of plutonium was recognized at a very early time in the atomic energy program and stringent criteria for the handling and disposition of this material have been devised and are rigidly enforced.

The point which I wish to make is that in many industries, not just the nuclear industry, on a day-to-day basis we deal with highly toxic materials in industrial quantities which could be lethal to humans if not properly safeguarded.

Light water cooled and moderated civilian power reactors which have been in operation in this country for the past 12 to 15 years have been producing plutonium as a normal consequence of their operation. The greater percentage of the uranium fuel in a light water reactor is in the form of uranium-238, which through interaction with neutrons produced in the reactor converts into plutonium. During processing of the expended fuel from such a reactor, the fissionable plutonium and the unused uranium, which is also of value, are recoverable for subsequent use as nuclear fuel.

During the 12-year period of routine handling of plutonium in the civilian reactor program, there have been no accidents which resulted in release of this toxic material outside the confines of the nuclear facility.

In summary, we should no more slow or give up the development of the liquid metal fast breeder reactor because it utilizes plutonium than should we give

up the manufacture of chlorine—for water-treatment purposes related to the preservation of the public health, or give up the manufacture of commercial explosives important to construction and mining activities because improper handling could result in damage to members of the public.

We must be extremely careful in the handling of any toxic material and the record shows that the Atomic Energy Commission, through its licensing program has in the past, and I am sure will in the future, insist upon procedural safeguards, engineering safeguards, and other techniques designed to assure the protection of the public health and safety against exposure to any form of radioactive material.

It also has been argued that breeder reactors are too dangerous. Such statements ignore the purpose of our basic research and development effort in the breeder field in developing a safe reactor system. Much has been done in this area. Additional work is required. A significant portion of this appropriations request is for obtaining the remainder of the answers to design, construction, and operation of reliable and safe reactors. Tests have been conducted in Idaho on the safety of breeder reactor fuels. The Fast Flux Test Facility being built in Richland will be utilized to obtain additional safety data on both fuel and fast breeder reactor components. A major facility, the SEFOR reactor in Arkansas, has just completed several years of operation to obtain data on a very fundamental concept of reactor safety referred to as the Doppler effect. The data which were obtained, I might add, are most reassuring as to the ability to safely control liquid metal fast breeder reactors.

Of course, much of the safety information which was developed for the present commercial reactors including years of safe operation is also applicable to the fast breeder. In summary, the nuclear reactor program is unprecedented in the emphasis which has been given to safety from the very start. I might add that all the leading nuclear power developers of the world have considered safety aspects of the various potential systems and have also selected the liquid metal fast breeder reactor as their priority effort.

Consideration of these factors makes it completely out of order that we slow our efforts in the development of the liquid-metal fast breeder reactor as the priority program in the search for new energy sources for our long-range need. Accordingly, I recommend strongly that the amendment to delete funds for the liquid metal fast breeder demonstration reactor be rejected.

The great majority of the knowledgeable scientists and engineers who have helped to develop the domestic uses of atomic energy are confident that we have developed safe processes. Only a few scientists have raised the cry of fear and danger.

I am surprised that the proponents of this amendment continue to advance their unfounded charges based on a total lack of credible information at best, and a surplus of the wrong kind of information at the worst.

There is no alternative for adequate future supplies of electricity other than from nuclear fuel.

The Congress, the President and the electric generating industries of the United States have endorsed the fast breeder reactor concept.

Let us get on with the job.

Mr. VANIK. Mr. Chairman, the committee has reported an appropriation of $50 million for the construction of the first breeder reactor. They argue that it is necessary if nuclear power is to make substantial contributions to the electricity supply in the 1990's and beyond. Energy is such an important resource that this argument is hard to challenge.

Opponents of the breeder reactor tell us that such reactors—in fact, all fission type plants—are dangerous, fantastically dangerous, on many, many counts. A statement arguing against the breeder on these counts was signed by 30 eminent scientists; I would like to enter several paragraphs of this statement here.

The reactor's cooling system will utilize liquid sodium, which is highly reactive and burns on contact with air or water. Breeder reactors are inherently more difficult to control than today's commercial fission reactors, they operate closer to the melting point of their structural materials, and they generate and use much larger quantities of plutonium. Plutonium has a half-life of 24,000 years and is one of the most toxic substances known to man. Unlike the uranium on which today's fission reactors rely, plutonium can be fashioned relatively easily into a crude nuclear weapon. In an energy economy based on breeder reactors (some hundreds of them by the year 2000 according to AEC projections), enormous quantities of plutonium will have to be handled and transported. The potential for accidental release or theft by unauthorized persons will be unprecedented.

Troublesome problems exist even with today's reactors: the possible diversion for clandestine purposes of the smaller (but still substantial) quantities of plutonium now in circulation; the possibility of a reactor accident, including one caused by either earthquake or sabotage, that could release huge amounts of radioactivity; routine emissions and potential accidents at the reprocessing plants where uranium and plutonium are separated from radioactive wastes in the spent reactor fuel; and the difficulties of isolating the long-lived radioactive wastes from the environment for thousands of years. It is imprudent to deploy the even more hazardous breeder reactor before sound technical solutions for these problems have been developed and proven.

Briefly, then, there are critically important environmental, public health and safety questions involved in the handling, use and proliferation of enormous quantities of the almost indefinitely long-lived radioactive materials to be used in the new reactors now planned by the AEC.

In the face of this dilemma—the necessity for adequate energy resources as opposed to the grave dangers of the fast breeder project—what should we do?

First, we must opt to go more slowly in the construction of the large 300–500 magawatt LMFBR demonstration plant. Construction of such a large plant without intervening smaller scale demonstration plants seems to risk both public funds and public safety. The construction of the test facility to evaluate the structural capabilities of the components to be used in the LMFBR is not even due to be complete until June 1974, so it is unwise to hurry ahead with the construction of so potentially dangerous a plant.

Just as important as the lack of knowledge regarding the components of the LMFBR, and perhaps much more important in the long run, is the lack of knowledge both in Congress and in the general public of the general environmental impact of this reactor. Full funding of the demonstration unit should be deterred until the AEC's environmental impact analysis has been published in final form, together with other independent agency views—especially that of the Environmental Protection Agency. We must require an independent assessment of the LMFBR technology especially as the National Environmental Protection Act requires the AEC to consider alternative energy technologies before proceeding with its program for the commercial development of LMFBR's. The AEC has circulated NEPA statements on individual reactors, but we and the public must have before us considerations on the impact of the LMFBR program as a whole and as it compares with alternative energy possibilities.

Under these circumstances, no funds should be appropriated for a second LMFBR demonstration plant until results of the first experiment have been published and evaluated by various agencies.

Now it may well be asked, if we delay the development of the highly touted LMFBR program, what shall we do about our impending energy crisis? This is a crucial question and there are many answers. The fact is that we, as a Nation, have not given enough emphasis to the development of alternative, cleaner and safer forms of energy.

First. First of all, we must really expedite the coal gasification program. This program can yield both pipeline quality—high BTU—gas, and low BTU gas for gas turbines at the mines to generate electricity. If necessary, such experimentation should be transferred to the AEC labs for the quickest possible development. Perhaps the AEC jurisdiction should be changed to include a wider range of power sources. What we need today is an Energy Development Commission.

Second. We must really expedite ways to more efficiently burn coal while trapping pollutants.

Third. We must realize that there is no one solution to the 'energy crisis', and that different localities will be able to use different energy resouces. For instance, for some localities we must demonstrate new geothermal processes. Geothermal energy has been proven out since the beginning of the century in Italy, and is used as an important source of power in Australia and New Zealand. The Pacific Gas & Electric Co. has a successful plant in northern California.

Fourth. Other localities, such as New York City, can help solve their waste disposal and their energy problems at the same time; we must really find out to

what extent urban solid wastes can be used as or for fuels.

Fifth. Still other communities ought to be encouraged to demonstrate solar energy for such uses as heating and air conditioning.

Sixth. There are a number of new and exciting energy potentials under discussion. We must make increased commitments to research into these new fields which hold out the potential for virtually limitness sources of nonpolluting energy. For example, new ideas have been advanced for ways to use the differentials in the temperatures of the oceans to generate electricity. The oceans of the world absorb—and hold—most of the solar energy reaching the surface of the earth. It appears theoretically possible to convert the energy of the heat stored on the surface of the oceans to electrical energy.

Seventh. Just as we must expedite such new sources of energy, we must also push for getting more out of present energy and plants. Probably most important here is magnetohydrodynamics—MHD. The AEC does not even include in its 1973 budget, evaluation of MHD, combined power cycles, or direct conversion of heat energy to electrical energy. MHD especially is important, because it presents the possibility of increasing the efficiency of our ordinary fuel-burning plants from the present 33 percent maximum to 50 percent efficiency. The Soviet Union is far ahead of the United States in this regard. In light of the urgency of our power needs, and in the spirit of recent international developments, a high priority should be put on the exchange of information between the United States and Russia on MHD developments.

Eighth. Other priority programs should be the improvement of energy transmissions, improvements in insulation of housing, et cetera.

Probably the most important program which we will consider is the development of controlled thermonuclear fusion plants. I am well aware of the great hopes held for fusion. I am equally aware that a workable controlled fusion process has yet to be demonstrated. If we can get fusion to work, mankind literally will have all the energy we can ever use—clean energy at that. If we can't get it, we must know as soon as possible. Fusion is far superior to fission if it works as envisioned, and our policy must be such that our priority is on this more promising and safer technology. We must provide funds now, not just for testing the feasibility of this program in the immediate generation of experimentation, but also to provide for the technology towards the building of the eventual reactors. This sort of technology accounts for only 5 percent of the current budget of the Division of Controlled Thermonuclear Research. This sector of the AEC's budget must be given a much greater priority. We must be sure that the engineering side of fusion is put into development immediately. We must make sure that scientists with new ideas are adequately funded, and we must again stress and press for vigorous collaboration—not just parallel efforts—between the United States and the U.S.S.R. which is, again, far ahead of the United States in this essential field.

Because of the appropriation for this dangerous reactor and because of the almost $\$\frac{1}{2}$ billion appropriation for the Bureau of Reclamation projects—which bring new farmland into production and subsequent retirement in the soil bank, I feel constrained to oppose this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Dow).

The amendment was rejected.

Mr. HANNA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not intend to take the full 5 minutes, but I take this opportunity to present some questions to the chairman.

First of all I should like to ask, given the status of the legislation which authorized the expenditures and given the expenditures and their limitations, is there any possibility that there is money in this bill to proceed with studies for the establishment of a nuclear energy plant for desalinization and electrification at the mouth of the Colorado River in the territory under the jurisdiction of Mexico?

Mr. EVINS of Tennessee. Mr. Chairman, I would say to my friend, the gentleman from California (Mr. HANNA) that there is no money for a specific plant. There are funds in the bill for AEC to continue research and development on the desalting program, including the area in which the gentleman is interested, but not specifically for the construction of a plant. We also provided $2,060,000, an increase of $1,005,000 in the budget, for the Colorado River water quality improvement program of the Bureau of Reclamation.

Mr. HANNA. Mr. Chairman, I should like to urge that the chairman of both the authorization committee and the appropriation committee utilize all the powers that are presently in the law, or to request very early powers which will make it possible to be able to address this problem that was brought to the attention of the House by President Echeverria when he was here just recently. I think that it is long past the time, when with the great technology we now have, we should address ourselves to this situation which is causing friction, and rightfully so, between ourselves and a very valuable neighbor to the south, Mexico.

I would think it would take very little money to get started on a study that would give that neighbor some hope that we are not unaware of the problem which we have created over the last 40 years by building dams on the Colorado River. The chemical and mineral content of the water that ultimately reaches the Santa Clara Valley has incresed to a point where it was once below 300 parts per million to where right now it is near 800 parts per million.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Arizona (Mr. RHODES). The gentleman is from the lower Colorado River area of the country, and he is well aware of the problem which I am here addressing.

Mr. RHODES. Mr. Chairman, I thank the gentleman for yielding, and I can assure the gentleman that we are, all of us in this area, very well aware of the situation. As a matter of fact, there have been negotiations between the United Mexican States and the United States of America for some time now to try to find a good means of solving the problem. The President of Mexico was, I think, exactly within his rights in dramatizing the problem which does exist.

The best way to handle the problem is to produce more water, and certainly one of the atomic plants, hopefully a liquid metal fast breeder reactor, should be constructed in that area that can be used to produce fresh water from the Gulf of California.

Of course, as the gentleman knows, this will require agreement with the Republic of Mexico, which is now being worked upon, but which has not yet been perfected.

So I congratulate the gentleman for the interest he has shown in this matter, and to assure the gentleman that this is a problem which is receiving attention from the people in our Government, not only in the executive branch alone, but also in the legislative branch.

Mr. HANNA. Mr. Chairman, it gives me a great deal of relief to hear the gentleman from Arizona (Mr. RHODES) to so express himself on that point.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I would like to caution that the United States in its relationship with Mexico is based upon a treaty, and that treaty established certain rights with respect to the quantity of water as far as Mexico is entitled from the flow of the Colorado River, but that there is nothing in that treaty respecting the quality. The quality is not an obligation by treaty or by any other legal means of the United States with respect to the Colorado River water.

Now, certainly with regard to the Republic of Mexico, with respect to the water supply quality there, this should be done and should be considered in the context of an agreement between the countries, and by no means—by no means whatever—any obligation, legal, moral or otherwise, upon the Government of the United States, and its taxpaying citizens.

Mr. HANNA. I think that I can agree with part of what the gentleman has said, but I just cannot believe that this country feels that there is no moral obligation when we are taking all of the benefits through the building of dams to improve substantially our use of the river water and then pass it on to a neighbor in a deteriorated quality. I cannot believe that we, as Americans, believe there is no moral obligation to the consideration of this problem at all.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman.

Mr. RHODES. In furtherance of what

the gentleman from California says, when the treaty with the Republic of Mexico was concluded, it provided much more water to go into Mexico than anybody ever thought that they would use, because of the realization that the salt in the Colorado River would increase, and get in the river further up, as these projects were built. So it is not a treaty which is unjust.

However, we think it would be, certainly as a matter of international comity, the best way to treat a good friend, as the United Mexican States are, by indicating that we want to take the salt out of that water and give them just as good quality water as we possibly can. This we will do.

Mr. FINDLEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to thank the subcommittee for the consideration that has been extended by this bill in the interest of the district I represent and to the subcommittee on previous occasions for similar very favorable consideration. I appreciate it very much.

Mr. Chairman, this is the ninth appropriation bill considered so far by this body for fiscal 1973. While it is under the budget request for Public Works and the Atomic Energy Commission, it nevertheless contains a considerable amount of red ink.

This is so because the aggregate budget requests for fiscal 1973 for the Federal Government exceed revenue forecasts by $25 billion. The budget requests involve that much red ink.

The budget request for this appropriation was $5,489,058,000. The committee recommendation was slightly less and was $5,437,727,000. This was a cut of 0.9 percent or $51,331,000.

To bring the appropriation bill in line with anticipated revenue for fiscal 1973 would have required a 14-percent cut below the budget request, or a cut of $768,468,120. Making adjustment for the 0.9-percent cut actually made by the subcommittee, means that the red ink still in the bill amounts to 13.1 percent or $717,137,120.

Assuming that the House eventually approves this bill without amendment, as I assume it will, the House will have approved spending for the fiscal year 1973 in the amount of $75,010,164,814.

The budget request for the same purposes totalled $74,448,223,104.

In effect, we are piece by piece building a Federal deficit for fiscal year 1973 considerably in excess of $25 billion.

Every appropriation bill approved by the House this year has contained a substantial amount of red ink even though most of them have been below the budget request.

The amounts I have referred to are summarized in a table which I insert at this point under permission already granted.

The matter referred to is as follows:

REPORT ON "RED INK" FINANCING FOR FISCAL 1973

Appropriation bill	Budget request	Balanced budget level (14 percent cut)	Amount approved by House	"Red ink" approved by House
Legislative	$433,627,004	$372,919,224	$427,604,764	$54,685,540
State, Justice, Commerce, Judiciary, related agencies	4,687,988,600	4,031,670,196	4,587,104,350	555,434,154
HUD, Space Science, Veterans, independent agencies	20,173,185,000	17,348,939,100	19,718,490,000	2,369,550,900
Transportation and related agencies	8,426,792,000	7,247,041,120	8,316,950,000	1,069,908,880
District of Columbia	343,306,000	295,243,160	332,306,000	37,062,840
Interior and related agencies	2,520,340,000	2,167,492,000	2,529,558,200	362,065,800
Labor, HEW, and related agencies	$27,327,323,500	$23,501,498,210	$28,603,179,500	$5,101,681,290
Treasury, Postal Service, and general Government	5,066,603,000	4,357,278,580	5,057,145,000	699,866,420
Total				10,250,255,824
Public works and Atomic Energy Commission	5,489,058,000	4,720,589,880	[1] 5,437,727,000	[2] 717,137,120
Total	74,448,223,104		75,010,164,814	10,967,392,944

[1] Recommended by committee.

[2] If committee recommendation is approved.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 102. No part of any appropriation herein shall be used to confer a fellowship on any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence or with respect to whom the Commission finds, upon investigation and report by the Civil Service Commission on the character, associations, and loyalty of whom, that reasonable grounds exist for belief that such person is disloyal to the Government of the United States: *Provided*, That any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence and accepts employment or a fellowship the salary, wages, stipend, grant, or expenses for which are paid from any appropriation contained herein shall be guilty of a felony, and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty shall be in addition to, and not in substitution for, any other provisions of existing law.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the time I prepared supplemental views on this legislation, I was able to determine that upward of two dozen of the 482 projects in this bill were being funded despite the fact that no final environmental impact statements on them had been filed with the Council on Environmental Quality.

Since that time I have discovered that there are at least 233 Corps of Engineers projects in this bill for which final impact statements are not available, including at least 176 projects for which not even draft impact statements are available. They include the following:

NO FINAL ENVIRONMENTAL IMPACT STATEMENTS—DRAFTS FILED

Alum Creek Lake—Ohio.
Beaver Drainage District—Oregon.
Big Sioux River—Iowa & South Dakota.
Birch Lake, Birch Creek—Oklahoma.
Cache River Basin—Arkansas.
Corte Madera Creek—California.
Cayuga Island—New York.
Clayton Lake—Oklahoma.
Clear Creek—Texas.
Copan Lake—Oklahoma.
El Dorado Lake—Kansas.
Falmouth Lake—Kentucky.
Kalamazoo River—Michigan.
Kehoe Lake—Kentucky.
Lakeview Dam & Reservoir—Texas.
Lawrence—Kansas.
Levee Unit #L-246, Missouri River—Iowa.
Lincoln Lake—Illinois.
Lower Columbia River Bank—Oregon & Washington.
New Melones Lake—California.
Nookagee Dam—Massachusetts.
Paint Creek—Ohio.
Ririe Dam & Lake—Idaho.
Rowlesburg Lake—West Virginia.
Russian River Basin—California.
Saginaw River—Michigan.
Santa Paula Creek Channel & Debris Basin—California.
Shidler Lake—Oklahoma.
Smithville Lake—Missouri.
South Branch, Rahway River—New Jersey.
Sprewrell Bluff Lake—Georgia.
Tallahala Creek Lake—Mississippi.
Trexler Lake—Pennsylvania.
Trotters Shoals Dam & Lake—Georgia & South Carolina.
Wahkiakum County—Washington.
Woodcock Creek Lake—Pennsylvania.
San Diego River & Mission Bay—California.
Atchafalaya River, Bayous Chene, Boeuf & Black—Louisiana.
Oak Orchard Harbor—New York.
Hannibal Locks & Dam, Ohio and West Virginia—Ohio.
Lorain Harbor—Ohio.
Vermillion Harbor—Ohio.
Willow Island Locks & Dam, Ohio & West Virginia—Ohio.
Skiatook Lake—Oklahoma.
Columbia River & lower Willamette River—Oregon & Washington.
Corpus Christi Ship Channel—Texas.
Mouth of Colorado River—Texas.
Inland Waterway (Delaware River to Chesapeake Bay)—Delaware & Maryland.
Morehead City Harbor—North Carolina.
New York Harbor collection and removal of drift—New York.
New York Harbor (anchorages).
Port Hueneme Harbor—California.
Libby Dam-Lake Koocanusa—Montana.
Brevard County—Florida.
Hamlin Beach Harbor—New York.
Sacramento River bank protection—California.
Cordell Hull Dam and Reservoir—Tennessee.

NO DRAFTS OR FINAL ENVIRONMENTAL IMPACT STATEMENTS SUBMITTED (CORPS)

Montgomery—Alabama planning.
Indian Bend Wash—Arizona planning.
Phoenix and vicinity, Arizona construction and planning.
Bell Foley Lake—Arkansas planning.
Dierks Lake—Arkansas construction.
Alameda Creek, Del Valle Reservoir—California construction.
Butler Valley Dam-Blue Lake—California planning.

Chester, North Fork of Feather River—California planning.
Cucamonga Creek—California planning.
Dry Creek (Warm Springs) Lake and Channel—California $10 million, construction.
Fairfield vicinity streams—California planning.
Lakeport Lake—California planning.
Mormon Slough—California construction.
Pajaro River—California planning.
Sacramento River and major and minor tributaries—California.
Sacramento River Chico Landing to Red Bluff—California $100,000 construction.
San Diego River, Mission Valley—California planning.
Sonoma Creek—California planning.
Walnut Creek—California $2.4 million, construction.
Boulder—Colorado planning.
Chatfield Lake—Colorado $11 million, construction.
Trinidad Lake—Colorado $7.4 million, construction.
Derby—Connecticut $1.5 million, construction.
Delaware Coast protection—Delaware planning.
Four Rivers basins—Florida $7.6 million, construction.
East Moline—Illinois planning.
Freeport—Illinois $200,000, construction.
Fulton—Illinois planning.
Helm Lake—Illinois planning.
Lake Shelbyville—Illinois $3.1 million, construction.
Louisville Lake—Illinois planning.
McGee Creek Drainage and Levee District—Illinois planning.
Moline—Illinois planning.
Rend Lake—Illinois $3.8 million, construction.
Rock Island—Illinois $2.5 million, construction.
Rockford—Illinois $200,000, construction.
Saline River—Illinois $2.7 million, construction.
Big Pine Lake—Indiana land acquisition.
Big Walnut Lake—Indiana.
Brookville Lake—Indiana $7.5 million, construction.
Evansville—Indiana $600,000, construction.
Greenfield Bayou levee—Indiana $500,000, construction.
Island levee—Indiana and Illinois $300,000, construction.
Levee Unit No. 5—Indiana $569,000, construction.
Mason J. Niblack levee—Indiana $200,000, construction.
Newburgh bank revetment—Indiana $11 million construction.
Bettendorf—Iowa planning.
Clinton—Iowa planning.
Davenport—Iowa planning.
Dubuque—Iowa $1.2 million construction.
Guttenberg—Iowa $600,000 construction.
Marshalltown—Iowa $2.3 million construction.
Missouri River levee system—Iowa, Kansas, Missouri and Nebraska $1.6 million construction.
Saylorville Lake—Iowa $10 million construction.
Cedar Point Lake—Kansas planning.
Grove Lake—Kansas planning.
Hays, Big Creek—Kansas $200,000 construction.
Melvern Lake—Kansas $6.9 million construction.
Onaga Lake—Kansas planning.
Perry Lake area—Kansas planning.
Winfield—Kansas planning.
Wolf-Coffee Lake—Kansas planning.
Carr Fork Lake—Kentucky $4.7 million construction.
Cave Run Lake—Kentucky $8.8 million construction.
Green River Lake—Kentucky $250,000 planning.
Pikeville—Kentucky $1 million construction.
Red River Lake—Ketucky $500,000 construction.
Bayou Bodcau and tributaries—Louisiana $1 million construction.
Grand Isle and vicinity—Louisiana planning.
Lake Pontchartrain and vicinity—Louisiana $20 million construction.
Michould Canal—Louisiana $1 million construction.
Monroe Floodwall—Louisiana $505,000 construction.
Tawas Bay Harbor—Michigan planning.
Lexington Harbor—Michigan $100,000 construction.
Beaver Bay Harbor, including Silver Bay—Minnesota planning.
Lutsen Harbor—Minnesota planning.
Mankato and North Mankato—Minnesota $1.6 million construction.
Winona—Minnesota planning.
Brookfield Lake—Missouri planning.
Mercer Lake—Missouri $2.5 million construction.
St. Louis—Missouri $1.2 million construction.
Martis Creek Lake—Nevada $450,000 construction.
Cochiti Lake—New Mexico $14.9 million construction.
Allegheny—New York planning.
Cattaraugus Harbor—New York planning.
East Rockaway Inlet to Rockaway Inlet and Jamaica Bay—New York planning.
North Ellenville—New York $2.2 million construction.
Wellsville—New York $840,000 construction.
Yonkers—New York planning.
Brunswick County Beaches—North Carolina planning.
Howards Mill Lake—North Carolina planning.
Randleman Lake—North Carolina.
Reddies River Lake—North Carolina.
Wilmington Harbor 32-foot—North Carolina.
Burlington Dam—North Dakota.
Missouri River, Garrison Dam to Lake Oahe—North Dakota.
Chillicothe—Ohio.
Huron Harbor—Ohio.
Newark—Ohio.
Utica Lake—Ohio.
Youngstown, Crab Creek—Ohio.
Hugo Lake—Oklahoma.
Lukfata Lake—Oklahoma.
Optima Lake—Oklahoma.
Waurika Lake—Oklahoma.
Tilamook Bay and Bar—Oregon.
Williamette River Basin bank protection—Oregon.
Willow Creek Lake—Oregon.
Yaquina Bay and Harbor—Oregon.
Chartiers Creek—Pennsylvania.
Raystown Lake—Pennsylvania.
Shenango River Lake, Pennsylvania & Ohio—Pennsylvania.
Tyrone—Pennsylvania.
Union City Lake—Pennsylvania.
Cooper River-Charleston Harbor—South Carolina.
Aquilla Lake—Texas.
Aubrey Lake—Texas.
Big Pine Lake—Texas.
Buffalo Bayou and tributaries—Texas.
Cooper Lake and channels—Texas.
Elm Fork floodway—Texas.
Freeport and vicinity—Texas.
Greenville—Texas.
Lake Brownwood modification—Texas.
Lake Kemp—Texas.
Millican Lake, Navasota River—Texas.
Mineola Lake—Texas.
Port Arthur—Texas.
San Gabriel River—Texas.
Texas City and vicinity—Texas.
Trinity River and tributaries—Texas.
Trinity River project—Texas.
Little Dell Lake—Utah.
Weber River and tributaries—Utah.
Gathright Lake—Virginia.
Salem Church Lake—Virginia.
Little Goose lock and dam—Lake Bryan—Washington.
Lower Granite lock and dam.
Vancouver Lake—Washington.
Beech Fork Lake—West Virginia.
Coal River Basin—West Virginia.
East Lynn Lake—West Virginia.
Leading Creek Lake—West Virginia.
R. D. Bailey Lake—West Virginia.
West Fork Lake—West Virginia.
Green Bay Harbor—Wisconsin.
Sheridan—Wyoming.
Alabama River Channel improvement—Alabama.
Clairborne lock and dam—Alabama.
Jones Bluff lock and dam—Alabama.
Millers Ferry lock and dam, William "Bill" Dannelly Reservoir—Alabama.
Kake Harbor—Alaska.
King Cove Harbor—Alaska.
Snettisham power project—Alaska.
De Gray Lake—Arkansas.
McClellan-Kerr Arkansas River Navigation System—Arkansas and Oklahoma.
Ozark lock and dam—Arkansas.
Humboldt Harbor and Bay—California.
Marysville Lake—California.
Dade County—Florida.
Duval County—Florida.
Virginia Key and Key Biscayne—Florida.
Carters Lake—Georgia.
Savannah Harbor, 40 feet widening and deepening—Georgia.
Savannah Harbor sediment basin—Georgia.
West Point Lake—Alabama and Georgia.
Maunalua Bay Small Boat Harbor—Hawaii.
Wainae Small Boat Harbor—Hawaii.
Dworshak Dam and Reservoir—Idaho.
Illinois Waterway, Calumet-Sag modification—Illinois and Indiana.
Illinois Waterway Duplicate Locks.
Kaskaskia River navigation—Illinois.
Cannelton locks and dam, Indiana and Kentucky.
Newburgh locks and dam—Indiana and Kentucky.
Uniontown locks and dam—Indiana and Kentucky.
Laurel River Lake—Kentucky.

Some Members may say, "so what?"

One simple answer is that the law is the law.

Another answer lies in the reasoning of the Congress in passing the National Environmental Policy Act in the first place. Congress required environmental impact statements, I think, so that an agency, in its decision-making process, can give appropriate, careful and full consideration to the environmental impacts of its proposed actions.

Some agencies do not agree that completed environmental impact statements should accompany proposals through all existing levels of review.

I agree with the General Accounting Office, however, in its recently expressed belief that:

> If this requirement is met before initial review and approval of a proposal, an agency is more apt to consider environmental information objectivity and fully.

As I indicated in my supplemental remarks, there are no final impact statement, for example, for the following four projects funded in the bill:

First. The Sprewell Bluff Dam in Georgia;

Second. The Lincoln Lake Dam in Illinois;

Third. The Trotters Shoals Dam in South Carolina and Georgia; and

Fourth. The Central Arizona Project in Arizona.

With regard to the Sprewell Bluff project, I think it it is important to point out that to the best of my knowledge, gained from the hearings on this bill, this project is being funded not only without a final impact statement, but also in spite of the fact that the Corps of Engineers will be holding a major public hearing on it, probably this summer, to determine the views of Georgia residents on the project.

There are also substantive issues involved with that project.

It is my understanding, for example, that the Georgia Natural Areas Council has listed the Flint River, which would be damned by the project, as the most scenic stream in the Georgia Piedmont. The Georgia Recreation Commission is apparently opposed to the project, as well as the Georgia Game and Fish Commission.

Substantive issues can be raised about other projects as well.

The Bureau of Sport Fisheries and Wildlife has condemned the Lincoln Lake project in an April 1971 report in which it pointed out that "one of the finest, if not the finest natural streams in Illinois, will be destroyed as a result of the project implementation."

The central Arizona project is a controversial project which has raised a variety of questions in some minds. For example, will further withdrawals of Colorado River water aggravate salinity problems in the water flowing into Mexico or will it lead eventually to the demand for diversion of the waters in the Columbia River Basin?

Mr. Chairman, I do not mean to suggest that these projects, or the others listed here are necessarily worse than some others funded in this bill. In all probability a great many of these projects are worthwhile and ought to be funded by Congress. But I have not had the tools nor the time to decide whether that is correct or not. And I have taken this time principally to make that point.

Fortunately many of the projects with no environmental impact statement now are getting planning—but not construction money.

We are told there will be construction in the future until final impact statements are filed. I am pleased to hear that.

We all realize how big an impact these kinds of projects can have on the environment—and for that reason I think it is obvious why we need environmental impact statement on them early—not just 30 days before construction begins.

Therefore, given the questions raised about the necessity or the environmental consequences of some of these projects, and the lack of environmental impact statements on a significant number of them, I intend to vote against final passage of this bill.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I applaud the gentleman from Wisconsin for his statement. I wonder if the information which he has available indicates whether or not the Rowlesburg Lake in West Virginia is one of the projects that has not filed a final environmental impact statement.

Mr. OBEY. It is my understanding that the Rowlesburg Lake project is not accompanied by a final environmental impact statement. I would point out it is very difficult to tell because you have to get the agency reports, run through all of them, and compare them with what is in the bill.

In my judgment the agencies ought to be required, and I am certain in the future the subcommittee is going to try to require them, to tell us which ones have reports and which ones do not.

Mr. HECHLER of West Virginia. Mr. Chairman, if the gentleman will yield further, there are many questions on this and other projects which could be settled if these environmental impact statements were filed. There have been a large number of environmental criticisms of the Rowlesburg project, which will cost a grand total of over $150 million before completed—$143 million of which is in Federal funding. Under the heading of construction, the committee report states that $200,000 is included for land acquisition for the Rowlesburg Lake in the next fiscal year. I regret that this amount has been included for a project which will constitute the most expensive dam east of the Mississippi River.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do this in order to make a statement on environmental impact policy for the RECORD and for all Members.

In specific answer to the gentleman from West Virginia, I will state the Rowlesburg Lake project is not funded for construction. No work will be initiated until a final environmental impact statement has been filed.

Mr. Chairman, I have a specific answer for each of the four projects the gentleman from Wisconsin mentioned, namely:

(a) Sprewell Bluff Dam, Georgia:

(1) The Committee specifically reduced the budget request by $1.1 million because of delays in finalizing the environmental impact statement;

(2) Draft EIS has been available for review since July, 1971—final pending.

(b) Lincoln Lake, Illinois:

(1) The Committee reduced the budget request by $500,000 because of the delays being encountered in connection with resolution of pending issues;

(2) Draft has been available for review since May, 1971—final pending.

(c) Trotters Shoals Lake, Georgia and S.C.

(1) The funds allowed in the bill are strictly for land acquisition to avoid cost escalation in the area and hardship to the landowners.

(2) Draft has been available for review since July, 1971.

(d) Central Arizona Project:

(1) The draft environmental impact statement has been available for review since Sept. 27, 1971, and the final statement is scheduled for July, 1972.

Certainly we would be ridiculous to stop projects that have been long under construction, especially in view of the recent devastation of floods which have occurred in this Nation.

Finally, the environmental impact statements are being prepared as fast as possible on all projects under study and review, and all old projects under construction. I hope this policy statement will satisfy Members and all those concerned.

Mr. DU PONT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to commend the gentleman from Tennessee on the statement he has just put into the RECORD concerning national environmental policy and the filing of impact statements.

I would like to commend the gentleman, also, and the whole Committee on Appropriations, for its wisdom and foresight in dealing with the question of the Tocks Island Dam.

As the Members may know, construction funds were not appropriated this year for the Tocks Island Dam, one of the reason being this very question of the environmental impact statements. This brings me to the gentleman from Wisconsin and his comments in the well a few moments ago concerning the failure to file the environmental statements in the case of a great many projects. I would like to associate myself with his remarks and point out that the Tocks Island Dam situation was a prime example of the type of trouble we can get into if these environmental statements are not filed.

A year ago no comprehensive statement had been filed on that project and the Congress did appropriate some construction money. Between the appropriation last year and the committee hearings this year the full environmental impact statement did show the severe ecological problems associated with the Tocks Island Dam project.

So here, Mr. Chairman, is a prime example of the need for filing these environmental statements. The gentleman from Wisconsin is quite correct in his remarks and I commend him for his research and concern in this important matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, and when authorized by law, surveys and studies of projects prior to authorization for construction, $54,200,000, to remain available until expended: *Provided*, That $1,000,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 53–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: Page 5, line 16, strike out "$54,200,000" and insert in lieu thereof "$54,050,000".

Mr. YOUNG of Florida. Mr. Chairman, this amendment deletes $150,000

from H.R. 15586 that would finance yet another study of the defunct Cross-Florida Barge Canal, a project already studied to death and one opposed by conservationists in Florida and throughout America. The first study on this project was conducted in 1826 followed by eight more before 1930, and numerous others since.

Now, Mr. Chairman, it sounds good to have an environmental impact study, but I submit that such a study would only be needed if this project was going to go ahead; however, the digging of the Cross-Florida Barge Canal has been permanently halted by Presidential order to prevent further damage to the state's environment.

So the proposed study is a very obvious ploy to resurrect a discredited project. The Congress is being asked to put a stamp of approval on a canal that would do irreparable harm to Florida's natural resources and seriously threaten the underground aquifer that supplies drinking water to the central part of my State.

This canal is not something new. The Cross-Florida Barge Canal has been on again, off again for 150 years and for decades, the canal supporters have had their way. In fact, so far, $53 million of taxpayers' money has been wasted on the big ditch. During this time, opponents of the canal were unable to have their voices heard. We were refused the opportunity to participate in the decisions.

Finally, our voices were heard. On January 19, 1971, President Nixon permanently halted the canal, and last year this Congress appropriated $4.15 million to clean up the damage and halt construction on the canal. The Army corps of engineers reported to me that their work on the canal was being continued "solely because it is necessary to leave the affected areas in a safe condition or mitigate adverse environmental effects. Continuation of these contacts does not represent resumption of the canal project which was permanently halted by President Nixon."

Another study would merely waste even more of the taxpayers' money on a project that should not be revived. But the Florida delegation has always stood together on our stated public works requests. This study was not approved by the Florida cabinet as part of the State's official request for public works funds for fiscal year 1973. Nor has our Governor requested money for another study.

The Cross-Florida Barge Canal is not supported by the people of Florida and Florida's representatives here in Congress are divided on this issue.

In stopping the canal, President Nixon said:

> A national treasure is involved in the case of the Barge Canal—The Oklawaha River, a uniquely beautiful, semi-tropical stream, one of the very few of its kind in the United States, which would be destroyed by construction of the Canal.

A study recently was completed on the Oklawaha River Basin which makes up a large portion of the canal area. This study involved more than 100 environmentalists from Federal and State agencies and several universities, and it led to a recommendation on May 18 from the Council on Environmental Quality and Corps of Engineers calling for action to preserve the Oklawaha River.

While time prevents me from outlining all the environmental objections to the Cross-Florida Barge Canal, I want to point out that another study would be reviewed by the Council on Environmental Quality which is already on record in opposition.

A study last year by 126 Florida scientists concluded that:

> The recently abolished Cross-Florida Barge Canal project will stand as a classic example of the reckless degradation of the natural environment.

The Florida Game and Fresh Water Fish Commission found that the Rodman Reservoir, part of the canal system, "created ecological problems almost beyond comprehension."

There are many reasons why people are opposed to this project. Some have asked why my great concern in this matter since it is not in my district. We must realize, however, that the effects of this project are not limited simply to the area of construction. Russell Train, Chairman of the Council on Environmental Quality, concluded that:

> Potential pollution from the project may be transferred to the Florida Aquifer, setting off a destructive chain reaction affecting the water supply for many users—including those in my district.

The U.S. Geological Survey agreed and pointed to:

> Potential aquifer contamination and pollution of canal waters which could affect estuarine waters and their ecologies.

The availability of fresh water, I might add, is a serious consideration and from time to time, water rationing is required in parts of Florida including Pinellas County in my district of Florida.

So I say again, the only reason this study would be needed is if digging of the canal is going to be resurrected. Those who want to do that should oppose my amendment—but those who want to keep the project dead, those want to protect the natural environment, and those who want to save the taxpayer's money, should support my amendment.

I urge a vote for this amendment to delete funds for still another study of the Cross-Florida Barge Canal. Too much of the taxpayers' money already has been wasted on this discredited project—and there are literally thousands of good projects where this money could be spent to protect natural resources and benefit the people of our districts.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, four members of the Florida House delegation have a direct and personal interest in this project. It is an interest based on the economic effect of the project on the districts and the people whom we represent. The concern expressed by my good friend. BILL YOUNG, about water supply is, of course, a legitimate interest.

Water supply is becoming increasingly a matter of importance to city dwellers and industrial users throughout the Nation. We, in Florida, more than most States, have been blessed with an abundant supply of fresh water, but even that abundant supply is not inexhaustible. More careful planning for future requirements will be required.

The essential point is that there can be little fear about danger to the water supply from a barge canal across Florida. This issue was thoroughly explored many years ago. There was concern, legitimate concern, about a sea level canal which might have interferred with the passage of water through subterranean channels to south Florida. No such concern, other than by isolated engineers, was ever expressed about adverse effects to water supply from a 12-foot barge canal. But let us get the facts.

That is what we propose to accomplish by spending funds for an ecological and economic study. First of all, there is no unbiased, factual study which was prepared subsequent to work stoppage by the President in January 1971. There have been reports from agencies and groups which support the President's position. There have been no—repeat no—studies which brought out both sides of the question. This has resulted in a distorted picture. We think there is a need to be able to look at the good side as well as the bad side of the canal.

If for no other reason let us not overlook the fact that nearly $50 million of the taxpayers' money has been spent on this project after it was fully justified from studies made by the U.S. Corps of Engineers. The State of Florida has spent something like $10 million principally to acquire right-of-way. That is a lot of money to have go down the drain with nothing to show for it. By this study we can get the facts.

The principal point which appears to disturb the ecologists is the loss of the scenic Oklawaha River, and this is a very considerable loss. However, there were many of us who proposed well in advance of the President's action that the Oklawaha be preserved by rerouting the canal. This would not have been a difficult problem but it would have meant some additional cost.

The ecologists have been heard on this subject. The President's advisers have been heard. The taxpayers who invested in the project have not been heard. The Congressmen who sponsored the project have not been consulted in the slightest to this date. The potential users have not had an opportunity to be heard. What is wrong with looking at both sides of any issue?

It must be said by any impartial observer that the ecological damage that might come from the Cross-Florida Barge Canal is far less than that which will result from a pipeline for the oil companies across Alaska. If the Cross-Florida Barge Canal is bad, then the Alaska pipeline is doubly bad. The administration has not see fit to apply the same guidelines to both projects.

The President, by executive order, stopped work on the Cross-Florida Barge Canal and thereby repealed the statutes by which Congress had authorized and funded the canal. It was an action taken without any consideration for the proponents of the canal. I think the Congress has a right to know all the facts.

Mr. BENNETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this canal has been under consideration for a long time. It is a valuable canal. It is valuable not only from the standpoint of economics but also from the standpoint of national defense. In time of war the movement of oil from the western producing areas to the eastern consuming areas might be quite important to our national defense. Over a billion dollars worth of oil shipping was lost in 1 year alone on the coast of Florida in World War II. The submarine threat is much greater today than it was then.

The only points that have been raised here are that there might be some shortage of water and there might be some pollution of water. That is all I heard said. Perhaps some other things were actually said when the gentleman from Florida made his speech, and I should be glad to address any point he would like to ask me about.

The authorities have stated in the hearings repeatedly that the water table up and down will have no significant change at all. Quite obviously one does not really have to be an engineer to figure out that no depletion of water is likely because we are not talking about a sea level canal, we are talking about a canal which has a reservoir on the top of the ridge of Florida. Obviously there could not be any depletion of water in the water table because of a new lake erected on a ridge in Florida.

I refer now to the testimony in the hearings before the Subcommittee on Appropriations, 91st Congress, second session. General Free testified on page 672 there would be no significant effect whatsoever on the water table even in the immediate vicinity of the canal. Certainly it would not affect anything in the situation of the gentleman from South Florida; but it would not significantly affect the water table even in the immediate vicinity, so far as the lowering of the water table is concerned, in any respect.

With regard to the pollution of water, that is exactly what we want to have this hearing upon. We have never had the opportunity to be heard.

The President announced in January of 1971, he was halting the canal. He did not say it was a permanent halt. He did say he was halting it. He said he did this because of the recommendation of the Council on Environmental Quality.

So the Members of Congress and other people and I went to this council and, after much difficulty, we had a hearing; a hearing in the sense that we were heard in protest after the fact. But at that hearing it was said by the head of the Council on Environmental Quality that they had never, never made any study whatsoever as to the ecology of the Cross-Florida Barge Canal and that they had no intention of making such a study.

The gentleman from Florida, that is from St. Petersburg, put in the CONGRESSIONAL RECORD reasons, which are quite cogent, as to why they wanted the canal stopped. I did not put it in because I thought it might involve Presidential privilege, but the gentlemen did, and it is stated there, if you read it—and I am sure the gentlemen could give you the page number—it deals somewhat with ecology, but mostly with politics. But regardless of whether politics or ecology the Council on Environmental Quality told us repeatedly in that meeting—and it was an open meeting, and many people were present—that they had never made a study of the ecological effect of this canal.

I told them that I thought they should. So they did make one, and they did not invite me or any Member of the Congress, or any ecologists who favored the canal—and many ecologists do favor the canal—they did not invite anyone from our side. They just went on their own little way in arriving at the paper that they presented. And it is refuted in its entirety by materials in the CONGRESSIONAL RECORD, volume 117, part 12, page 15431.

What is the legal situation? I have briefed the law on this matter. I used to be a lawyer. There is not a single case in the entire judicial history of the U.S. judicial system which says that the President can repeal a law such as this where there has been an authorizing and appropriating of money for a canal on other project. Many cases hold just the opposite.

The courts have been asked by the Department of Justice at the requests of the President to try to upset these cases, and they have not been able to do so. They have tried repeatedly, and the courts have said no, right up to today, that the President has absolutely no constitutional right to repeal such a law.

What did the law on environmental protection say when we passed that act? That act provided that there would be studies made that would be presented to the Congress for the Congress to act upon. Then, if Congress wanted to repeal a law it would have that authority, of course. And that is what the law says with regard to the environmental situation in connection with the Council on Environmental Quality. It does not say that the Council on Environmental Quality would report to the President who would then repeal the law, or end a project. It says that the President will take the report and give it to the Congress with recommendations and that the Congress should act upon it as it would with any other law or repeal of law.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. BENNETT was allowed to proceed for 1 additional minute.)

Mr. BENNETT. In conclusion, the Cross-Florida Barge Canal was authorized by law. The President has no right to repeal that law, and the courts have held this to be so, in this year. The law we passed with regard to environmental quality said that the Council should report to the President who in turn would report to the Congress, and that the Congress would then take whatever action Congress decided was advisable.

The gentleman from Florida (Mr. SIKES), and others have recommended that the Oklawaha River be bypassed, and this can be done for less than $5 million.

This is a most important project for our country, for the future and for ecology as well as economics. The country as a whole has a right to be heard. The good values of this project should be made known. The Congress should be heard in this matter, and the citizens of this country should be heard, and all this should be done before the President attempts to repeal a law in this manner.

Mr. PEYSER. Mr. Chairman, I move to strike out the last word.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

My distinguished colleague, the gentleman from Florida, made comment and referred to a memorandum from Russell Train that had been used and bandied about considerably.

I think just picking out sections of that memorandum and using it for one's own benefit is all right politically, but I think it is only proper that we hear some of the other contents of that same memorandum.

With reference to the Cross-Florida Barge Canal and from the standpoint of the ecological question and the protection of natural resources. This canal project is very marginal economically according to officials and Russell Train says:

> The project itself is marginal from an economic point of view and hence very undesirable in the face of the potential and actual environmental problems it presents.

In another section of that same memorandum, this is where the political accusations come from, Mr. Train said to the President:

> I have been told that if the project were voted on as a referendum by the people of Florida, it would be defeated. Essentially, only a small minority of people in the Tampa and Jacksonville areas have a real interest in it.

I think he was absolutely correct. The people of Florida are opposed to digging this canal.

Let me talk for just a minute about another phase of the economic problem.

In one basin in this canal, the Inglis Basin which is on the western approach to the canal, it is estimated it is going to cost $1,630,000 a year just to clear the hydrilla from the Inglis Basin. The hydrilla problem is much like the water hyacinth that grows and grows out of control.

It will also cost some $10,000 to $12,000 per mile per year just to keep the aquatic growth clear in the canal.

Comments were made on the possible contamination of the Florida aquifer that supplies water to central Florida. This aquifer is much like a sponge made of limestone and in many areas comes very, very close to the earth's surface and scratching a ditch into this aquifer could very well allow contamination to seep into the water-holding aquifier. This concern is voiced not only by me but also by the Director of the U.S. Geological Survey and also the Chairman of the Council on Environmental Quality.

I suggest that ample evidence has been submitted to question the ecological ef-

fect of this canal, and when President Nixon stopped this canal, he rightfully earned the gratitude of the people of Florida. I know they are hoping we will approve this amendment and delete the money which would resurrect this canal.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have read the brief memorandum from the Council on the Environmental Quality.

It said, in addition to the environmental issue, three things. It said: First, "Mr. President, if you will stop this project, it will save you some money this year."

Second: "Mr. President, it will save a lot of money in the long run."

Third: "Mr. President, we think it is politically wise to stop the project."

This was a judgmental factor on the part of CEQ and the administration to stop the project.

The President has no authority to repeal the law—to repeal an act of Congress.

This matter has been in Federal Judge Johnsen's district court in Florida and he stated that there had not been a full and complete environmental statement filed on the project.

It seems that some of the environmentalists favor a study for stopping the project, but they are against a study of an environmental impact statement if it would bring further light and further information about the project.

So I think we should get the facts. This matter is under the general investigation funds section. This is merely a study and is in compliance with Judge Johnsen's request of the Federal district court.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The question was taken; and on a division (demanded by Mr. YOUNG of Florida) there were—ayes 15, noes 31.

Mr. YOUNG of Florida. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. YOUNG of Florida. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. YOUNG of Florida. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

AMENDMENT OFFERED BY MR. THOMSON OF WISCONSIN

Mr. THOMSON of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMSON of Wisconsin: On page 5, line 24, following the word "Army", strike the period and insert "*: Provided further*, That no funds shall be expended for continuation of the twelve foot Mississippi River channel study north of Guttenberg, Iowa, except for the purposes of investigating environmental impact, and activation of auxiliary locks for small boats and pleasure craft."

Mr. THOMSON of Wisconsin. Mr. Chairman, this amendment relates to another study, which is a study to consider a 12-foot channel on the Mississippi River. The study has been underway for several years. A preliminary report has been issued by the Corps of Engineers. The report received so much criticism after it was circulated in February of this year that it was withdrawn and has not yet been filed. The people on the upper Mississippi River, those who are north of gate and lock 10, at Guttenberg, Iowa, are extremely disturbed about the damage that will be caused by a 12-foot navigation channel on the upper reaches of the Mississippi River.

One good reason why we need no further study on the engineering and economic factors of the proposal is that it proposes a 12-foot channel in 22 miles of the lower St. Croix River. The St. Croix River is such a beautiful stream. It is part of the boundary between Minnesota and Wisconsin. Its lower 52 miles is presently being considered for inclusion in the wild and scenic river system and all of the upper St. Croix was included in the original wild and scenic river system. We cannot have a 12-foot barge channel in a wild and scenic river. We need no further study on the economics and engineering which will affect a priceless, beautiful river such as the St. Croix. We ask in this amendment that any further investigation and study be limited strictly to the environmental impact on the Mississippi River north of lock and gate 10 at Guttenberg, Iowa, and that the study include the use of auxiliary locks in the dams that are already built.

In the 40 years that this river has had a 9-foot channel, use of the river by pleasure craft and for recreational uses has increased thousands of times. But it seems every time a boater comes to a gate and lock on the Mississippi River there is always a barge and a towline that is waiting to get through the lock, and pleasure craft in large numbers are refused entrance into the lock until the commercial use of that lock is concluded. Pleasure craft are often delayed there for 2 and 3 hours before they can get through each lock.

The Corps of Engineers in their wisdom, when they built the lock and dams, included some space for auxiliary locks which has never been used. If we want to increase the barge traffic and take advantage of the tremendous increase in the recreational use of that river, we ought to examine whether those auxiliary locks should be put into use at the present time. The study by the corps should include the use of the auxiliary locks as a prime concern.

On the upper Mississippi River there are over 120,000 acres of Federal wildlife refuge. We have there ducks and egrets and fish and wildlife on the water. They are there in such great abundance. And, their habitat there is in serious danger of being destroyed should we have a 12-foot channel in that river.

A 12-foot channel may mean dredging and pouring out of siltation and sludge along the banks of the river, or in the alternative, raising the level of the pools themselves, which will completely destroy the wildlife refuge.

Mr. Chairman, we insist that this study be limited to those ecological and environmental factors that are so important to us in the reaches of the upper Mississippi and to the full use of those locks and dams by small boats and pleasure craft. We think the esthetic values of the upper Mississippi are worthy of equal consideration with the economic advantages of putting bigger tows on the river, and we think that the environmental impact and esthetic values should be studied first. I, for one, will oppose any attempt to put a 12-foot channel into the Mississippi River until an environmental impact study is filed, evaluated, and approved as ecologically safe. Such an eventuality, despite these additional funds for study, is unlikely. Deepening the upper Mississippi to 12 feet would be an environmental loss with no offsetting economic advantage.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the distinguished gentleman from Wisconsin, Governor Thomson, spoke to me about the matter today. We discussed it. I would say to the gentleman this is not for dredging, this is not for construction. The funds in this bill are just for continuing the study. This is just for getting the facts. The decision will be made later by Congress as to whether a project is authorized for construction.

This is a $2.5 million study for which we have already allocated $1.2 million. The amount funded in the bill is only $126,000 to continue the study of the economic feasibility as well as the ecological and esthetic factors which the gentleman requests. We need to complete a balanced study of all the issues involved in the proposed project.

I would say we are substantially in agreement with the objectives the gentleman requests. So in view of the amount of funds expended, the facts that will be obtained, and the interest from the representatives of the several States who appeared before our committee, I ask that the amendment be defeated.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I support the amendment offered by the gentleman from Wisconsin that we limit the study to the environment and to the possibility of auxiliary locks for small boats and pleasure craft. In fact, I think we have gone far enough in the study to find out now that the deepening of the channel is not economically feasible. Evidently that is one of the problems concerned in why they have not submitted the report yet.

There are some other considerations we might take into account now, which are even more important now than when the study began, and those are the recreation uses of the river.

As the population increases and the influence of the people increases, there is greater demand for recreation uses on the river. The idea that this is primarily a waterway for transportation, I think, is something that has long gone by.

There is pretty serious difficulty with

the 9-foot channel. When they made the study, they looked at the river to see how they would make a 12-foot channel. There are only two ways to do it. One would be to raise the water level, and the other is by dredging. If we raise the water level, we get other problems of destroying the breeding grounds of the waterfowl and fish. Also whenever we have a rain such as we had recently, or in the spring runoff, if we raise the level of the river, it will be more difficult for the tributaries to empty out into the river, and they will back up and cause more flood damage to the communities upstream.

Not only would this be in the highways, but it would be in the railroads in the form of bank erosion. You have to look at the streams and see what a raise in the level of the rivers does to bank erosion that did not occur before. All indications are they are dredging as they deepen the channel rather than raising the water level. Here you have an even more catastrophic problem that would occur.

If you dredge, one of the problems is they have to drop the dredge as close to the edge as possible for convenience. What happens now is the river there is going to be higher than the surrounding land because of the dredging. In other areas it increases erosion back in again, and therefore they are stirring it up and the turbulence is greater and it is harder for the fish to live because you cannot get the photosynthesis there due to the reduced amount of light. All of this is causing a problem.

Another part is they are now down to the bedrock of the channel, and if there is more dredging, this would create a problem, but also they are going to have to dynamite in order to get a deeper channel. The main purpose here is so that the barges can get a larger load by having a little larger draft. I think that the economic benefit, which would be an economic benefit to the barge line, is not anywhere near the kind of benefit they would need in order to create this damage that would occur to the river.

The way it could be used by the thousands and thousands of people who now use the river would make it necessary for them to leave this untouched.

Therefore, I support the amendment offered by the gentleman from Wisconsin which would limit the study for this year to an environmental study and a possibility of installing auxiliary locks.

I think we ought to look seriously next year at whether we want to continue the study on the 12-foot channel at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. THOMSON).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 17, noes 29.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction): $1,181,098,000, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That in connection with the rehabilitation of the Snake Creek Embankment of the Garrison Dam and Reservoir Project, North Dakota, the Corps of Engineers is authorized to participate with the State of North Dakota to the extent of one-half the cost of widening the present embankment to provide a four-lane right-of-way for U.S. Highway 83 in lieu of the present two-lane highway: *Provided further*, That $840,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army: *Provided, further*, That $1,000,000 of this appropriation shall be transferred to the Appalachian Regional Commission for the Pikeville, Kentucky, model city program.

AMENDMENT OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NEDZI: Page 6, line 9, strike out "$1,181,098,000" and insert in lieu thereof "$1,181,198,000".

Mr. NEDZI. Mr. Chairman, I rise in behalf of two of my colleagues from Michigan, Mr. BROOMFIELD and Mr. O'HARA, to request a very small amount of money be added to the pending appropriation bill.

As we all know, the forces of nature in the last couple of days have underscored the importance of prudent flood control measures. The chairman of the subcommittee itself has alluded to this fact. That is the purpose for which we seek these funds.

Our amendment asks for the very reasonable sum of $100,000 for preconstruction planning for the Clinton River-Red Run drainage control project in Oakland and Macomb Counties, Mich. This is a project of tremendous importance to the people we represent in this area known as the Clinton River drainage basin and covers 760 square miles in southeastern Michigan just north of the city of Detroit. Within this area, which is the fastest growing in Michigan, live 1½ million people who are affected to one degree or another by the Clinton River and its tributaries. Fourteen times since 1938 this river has overflooded its banks—in 1962, in 1965, and twice in 1968 there was severe flooding. The danger in the area grows as the area becomes more and more urbanized.

In 1970, my colleagues, after many years of study by the Corps of Engineers, the Congress authorized the expenditure of $40 million as the first installment toward the construction of an adequate flood control system on the Clinton River and Red Run drain. The $40 million in Federal funds would be augmented by $60 million in expenditures by local governments, and the local governments here have indicated a willingness—indeed an eagerness—to participate because they recognize the terrible danger which continues to exist.

Let me precisely emphasize the points I believe are persuasive. In the first place, there are 1½ million people involved. This is a number which exceeds the populations of a third of our States. Second, in 1970 the authorization of $40 million recognized the need, and still not a single Federal dollar has been appropriated. There has been a long and continuing history of unchecked flooding in the area with the prospect of more frequent troubles as the area's urbanization increases.

Fourth, the annual flood loss, as estimated by the Corps of Engineers, is some $20,421,000. This is annually, and hundreds of people have been and are driven from their homes.

Fifth, there has been a finding by the Corps of Engineers that a serious flood and major drainage problem exists in the area, and the corps forecasts future damaging floods.

Finally, this project, unlike the Florida canal or other projects that have been approved, has a very favorable cost-to-benefit ratio of 4 to 1.

Our amendment is modest to the point of being almost invisible when you view the total annual flood loss in this area, let alone the total amount of this appropriations bill. The need has been clearly established after prolonged study, and in 1970 a substantial commitment was made by the Congress. We ask that this overdue and small implementation—only $100,000—at last and at least be taken.

Mr. Chairman, I urge the adoption of our amendment.

SUBSTITUTE AMENDMENT OFFERED BY MR. PEYSER FOR THE AMENDMENT OFFERED BY MR. NEDZI

Mr. PEYSER. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The Clerk read as follows:

Amendment offered by Mr. PEYSER as a substitute for the amendment offered by Mr. NEDZI: On page 6, line 9, strike out "$1,181,098,000" and insert in lieu thereof "$1,193,698,000."

Mr. PEYSER. Mr. Chairman, I was going to offer this as an amendment originally, but I am now offering it as a substitute to the gentleman's amendment.

I was encouraged when this session first started when the chairman rose to speak about the flooding conditions in our country today because I felt that perhaps he was going to make a motion to restore some of the $12.6 million that had been cut from the administration's requests dealing with flood prevention construction under this bill. But he did not move to restore that money.

I should like to talk for a moment on the terrible flooding we have been facing in Westchester County, N.Y. I realize it

is not as serious as in many others in the States around me—New Jersey, Pennsylvania, New England States—but it is nevertheless very severe. My district includes the city of Yonkers, which has approximately 210,000 people and has the Saw Mill River running through it.

The Saw Mill River project has been before the Public Works Committee for nearly 14 years, and during that period there have been a number of studies which have been continually authorized, to find ways to stop its continued flooding. As a matter of fact today's bill includes yet another study of this problem. During the storm last week more than 300 homes and 100 businesses were badly damaged. I personally went into these homes and businesses with 5 or 6 feet of water in them.

It distresses me, that we have had this type of a problem for so many years and no action has been taken to prevent the flooding.

The total estimate for this program is less than $8 million to cure the entire problem, including Ardslery, Elmsford, and Chappaqua.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Arizona.

Mr. RHODES. For the purpose of clarification, I understand the gentleman is interested in adding funds for the Yonkers, N.Y. project; is that correct?

Mr. PEYSER. I am seeking to add funds to prevent future flooding of the Saw Mill River. I am trying to put back into this bill the $12.6 million originally budgeted by the committee in this portion of the bill with the idea that $8 million of the $12.6 million will go to prevent future Saw Mill flooding.

Mr. RHODES. Is the gentleman saying that the reductions which were made, as shown in the report of the committee on pages 44 and 45, are not warranted reductions?

Mr. PEYSER. I am saying that I would like to see the $12.6 million which the committee cut from the administration's request be restored with enough of that money going to solve this Saw Mill River problem.

I include the following list of projects necessary to stop future flooding of the Saw Mill River:

Yonkers. The flood control project for Yonkers, New York is located along the Saw Mill River in the City of Yonkers, Westchester County, New York on the northern boundary of New York City. The proposed flood control plan is primarily a channel improvement along a 9,500-foot long, highly industrialized reach of the Saw Mill River extending from a point upstream of Yonkers Memorial Park to a point upstream of Old Napperhan Avenue. This project is designed to provide flood protection by lowering flood flows through the use of a more efficient river channel. The plan consists of 700 feet of clearing and snagging and 400 feet of channel excavation in the lower reach. Continuing upstream, the plan includes approximately 3,800 feet of concrete flume, approximately 4,600 feet of channel excavation and approximately 5,400 linear feet of concrete walls. The plan also provides for the raising or reconstruction of nine bridges, five footbridges and three covered passageways, and constructing a railroad closure structure and passageways, and interior drainage facilities which include three ponding areas and drainage structures as required.

Cost of Federal share to complete Yonkers project, $3,570,000.

Chappaqua. The site of the proposed improvement is located at the confluence of Saw Mill River and Tertia Brook in the Town of New Castle with the lower reaches of the improvement extending into the Village of Pleasantville. The plan involves straightening the existing channel and excavating it to a trapezoidal shape over a 6,000 foot reach. This plan also involves the replacement of a road bridge and an access bridge and modifications to two railroad bridges. An alternative plan was also investigated at the request of the Town of New Castle which would divert Tertia Brook directly to the Saw Mill River and allow the Town to have additional lands for its town civic center and commuter parking area.

Cost of Federal share to complete Chappaqua project, $893,100.

Elmsford. The considered plan would be located between Warehouse Lane and the Penn Central Railroad and would consist of approximately 2300 linear feet of channel improvement, 2800 linear feet of earth levee and concrete wall on the left bank, 1400 linear feet of earth levee and concrete wall on the right bank, stop-log structure, bridge construction, and interior drainage facilities.

Cost of Federal share to complete Elmsford project, $1,500,000.

Ardsley. The plan of improvement for Ardsley, New York would consist of relocation and widening and deepening the existing channel. In addition, protective works consisting of floodwalls and levees with necessary drainage facilities to existing system would be provided.

Cost of Federal share to complete Ardsley project, $1,092,000.

Total cost to prevent Saw Mill flooding, $7,055,100.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the Peyser substitute amendment and also the Nedzi amendment.

Let me say to the gentleman from New York, he could not further the Yonkers project by providing additional funds for the Corps of Engineers. We checked with them this morning on the Yonkers project and were informed that the funds in the bill represented the full corps capability.

We have recommended a $12.6 million net reduction in the construction, general appropriation. The gentleman would restore the full amount of this reduction. This will not improve or enhance the project in which the gentleman is interested. In fiscal year 1971 we added $55,000 over the budget to expedite this project. This amount was placed in the budgetary reserve and not released until the current fiscal year. This has resulted in a delay in planning the project.

We are very sympathetic to the Yonkers project.

Since we have allowed the corps full capability in this bill which will complete planning, I would believe the substitute amendment should be defeated.

Mr. Chairman, with respect to the Red Run Drain, Lower Clinton River project in Michigan, which the gentleman from Michigan (Mr. NEDZI) addressed himself to, we are very sympathetic. I agree it does have a good benefit-to-cost ratio. But the gentleman refers only to a very small amount of money being involved.

Although the amendment is only for $100,000, it would constitute a commitment to begin planning on a $142 million project. The committee adopted a policy of including only a limited number of very small, low-cost planning starts in the bill. We added 18 projects, but the highest one involved a total cost of only $38 million. I repeat; this project referred to by the gentleman from Michigan is a $142 million project.

I would also state that there are 181 authorized projects in the current planning backlog which are not funded.

There has not been an adequate opportunity for a hearing on the project. For these reasons I oppose this amendment.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Nedzi amendment.

Mr. Chairman, it is true that we did not again this year appear before the Subcommittee on Public Works. We have tried that route, Mr. Chairman, and it does not seem to do much good. Our pleas fall on deaf ears.

I can understand the desire of the gentleman from Tennessee (Mr. EVINS) and the members of the committee to save some money. We all like to do that. But I believe that the way in which it is being saved here is one that does not make much sense. The chairman of the subcommittee, the gentleman from Tennessee (Mr. EVINS), admits that this bill contains numerous projects having a lower cost-benefit ratio than this one. In other words, if you want a project in the bill, think up a dinky one. It does not matter if it has a poorer cost-benefit ratio, just so it is small enough, we can get it funded.

But we do not have a small problem here. The gentleman from Michigan (Mr. NEDZI) pointed out that 1.5 million people live in this area, and are affected by the flooding. The damages, when we have a flood—and we have had 14 of them since 1938—are tremendous. Of course it is going to cost something to fix it up. But if we are going to spend money, let us spend it on projects where we do get a decent cost-benefit ratio like on this one, and not just keep turning our backs on it year after year. I know they would rather take care of some little, bitty ones and cheaper ones, even though they do not have anywhere near as good a cost-benefit ratio, but I think that is a foolish way of spending the limited funds that are available.

The amendment offered by the gentleman from Michigan (Mr. NEDZI) is a good amendment, and it provides for merely $100,000 for a planning start. So let us adopt the amendment.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose both amendments.

Mr. Chairman, I hope the Committee will vote not to approve these amendments. To begin with, they would accomplish nothing worthwhile except that it would provide a slush fund for the Corps of Engineers with no direction whatsoever, if the Peyser substitute amendment were to be adopted.

As far as the Red Run Drain, Lower

Clinton River project is concerned, I agree with the gentleman from Michigan who was just in the well and also with the author of the amendment that this is a good project.

It has a 3.6 to 1 benefit-to-cost ratio. It ought to be built sometime and I am in hopes it will be. I also hope we will not commit the folly of putting a project in like this on the floor of the House in the consideration of this bill—a project which costs $142 million.

This is a lot of money. When it is started, it should be put in the regular way. I am sure it will be built before too long.

There is a current backlog of 181 authorized projects which have not been funded for initiation of planning.

So if this were the only project that has not been funded for the initiation of planning, then I would say to my good friend, the gentleman from Michigan, that he has a point. But this is not the only project. There are 181 other projects in the backlog. It would be my hope that we could approach this matter in an orderly way and not do it on the floor like this.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. NEDZI. Does the gentleman have any information as to what the cost-benefit ratio of the 181 projects are?

How many actually have a cost-benefit ratio superior to the project that we are suggesting?

Mr. RHODES. I have no figure such as that, but I would venture to say, and I would probably agree with the gentleman, that most of them would have a lower cost-benefit ratio than this.

But again it seems to me that the orderly way to start a project is to do it by appearing before the committee and having the committee vote out the project.

If the gentleman would do this next year, I, for one, will certainly promise him a sympathetic ear and I hope that it will be voted out first.

Mr. NEDZI. I certainly thank the gentleman and I can assure you that we will be back, back, and back again.

Mr. RHODES. I thank the gentleman.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. ROBISON of New York. Mr. Chairman, I too join with the gentleman in opposing both the substitute amendment and the amendment itself.

I want to make sure for the record that my friend and esteemed colleague, the gentleman from New York, understands that this does not mean that I do not have an awareness of the need for and, in fact, the urgency for the Yonkers, N.Y., project.

The only thing is, as I am sure he understands, the money in the bill will complete the preconstruction planning for this project. If we were to add additional money that the gentleman proposes, there is no guarantee and, in fact, it would be very unlikely that those moneys would be put to use in Yonkers.

The gentleman has done exactly what he should have done and he has done what I would have done in this situation. That is to call our attention to the need for this project.

I can assure the gentleman that the subcommittee will give this careful consideration next year as a construction start.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. DAVIS of Wisconsin. Mr. Chairman, I just want to add to what the gentleman from Arizona has already said with reference to the substitute amendment. What the gentleman from New York has suggested is that we simply put back in the net reduction figure which the committee has recommended in the construction general paragraph of this bill.

Now this net figure was arrived at by changes in a large number of projects throughout the country as outlined in the report.

I am afraid that if this amendment were to be adopted, it would be interpreted as undoing everything that the subcommittee has done with respect to a large number of individual projects. By inserting the original budget figure in this regard, it would probably indeed be interpreted by the Corps of Engineers as saying—well, what the House wants to do is to reinstate item by item the figures just as they were submitted in the budget. They would, therefore, decline to make use of some of the increases for some of the special projects included in this bill and would take no notice of the decreases that were made.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York (Mr. PEYSER) for the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The amendment was rejected.

Mr. DENHOLM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and distinguished members of the subcommittee, I associate myself with the remarks of the distinguished chairman in his opening statement this afternoon. I commend the distinguished gentleman from Tennessee and his associate members of the committee for the excellent work that they have done in reporting this matter today.

Peculiar storm conditions have occured this year. In the month of June much devastation and tragedy has befallen our country. Several States and many areas have been victimized by tragedy since this bill was marked up and since the members of the committee deliberated thereon. South Dakota is no exception. The people of South Dakota have sustained a devastating loss, shock, and tragedy.

The reservoir water crest is at an all-time high on the Missouri and at the lower end of the four main stem dams on the Missouri the impact of increased discharge of flood waters is released with a tremendous amount of damage to the side walls and the banks of the Missouri River between Yankton, S. Dak. and Sioux City, Iowa.

The floodgates have been opened, and there is an outpouring of water that is undercutting huge parts of the terrain and parts of the bank that have declivities up to 40 to 50 feet in height. Acres and acres are falling into the river at an excessive rate and the damage to the riverbanks is now endangering a $10 million hospital and a powerplant at Yankton, S. Dak.

I realize, Mr. Chairman and members of the committee, that there is no authorization in support of appropriations at this point in time. I intended to submit an amendment to provide for additional funds in the appropriations now before this body but I have been informed that a point of order will be made and sustained against that amendment absent of authorization in support thereof. Therefore, Mr. Chairman and members of the committee—I refer to the language only for the purpose of foundation to a question—an amendment beginning at page 6, line 9, to delete the general construction appropriation of $1,181,-098,000 and substitute therefor the sum of $1,184,098,000. Further, on page 7, line 7, add language after the last sentence as follows, to-wit:

Provided further, that $3,000,000.00, subject to authorization of this appropriation shall be utilized by the Chief of Engineers, Corps of Engineers, below the Gavins Point Dam at Yankton, South Dakota, for emergency bank stabilization on the Missouri River.

Mr. Chairman, I realize that you are fully informed on the details of this matter and that you are sympathetic to our cause. What would the attitude of the committee be on considering without delay a supplemental appropriation if we can achieve authorization for appropriations in the near future on this matter?

Mr. EVINS of Tennessee. The gentleman is correct. We are sympathetic to the problem of bank erosion on the Missouri River, but, as I stated in my original statement, the project has not been authorized and would be subject to a point of order. We could not approve the funding of a project of this type without authorization. The gentleman is working on the authorization. If it is authorized, we would be sympathetic to its being handled in a supplemental appropriation bill or in conference. We are sympathetic if and when the project is authorized.

Mr. DENHOLM. I thank the Chairman and I will appreciate the immediate consideration of the members of the committee when appropriate authorization has been granted. Thank you very much.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities) and for other related activities, as authorized by law, to remain available until expended, $267,625,000, of which $115,000,000 shall be derived from the reclamation fund: *Provided*, That no part of this appropriation shall be

used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

AMENDMENT OFFERED BY MR. MELCHER

Mr. MELCHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MELCHER: On page 11, line 8, strike out "$267,625,000" and insert in lieu thereof "$280,357,000".

Mr. MELCHER. Mr. Chairman, I shall keep the committee only briefly, because I want to draw the attention of the committee and the House to a Bureau of Reclamation dam that needs repair in Montana and needs it now.

My amendment adds $12,732,000 to rebuild the spillway of Tiber Dam in Montana—which now is inoperative because of a structural collapse—and raising the embankment to make the dam and reservoir safe and functional. Tiber Dam is on the Marias River, which flows into the Missouri.

I feel that in view of the recent history of dam collapses, such as the Buffalo Creek tragedy in West Virginia and the Rapid City, S. Dak., disaster, the Bureau of Reclamation should move up its schedule to finish this uncompleted work on the Lower Marias Unit in north central Montana. The authorizing bill is still in conference, but funds for Tiber Dam repair have been approved by both bodies.

Water levels in the Tiber Reservoir behind the dam are being kept low because the main spillway is in poor condition.

The Bureau of Reclamation is maintaining a low water level in the reservoir by using only one operable tunnel-type spillway. Mr. Chairman, it is my understanding that any great amount of water from a heavy rainfall or runoff could not be handled safely over the complete spillway as designed when the dam was constructed. The work is included in the Bureau's program some time during the next 5 years, but it should be done now. If the Tiber Dam was to fail because of incomplete, unoperative spillways, another tragic flooding could result.

Mr. Chairman, it is clear that our obligation to assure the safety of Tiber Dam includes making the appropriation to rebuild the spillway now, and hopefully the repairs can be completed before any serious damage could result to the dam or to the people below the dam.

Mr. Chairman, I urge the committee to accept the amendment.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the distinguished gentleman from Montana (Mr. MELCHER) appeared before our committee on a project for funding, and we funded the project in accordance with his testimony. In reference to the Tiber Dam covered by his amendment, I understand the work has just recently been authorized and our committee has had no opportunity to hold hearings on that item.

I would say the Bureau of Reclamation has an emergency fund for rehabilitation and betterment of projects to the extent an emergency develops which cannot await consideration in the regular appropriation bill. So the Bureau can utilize existing funds in the emergency fund to the extent necessary until an estimate has been submitted, and cost determined, and the matter has been considered in regular order.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. MELCHER).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read in full and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. MICHEL. Mr. Chairman, reserving the right to object, would that foreclose the making of a point of order against a point that has not been reached in the bill?

A point of order can still be made?

The CHAIRMAN. Yes.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a further parliamentary inquiry.

Mr. Chairman, is it not necessary that the point of order be made now?

Having dispensed with the reading of the bill, the point of order has to be made now?

The CHAIRMAN. If the unanimous-consent request of the gentleman from Tennessee is approved, the gentleman from Iowa is correct, the point of order should be made at that time.

POINT OF ORDER

Mr. MICHEL. Mr. Chairman, may I put the Chair on notice that I intend to make a point of order against the language appearing on page 20 of the bill.

The CHAIRMAN. The Chair will protect the gentleman's right.

Is there any objection to the request of the gentleman from Tennessee?

There was no objection.

The portion of the bill to which the point of order relates is as follows:

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, including purchase of not to exceed three passenger motor vehicles for replacement only, $5,098,000: *Provided*, That, in addition, such sums as may be necessary shall be available from the Continuing Fund, Southwestern Power Administration (16 U.S.C. 825 S–1) to defray emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. MICHEL. Mr. Chairman, I make a point of order against the language appearing on page 20, beginning with line 8, as follows:

Provided, That, in addition, such sums as may be necessary shall be available from the Continuing Fund, Southwestern Power Administration (16 U.S.C. 825 S–1) to defray emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

Mr. Chairman, if I might be heard on the point of order, in the Interior Department appropriation bill in 1943, Public Law 216, there was established a $100,000 continuing fund to insure continuity of power operations for use in emergency.

Then in the Interior Department Appropriation Act of 1950, Public Law 350, this so-called continuing fund was increased to $300,000 and extended its use to include the purchase of power and rental of transmission lines. Between 1950 and 1952 the Department of the Interior and the Southwest Power Administration interpreted the continuing fund as a revolving fund which replenished itself automatically from the Southwest Power Administration power revenues. Therefore, there was no upper limit on the amount that could be withdrawn from the continuing fund each year except from the Southwest Power Administration gross power receipts in that year.

Congress recognized that the Southwest Power Administration's use of the continuing fund for the purchase of power and the payment of transmission charges gave the Southwest Power Administration unlimited funds through the back door of the Treasury without going through the congressional appropriation procedure. Therefore in 1951 the Congress added to the continuing fund statute the following provision:

Provided, That expenditures from this fund to cover such costs in connection with the purchase of electric power and energy, and rentals for the use of facilities are to be made only in such amounts as may be approved annually in appropriation Acts.

Congress itself thus closed the back door to the Treasury to the Southwest Power Administration and recaptured its control of Federal expenditures.

Since 1952 the Southwest Power Administration budgeted and received appropriations for its estimated power purchases and transmission costs which appropriations together with supplemental appropriations as have been required from time to time have permitted SPA to fullfill contract commitments in emergencies.

If I might simply cite that statute back in July 1952, Public Law 470, the proviso here said:

Continuing fund, Southwest Power Administration not to exceed $1,000,000 shall be available during the current fiscal year from the continuing fund for all costs in connection with the purchase of electric power and energy and rentals for the use of transmission facilities.

Ever since that time we have been using varying appropriation language setting a particular figure.

If I might read from the code, page 4013, title XVIII, under "Conservation," paragraph 825S–1, the one to which we make reference here and the language to which I object, we read:

All receipts from the transmission and sale of electric power and energy under the provisions of Sec. 825S of this title, generated or purchased in the Southwest Power Area shall be covered into the Treasury of the United States as miscellaneous receipts, except that the Treasury shall set up and maintain from such receipts a continuing fund of $300,000, including the sum of $100,000 in the continuing fund established under the Administrator of the Southwest Power Administration. . . .

And so on and so forth.

Then it goes on and concludes with a proviso:

Provided, That expenditures from this fund to cover such costs in connection with the purchase of electric power and energy and rentals for the use of facilities are to be made only in such amounts as may be approved annually in appropriation Acts.

The language on page 20 and beginning on line 8 adds the further proviso to the continuing fund as follows:

Provided, That, in addition, such sums as may be necessary shall be available from the continuing fund, Southwest Power Administration, (U.S. Code 825S–1,) to defray emergency expenses to insure continuity of electric service and continuous operation of Government facilities in the area.

In addition to being a double negative or having that effect of a double negative, the adoption of this proposed wording would actually be a change in the basic law concerning the use of the continuing fund. It is not merely a change in appropriations, as suggested.

Mr. Chairman, this change is legislation in an appropriation bill, and I request that my point of order be sustained.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard?

Mr. EVINS of Tennessee. Yes, Mr. Chairman.

Mr. Chairman, the Department of the Interior requested that we use the continuing fund for the Southwest Power Administration to utilize such funds to defray emergency expenses. We might not be in session when an emergency might occur. They have $300,000 in that fund. As I said in general debate, we have limited it to this amount, so it is a limited amount that they can utilize, up to $300,000, to defray emergency expenses. We think in view of the establishment of the emergency fund and in view of the language written into it and the funds available, they should be able to utilize the emergency fund.

Mr. MICHEL. Mr. Chairman, I submit that this is a change because in prior years we have been setting an appropriated amount. When you have a revolving fund, you have no limit. Whether it is $300,000 or whatever it might be, you can borrow out of it, and this provision provides for automatic replenishment. The minute you automatically replenish it, you take out $200,000 today and tomorrow you take $300,000. Again there is an automatic provision here for replenishment. It sets no limit, and I submit that going back 20 years we provided for annual appropriations, and this sets no limit, and this is legislation on an appropriation bill.

The CHAIRMAN. The Chair understands that the gentleman from Illinois makes a point of order against the language appearing on page 20, line 8, beginning with "*Provided*" and the balance of the paragraph; is that correct?

Mr. MICHEL. Yes, Mr. Chairman.

The CHAIRMAN (Mr. ASPINALL). The Chair is ready to rule. The Chair is of the opinion that the language does permit the transfer of an indefinite sum of money from the continuing or revolving fund and, in fact, changes existing law and, therefore, is legislation on an appropriation bill.

The Chair sustains the point of order.

Mr. WHITTEN. Mr. Chairman, today we continue the consideration of our bill providing funds for the development of rivers and harbors, to protect life and property from floods, to aid navigation, and to continue to maintain our standard of living; and, yes, Mr. Chairman, to aid in the restoration and protection of our environment. In this bill we provide funds for the Appalachian programs which have meant so much to the development of much of my district; projects which in other areas are largely handled by Economic Development Administration.

It is a pleasure to serve on the 55-member Committee on Appropriations where I rank next to Mr. MAHON, the chairman. Particularly do I feel fortunate in serving on the Subcommittee on Public Works.

I wish to compliment my chairman, JOE EVINS, of Tennessee, and the ranking member, JOHN RHODES, of Arizona—they, with our fine staff headed by Gene Wilhelm, do an excellent job as do other members of our subcommittee.

MISSISSIPPI PROJECTS

Mr. Chairman, my colleagues have covered most of the details of the bill; however, there are numerous projects in my own area, where I have a great obligation and deep interest. These projects include $105 million for the lower Mississippi River and tributaries. We must remember that approximately three-fourths of all the water that falls in the United States flows down this great river valley, gathering in quantity and momentum as it goes.

Other projects in our section are the Ascalmore-Tippo and Opossum Bayous, $375,000; the upper auxiliary channel or alternate channel, $475,000; the full amount that can be used for preliminary planning and construction; Yazoo backwater, $3,615,000; Tombigbee River and tributaries, flood control, $1,500,000; Tennessee-Tombigbee Waterway, $12,000,000; Yellow Creek Port project-TVA, $3,504,000.

RESERVOIR DEVELOPMENT

Mr. Chairman, we have provided for the four reservoirs: Arkabutla, Enid, Grenada, and Sardis for regular development toward the master plan of recreational development the sum of $1,603,000.

In addition, the committee has provided an additional amount of $300,000 under construction, general, and $150,000 from the fund, Mississippi River and tributaries, for these reservoirs. This is a real step toward recreational development up to national levels.

OUR REPORT

In our report we provide the following directive:

In reference to the Yazoo Basin reservoirs, the corps is urged to expedite the updating of the master plan to bring up to national standards the provision of recreation facilities, including the upgrading of access roads.

Yazoo Basin: Within the funds provided the Committee directs that initial planning be undertaken on a pilot program to meet the soil erosion and bank caving problems of the streams in the Yazoo Basin, including the foothill area, in cooperation with the Soil Conservation Service, as authorized by Public Law 46, 84th Congress, as amended by Public Law 91–566, 91st Congress.

These funds are in addition to those under other laws where there is a limit on each project. This work will complement and in fact initiate a project that will total $9 million under the recommendation of the Corps of Engineers now before the legislative committee:

The allocation for the Yazoo Basin includes $845,000 for continued planning on the Upper Auxiliary Channel or other alternate means of main drainage facilities to meet the flood control needs of the Upper (Delta) Yazoo Basin, the Ascalmore-Tippo, and the Opossum Bayou drainage projects. The Committee reiterates its directive that planning shall proceed from South to North so as not to aggravate prevailing conditions.

These funds should get us going on these projects.

HIGHWAYS

Mr. Chairman, our committee on page 66 of the report, provides $25 million additional funds to the development highway program of the Appalachian region to finance limited allocations from the advance contract authority to expedite high priority projects and to assist those States which are fully utilizing their current allocations.

Mr. Chairman, it is thought that within this $25 million the Appalachian Commission will proceed with planning of a corridor highway in the Appalachian section of my State and others to enable those States not presently financed in the corridor program to be treated as are other States of the region. We must deal fairly with them.

Particularly do I call to your attention that when my State and several others came into the program, they became full-fledged members of the Appalachian region, that at least one, New York State, has been voted a corridor highway by the cochairman of the other States in the region.

I shall confer with my friend and colleague from Mississippi, Senator JOHN STENNIS, chairman of the Appropriations Subcommittee in the Senate. If addi-

tional language will help, we can put it in the conference report.

Mr. Chairman, I call attention to the fact that under the law the Governor of each State must select and initiate the particular corridor, subject to agreement with the Governors of adjoining States and approval of the other cochairman of the Commission.

My whole State would benefit whatever highway was selected, for it would leave more State and Federal funds for other highways.

Mr. Chairman, this is a good bill and should be passed.

A LESSON WE NEED TO LEARN

It will be well, I think, particularly in view of present conditions to repeat a happening of many years ago. At the time, I happened to handle the appropriation for the National Production Authority. As I walked over to the office after a meeting, the head of that agency said to me, "Jamie, if I were the Russians and wanted to wreck the economy of the United States, do you know what I would do?"

I said, "No."

He said, "I would bring about 5 years of peace."

Think of it. If he wanted to wreck the economy of the United States, he would declare 5 years of peace. With all of us praying for peace even as we are today, such a thought was terrible.

I said, "Joe, what do you mean?"

He said, "I mean this. If we were to have all the young men in service coming back out of jobs; if we were to cancel all the war contracts and have the folks in those plants out of work; if we were to stop the movement of the excess production of the American farmer, we would wreck the economy of this country."

If you think about it, such a situation was fearsome to contemplate.

For I realized at that time, and this was quite a number of years ago, we had enjoyed many years of the greatest prosperity we had ever known in this country—more cars, more radios, television sets, more of the things we love, more of the luxuries of life, than any nation in history. Yet, I thought, surely it does not take a war or preparation for war to have these things.

I thought the matter through—then it dawned on me that it was not war or preparation for war which created or made possible this material prosperity, but the extra effort we made as a people because of the war, which brought such prosperity.

In war we spend the money to buy shells and airplanes, gasoline to burn in the airplanes we destroy—we spend the money in things that are destroyed. We dig up our minerals, destroy our timber, and end a poorer country because we have used up so much of our resources.

If we were just wise enough to put that same effort to use to improve our own country; if we were wise enough to harness our streams and reforest our lands, stop erosion, build schools, and improve our country, we would have a much richer country. We would have a finer country. We would then be doing what we are doing for nearly every other country in the world.

If we leave our children a rich country, rich in the natural resources, rich in the things that provide our high standards of living, then we truly will have left them a fine heritage.

Mr. BROTZMAN. Mr. Chairman, I am pleased to support the efforts of the House Appropriations Committee in bringing H.R. 15586, the Public Works and Atomic Energy Commission Appropriations for fiscal year 1973, to the floor of the House at this time.

I am particularly pleased because this bill provides nearly $14 million for public works projects in the Second Congressional District of Colorado. This figure is sufficient to keep all three of my district's flood control projects on schedule, and thus, is a major additional step in securing positive flood control for the entire Denver metropolitan area.

Of the $14 million total, Chatfield Dam and Reservoir, at the confluence of the South Platte River and Plum Creek, will receive $11 million. This amount will enable the Corps of Engineers to maintain their timetable which calls for closure of the dam in the summer of 1973. It brings the obligations to date on the project to $61,399,000.

Eventually the dam and reservoir is expected to cost a total of $86.4 million. The $25 million remaining to be funded is anticipated to be spent on work which can be accomplished after the dam is closed.

Another $2,500,000 is made available primarily for the acquisition of land near Morrison, Colo., for the construction of the Mount Carbon Dam and Reservoir site on Bear Creek. This project, still in its initial stages, is estimated by the Corps of Engineers to reach a total cost of $53 million. This bill brings the appropriations to date to $4,324,000.

The bill also anticipates the completion of preconstruction planning in the Boulder Creek flood control project by providing $80,000 toward this goal.

Finally, included in this bill is the funding for the Front Range feasibility study by the Bureau of Reclamation. H.R. 15586 adds $100,000 for fiscal year 1973. This brings to $420,134 the appropriations to date on a study of ways to better utilize the water resources of northern Colorado. The project is scheduled for completion by fiscal 1975, at a total cost of $736,000. It is hoped that this project will show ways to add more than 100,000 acre-feet of water to the annual supplies of such communities as Boulder, Longmont, Broomfield, Louisville, Fort Collins, Greeley, Loveland, and Estes Park.

Again, Mr. Chairman, I would like to commend the members of the Appropriations Committee for their efforts, and I urge my colleagues in the House to vote for the passage of this bill.

Mr. JONES of Alabama. Mr. Chairman, I want to commend the gentleman from Tennessee (Mr. EVINS) and the members of his subcommittee for their careful deliberations which have produced H.R. 15586, making the appropriations for public works and related building activities for the people of this country.

Because of the great needs within the 50 States, the subcommittee's task of allocating limited resources has been difficult. They have brought to the House a tight proposal of the most essential requirements. Every program in the legislation could be increased to the total profit of the Nation.

This is the capital investment we are making in the building of the United States. Every cent invested is repaid many times over in benefits which are enjoyed by all the citizens.

The bill appropriates the essential funds for development of rivers and harbors, for protection of life and property through flood control, for improvement of navigation, to advance economic development, to aid in the restoration and protection of the environment, and to provide electric power. Basically this enhances the ability of the people to improve their standard of living.

The legislation's increased attention to the requirements for electric power and development of the Appalachia region are particularly commendable.

These investments, and the others provided for in the appropriations, create the foundations on which our Nation's future prosperity will be realized. The programs and projects serve the true public interest, and this legislation merits our full endorsement.

Mr. THOMPSON of New Jersey. Mr. Chairman, I am certain I speak the mind of the House when I say that we all share a sense of shock and dismay at the human suffering and property loss wrought these past few days by Hurricane Agnes. More than 100 persons are dead; dozens of our cities and towns are in ruins; and thousands of acres of countryside have been laid waste in Virginia, Maryland, Pennsylvania, and New York. It is, of course, imperative that all appropriate Federal and State agencies rush assistance to the stricken areas so that those in need may be fed and housed and that essential services be restored as promptly as possible.

To those of us who represent constituencies in the Delaware Valley, it would appear that fate has taken an ironic turn in having the House work its will today on the public works appropriation bill. For while thousands of our fellow citizens are cleansing their homes and places of business from the mud and debris left by Agnes, we are asked to approve funds for a flood control project spawned by a similar disaster 17 years ago. I speak of the $14.8 million recommended by the committee for the Tocks Island Dam and Reservoir, a project which emerged from the death and destruction of Hurricane Diane in August 1955. In the event that time has dimmed the extent of that disaster in some minds, let us review that litany of horror: One hundred dead in the Delaware River and her tributaries; more than $100 million property loss. In that area of the River Valley from Easton, Pa., to the Camden County line, 9,223 acres were flooded; 2,063 residences destroyed or badly damaged; 330 commercial properties ruined; and 29 indus-

trial properties devastated. In my home county of Mercer the damage was $4.7 million. In Warren County the toll was $5.7 million; in Bucks County it was $9.7 million. But as grim as these figures are, we of the Delaware Valley ought to be on our knees today giving thanks. In 1955 Hurricane Diane deposited 6 to 7 inches of rain in the basin. Last week, Agnes drowned the Susquehana Basin in 10 to 12 inches. In short, but for the vagaries of nature, those who inhabit the area drained by the Delaware would have suffered a catastrophe that would have made the flood of 1955 seem an act of mercy.

It does not please me to dwell upon disaster, but Agnes leaves us no choice. We all live with the certain knowledge that the Eastern States are prone to invasion by hurricanes and storms of tropical origin. The forces that bred Agnes are fully capable of breeding Bertha, Chloe, Denise, and an unknowable series of equally deadly storms. I feel very strongly that the $14.8 million recommended for fiscal year 1973 for the Tocks Island project should be approved. But more needs to be said. The committee has directed that none of these moneys be spent for construction of the Tocks Island Dam pending satisfactory resolution of certain environmental questions raised by the President's Council on Environmental Quality. Instead, the Corps of Engineers is directed to employ the entire appropriation plus some $1.6 million in carryover funds for an accelerated program of land acquisition to complete purchase of the reservoir site.

What needs to be said—and the fact cannot be overemphasized—is that the Tocks Island Dam is first and foremost a flood control structure. It is specifically designed to protect the main stem of the Delaware River from flood waters. Ownership of the Tocks Reservoir site is essential to the project. But ownership of the site will not provide flood protection. A start on construction of the Tocks Island Dam has been delayed for some 17 months pending completion of the processes required by the Environmental Protection Act of 1969. The final environmental impact studies required by the law have been pending before the President's Council on Environmental Quality since October 1, 1971. I have today written President Nixon urging that CEQ expedite its consideration of those impact studies. In my judgment it would be unconscionable to countenance any further delay on this project absent clear and compelling reasons.

Mr. PATTEN. Mr. Chairman, I rise in support of the committee bill appropriating the full $14.8 million requested by President Nixon for the Tocks Island multipurpose development on the Delaware River between New Jersey and Pennsylvania.

This project is of urgent importance to the great State of New Jersey, and to the sustained water supply, water recreation, and electric power needs of its 15th District which I have the honor to represent.

As explained by a former Member of this body, speaking in 1965, the present Governor of New Jersey, the Honorable William Cahill:

The importance of the prospective Tocks Island Dam and Reservoir cannot be overestimated. The dam will provide the only reservoir project in the Delaware River Basin large enough to simultaneously meet the rapidly expanding water requirements of the Metropolitan Philadelphia region and the other metropolitan regions in north and central New Jersey.

Following the construction of the dam, if and when the Delaware River should again reach flood stage, the prospective Tocks Island Reservoir will afford substantial flood protection to the communities along the river as far south as Burlington, N.J. In addition, this enormous reservoir will permit the development of hydroelectric power (*Cong. Rec.* of July 12, 1965, at 16366).

Mr. Chairman, there is no further need for me to explain or demonstrate the need for the Tocks Island project; the Delaware River has done that far more effectively than I or Governor Cahill could do. Tocks Island project is the outgrowth the disastrous Delaware River floods of the 1950's; its water supply function is the answer to a repetition of the disastrous Delaware River Basin droughts of the 1960's.

In this latter connection, let me remind the Members of this body of the testimony of former Interior Department Secretary Stewart Udall, as to the importance of Tocks Island project to the growing human water supply requirements of the area in and around the Delaware River Basin. In his testimony during the Senate Interior Committee investigation of that drought disaster—Senate Interior and Insular Affairs Committee Hearings on Northeast Water Crisis, September 1965—Secretary Udall emphasized:

(1) that the Delaware River Basin suffered more than all other regions affected by the drought: "Tocks Island Dam . . . is an opportunity for this very region that is suffering most now to permanently solve its problems" (p. 33), and

(2) that "if we had the Tocks Island Dam in today, just this one dam on the mainstem . . ., you would have no problem because you would have the storage. Northern New Jersey would have no problem because you would have an adequate, assured, long-term supply." (p. 44.)

To summarize, Mr. Chairman, in 1962 the necessity of the Tocks Island project's water supply and related purposes was fully established by its authorization studies, in which the State of New Jersey fully participated and concurred. From 1962 to 1967, Tocks Island's indispensability to New Jersey's supply security was made self-evident by the disastrous Delaware Basin drought. In 1969 New Jersey's need for Tocks Island was again affirmed by the studies of the New Jersey Department of Conservation and Economic Development, as set forth in its publication numbered Water Resources Circular 21. And most recently, in 1972, we are informed that all Corps of Engineers additional studies, mandated the Northeast Water Supply Act of 1965, of ways of meeting this region's growing water supply requirements strongly affirm the need for the Tocks Island project for New Jersey. This is explained in detail in the following letter of June 12, 1972, by Major General Groves to our colleague, the Honorable FRANK THOMPSON:

JUNE 12, 1972.

Hon. FRANK THOMPSON, JR.,
House of Representatives,
Washington, D.C.

DEAR MR. THOMPSON: I am replying to your recent letter in which you requested information on the relationship between the Tocks Island project and the Northeastern United States Water Supply (NEWS) Study.

The NEWS has been carried through the technical feasibility phase for Northern New Jersey, Southeastern New York and Southwestern Connecticut Metropolitan area and a draft has been prepared of a preliminary study of regional water supply for the Philadelphia-Trenton-Wilmington Metropolitan area. Based on our work to date, certain preliminary findings have been made.

For the Northern New Jersey-Southern New York-Southwestern Connecticut Area the availability of 300 million gallons of water per day (mgd) from the Tocks Island Project is an essential element in 6 of the 7 alternative programs we have considered. The seventh alternative also relies upon the Delaware, through floodskimming. We do not believe that floodskimming is likely to be approved by the Delaware River Basin Commission or the Supreme Court, since it does not provide an assured downstream flow. Such an assured flow could come duly from Tocks Island or from another large Delaware reservoir.

Among the projects analyzed in the feasibility phase of the NEWS Study, there are possible combinations that do not require the use of Tocks Island to satisfy the NJ–NY-Conn. Metropolitan Area. Each of these combinations would require drawing on the Hudson for additional water beyond the amounts already contemplated in programs that include Tocks Island. This added increment of 300 mgd from the Hudson would require more upstate New York reservoirs than the non-Adirondack reservoirs which are now contemplated. Such an alternative might include a site similar to Cooley No. 1 on the Hudson just north of Indian Lake. Yet, the New York legislature passed and the Governor signed a bill (S. 2703 and A. 4944) prohibiting the construction of a reservoir in that area. There are strong political and environmental objections to such a reservoir. It would seem that a large reservoir in that area would have larger environmental costs and fewer benefits than the Tocks Island Project.

In the Philadelphia-Trenton-Wilmington Area, our work to date indicates that no reasonable substitute exists for Tocks Island. Although we have not yet analyzed every conceivable alternative, we have analyzed the most likely ones and have found that all of them have severe economical, political or environmental problems. Groundwater available for transfer from South-Central New Jersey, for instance, is limited and would deprive that area of its only major developable water resources. Such transfer is likely to have severe environmental impacts on the Pine Barrens and coastal bays of the area. Any reduction in the transfer of Delaware water to New York, calculated to make more water available for the Philadelphia metropolitan area, would meet with strong opposition elsewhere and would necessitate developments likely to have severe negative environmental impacts. Using Susquehanna water would require costly reservoirs and costly transmission and would create new environmental problems on the Susquehanna and, more important, in the Chesapeake Bay.

Recirculation of waste water appears not to be ready for employment in a large metropolitan area at this time because of as yet unanswered public health questions. While

there will undoubtedly be some recirculation in the more distant future, it is likely to be a costly and controversial procedure.

Desalting requires not only very large capital investments and high operating costs, but it is linked to the problems of nuclear power plant siting, hot brins disposal and long distance piping.

In summary, there appears to be no viable alternative to Tocks Island if we are to meet the foreseeable water supply needs of this region, the needs toward which the Congress has directed our attention.

Sincerely yours,

R. H. GROVES,
Major General, U.S. Army, Division Engineer.

Mr. Chairman, I commend President Nixon, the members of the full committee, and the membership of this body for the appropriation necessary to move forward the Tocks Island multipurpose project—shown by a long line of independent studies by our most competent Federal and State experts to be so indispensable to meet the foreseeable water supply and related needs of this region.

Mr. FRENZEL. Mr. Chairman, during the debate of June 7, 1972, concerning the authorization for this AEC appropriation, I inquired of the gentleman from California (Mr. HOSMER) whether it was unwise to continue with the construction of the LMFBR demonstration plant before the testing of its components had been conducted at the fast flux facility—FFTF—in Richland, Wash., which will not be completed until June or July of 1974. Mr. Hosmer replied:

The (FFTF) largely has to do with the neutronic testing of the fuel elements of the breeder reactor. The economics of the reactor are primarily involved rather than any of the safety elements of the reactor, and as a consequence, we can go ahead with the demonstration program without having to have this facility in operation. The facility will make its largest contribution in the area of improvement of the economic and neutronics of the system.

But, according to the AEC Analysis published for January–December 1970, page 156:

The Fast Flux Facility is the key project for most of the presently planned technical work in the LMFBR program.

According to the environmental statement of the FFTF issued in May of 1972 by the AEC, on page 1:

It will provide for testing purposes a fast neutron flux irradiation environment similar to that of an LMFBR.

This report, on pages 6 and 7, further states that—

The use of existing fast flux reactors in this country for fast reactor fuels and materials irradiation testing and other programmatic needs was evaluated, and it was determined by the AEC that existing facilities would inadequately meet the objectives of the LMFBR program. The experimental Breeder Reactor No. II (EBR–II), a priority project in the LMFBR program, while providing fast flux irradiation test space for the FFTF and the first demonstration plant cores, must be measurably augmented by other facilities such as the FFTF, to provide for fast flux testing requirements of future LMFBRs. The EBR–II does not have fully prototypic LMFBR environmental conditions, instrumented closed-loop space for controlled environment testing and a sufficiently high fast flux. Use of the Fermi Reactor, the Southwest Experimental Fast Oxide Reactor (SEFOR) and other reactors for irradiation testing has been considered, but inherent features in these reactors are even more restrictive than EBR–II in meeting LMFBR irradiation program needs beyond the FFTF and the first demonstration plant cores. In particular, the existing thermal neutron spectrum, water-cooled test reactors cannot provide the required environment for fast flux irradiation testing. Extensive reviews by AEC and the nuclear industry have resulted in the conclusion that only the construction of the FFTF, specifically designed for testing purposes, can meet the fuels and materials fast flux irradiation needs of the LMFBR program.

In the AEC authorization hearings of fiscal year 1970, as published in part II of April 24, 1969, on page 1159, Dr. Milton Shaw of the AEC mentioned that the FFTF's functions were to test and determine certain factors in the fuel processing, fuel rods and structural components.

In the Record of Hearings before the JCAE on the AEC authorization for fiscal year 1967, on pages 739, 740, and 741, Mr. Shaw, testifying for the AEC, said that—

We prefer to wait until we have more detail information in all the technical areas of the liquid metal program before committing ourselves to the first demonstration plans. We are not in a technical position to evaluate the risks in proceeding with such a large plant commitment. We will be in time.

In light of this information, I again ask whether good sense does not dictate a slowdown of further development of the LMFBR demonstration project until the "urgently needed" testing which we funded in 1967 has been completed.

Mr. RANDALL. Mr. Chairman, I rise in support of H.R. 15586, the appropriation bill for public works for water and power development for fiscal year 1973.

I take this time not simply to urge passage of the bill but to consider what result the passage of this bill today may have upon some litigation pending against one of the line items. I had hoped that it might be possible to engage in a colloquy with the floor manager of this measure, the gentleman from Tennessee (Mr. EVINS) about an item for general construction known as the Harry S. Truman Dam and Reservoir, formerly known as the Kaysinger project, in the amount of $19,500,000 as the approved budget estimate for fiscal year 1973.

Unfortunately, because of a series of urgent commitments off the floor, I was denied that privilege but this is to certify that I have discussed with the gentleman from Tennessee the contents of the remarks I am making herewith and that these remarks as they refer to him have his approval.

Earlier this year, in the U.S. District Court of the Western District of Missouri, the Environmental Defense Fund of East Setauket, N.Y., sued the Secretary of the Army, Robert F. Froelke and Gen. Frederick B. Clarke, Chief of Engineers, Corps of Engineers, in a civil suit for injunction and declaratory judgment seeking to halt construction of the Truman Dam and Reservoir in west central Missouri.

While I was not present in court during any of the days of that trial, from press reports and heresay conversations with some of those who were present, I learn several days were devoted to hearing plaintiff's witnesses about the extent of damage to paddle fish in the area, and other environmental impacts. It was my understanding that when the trial was halted, the court took the position that notwithstanding the existence of some measure of damage, that if and when an environmental impact statement has been prepared and filed by the Corps of Engineers, then at that point under the doctrine of separation of powers in our Government, the ultimate decision to proceed will rest with the Congress.

For one who is not privy to the exact comments of the court, I am sure he did not intend that the Congress would single out this one project and make some kind of direct or express announcement that, disregarding the lawsuit and disregarding the possible environmental impact, the project should proceed. Of course it was never intended that Congress should legislate in such a manner.

Rather, by our action today in approving this appropriation bill, there is presented the strong implication that Congress intends to proceed with this project. The only missing link in the syllogism is whether or not when it acted, Congress had knowledge of the pending litigation intended to halt construction.

The purpose of my comments at this time is an effort to take the place of the legislative history that I had hoped to establish by a colloquy with the floor manager of this bill but which I have said heretofore has been discussed with him and bears his approval.

The facts are that when the organization known as Mo-Ark, consisting of a group of interested businessmen, came to Washington to testify in favor of the Public Works bill, they appeared before the Public Works Subcommittee of the House Appropriations Committee, meeting in the Small Business Committee rooms in the Rayburn Building. On that particular afternoon, witness after witness mentioned the lawsuit filed by the Environmental Defense Fund against the Secretary of the Army and the Chief of the Corps of Engineers, and urged again and again that the mere filing of this lawsuit after over $60,000,000 had already been spent and another $35,000,000 obligated should not influence the Appropriations Committee to withhold funds for fiscal year 1973.

I was in the committee rooms at that time, and I can assure one and all that the chairman of the subcommittee, the gentleman from Tennessee (Mr. EVINS) commented that simply because this lawsuit had been filed it would not influence the deliberations of his subcommittee but that further appropriations would be made with only two factors considered: First, the size of the budget estimates; and second, the capability of the Corps of Engineers to proceed with the work.

While I must once again rely on heresay information, it is my understanding that the court granted to the Corps of Engineers until March of 1973 to file its environmental impact statement so the Congress could have the benefit of this statement prior to deliberation on appropriations for fiscal year 1974.

Based upon press reports and heresay, the decision has not yet been reached as to whether or not the project should be halted until the completion of the environmental impact statement in March of 1973. If my information is correct the court ruled that once the impact statement has been filed, then the ultimate decision upon whether the project is a good one or a bad one, and whether or not construction should continue is up to Congress.

Mr. Chairman, the passage of H.R. 15586 which contained a line item appropriation of $19,500,000 for the Truman project, formerly known as the Kaysinger project, should be a strong indication of the intention of one body of the Congress. In other words, the House of Representatives today spoke out loudly and clearly—the Truman Dam and Reservoir is a good project and should go forward without delay. Hopefully, the other body of the Congress, on the north side of the Capitol, will promptly concur in our action today to make crystal clear the intention of the Congress as to the Truman project.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ASPINALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 346, nays 17, not voting 69, as follows:

[Roll No. 229]

YEAS—346

Abbitt	Flynt	Mallary
Adams	Foley	Mann
Addabbo	Ford, William D.	Martin
Anderson, Ill.	Forsythe	Mathias, Calif.
Andrews, Ala.	Fountain	Mathis, Ga.
Andrews, N. Dak.	Fraser	Matsunaga
Annunzio	Frelinghuysen	Mayne
Archer	Frenzel	Mazzoli
Ashley	Fuqua	Melcher
Aspinall	Galifianakis	Michel
Badillo	Garmatz	Mikva
Baring	Gaydos	Miller, Ohio
Barrett	Gettys	Mills, Md.
Begich	Giaimo	Minish
Belcher	Gibbons	Minshall
Bennett	Goldwater	Mitchell
Bergland	Gonzalez	Mizell
Betts	Goodling	Monagan
Bevill	Grasso	Montgomery
Biaggi	Gray	Moorhead
Biester	Green, Oreg.	Morgan
Bingham	Green, Pa.	Moss
Blackburn	Gross	Murphy, Ill.
Blatnik	Grover	Murphy, N.Y.
Boland	Gubser	Myers
Bow	Gude	Natcher
Brademas	Haley	Nedzi
Brasco	Halpern	Nelsen
Bray	Hamilton	Nichols
Brinkley	Hammer-schmidt	Nix
Brooks	Hanley	O'Hara
Brotzman	Hanna	O'Konski
Brown, Mich.	Hansen, Idaho	O'Neill
Brown, Ohio	Hansen, Wash.	Passman
Broyhill, N.C.	Harrington	Patman
Broyhill, Va.	Harsha	Patten
Buchanan	Harvey	Pelly
Burke, Mass.	Hathaway	Pettis
Burleson, Tex.	Hays	Peyser
Burlison, Mo.	Hébert	Pickle
Burton	Heckler, Mass.	Pike
Byrne, Pa.	Heinz	Pirnie
Byrnes, Wis.	Helstoski	Poage
Byron	Henderson	Podell
Cabell	Hicks, Mass.	Poff
Camp	Hicks, Wash.	Preyer, N.C.
Carey, N.Y.	Hillis	Price, Ill.
Carlson	Hogan	Price, Tex.
Carter	Horton	Pucinski
Casey, Tex.	Hosmer	Purcell
Cederberg	Howard	Quie
Celler	Hull	Quillen
Chamberlain	Hungate	Randall
Chappell	Hunt	Rangel
Clancy	Hutchinson	Rees
Clausen, Don H.	Ichord	Reid
Clawson, Del	Jacobs	Rhodes
Cleveland	Jarman	Riegle
Collier	Johnson, Calif.	Roberts
Collins, Ill.	Johnson, Pa.	Robinson, Va.
Colmer	Jonas	Robison, N.Y.
Conover	Jones, Ala.	Rodino
Conte	Jones, N.C.	Roe
Corman	Jones, Tenn.	Rogers
Crane	Karth	Roncalio
Culver	Kazen	Rooney, N.Y.
Curlin	Keating	Rooney, Pa.
Daniel, Va.	Keith	Rostenkowski
Daniels, N.J.	Kemp	Roush
Danielson	Kluczynski	Rousselot
Davis, Wis.	Kyl	Roy
de la Garza	Kyros	Roybal
Delaney	Landgrebe	Ruppe
Dellenback	Landrum	Ruth
Denholm	Latta	St Germain
Derwinski	Leggett	Sandman
Devine	Lennon	Sarbanes
Dingell	Lent	Satterfield
Dorn	Link	Saylor
Dow	Lloyd	Scherle
Downing	Long, Md.	Schmitz
Drinan	Lujan	Schneebeli
Dulski	McClory	Scott
Duncan	McCloskey	Sebelius
du Pont	McClure	Seiberling
Dwyer	McCollister	Shipley
Eckhardt	McCormack	Shoup
Edmondson	McCulloch	Shriver
Edwards, Ala.	McDade	Sikes
Edwards, Calif.	McEwen	Sisk
Eilberg	McFall	Skubitz
Eshleman	McKay	Slack
Evans, Colo.	McKevitt	Smith, Calif.
Evins, Tenn.	Macdonald, Mass.	Smith, Iowa
Fascell	Madden	Smith, N.Y.
Findley	Mahon	Snyder
Fisher	Mailliard	Spence
Flowers		Springer
		Staggers
Stanton, J. William	Thone	Wilson, Bob
Stanton, James V.	Tiernan	Wilson, Charles H.
Steed	Udall	Winn
Steele	Ullman	Wolff
Steiger, Ariz.	Van Deerlin	Wright
Stephens	Vander Jagt	Wyatt
Stratton	Veysey	Wydler
Stubblefield	Vigorito	Wylie
Sullivan	Waggonner	Wyman
Symington	Waldie	Yates
Talcott	Wampler	Yatron
Taylor	Ware	Young, Fla.
Teague, Calif.	Whalley	Young, Tex.
Terry	White	Zablocki
Thompson, Ga.	Whitehurst	Zion
Thompson, N.J.	Whitten	Zwach
Thomson, Wis.	Widnall	
	Wiggins	
	Williams	

NAYS—17

Aspin	Hechler, W. Va.	Rosenthal
Clay	Kastenmeier	Ryan
Collins, Tex.	Koch	Steiger, Wis.
Conable	Obey	Vanik
Conyers	Powell	Whalen
Dellums	Reuss	

NOT VOTING—69

Abernethy	Davis, S.C.	Kuykendall
Abourezk	Dennis	Long, La.
Abzug	Dent	McDonald, Mich.
Alexander	Dickinson	McKinney
Anderson, Calif.	Diggs	McMillan
Anderson, Tenn.	Donohue	Meeds
Arends	Dowdy	Metcalfe
Ashbrook	Erlenborn	Miller, Calif.
Baker	Esch	Mills, Ark.
Bell	Fish	Mink
Blanton	Flood	Mollohan
Boggs	Ford, Gerald R.	Mosher
Bolling	Frey	Pepper
Broomfield	Fulton	Pryor, Ark.
Burke, Fla.	Gallagher	Railsback
Caffery	Griffin	Rarick
Carney	Griffiths	Runnels
Chisholm	Hagan	Scheuer
Clark	Hall	Schwengel
Cotter	Hastings	Stokes
Coughlin	Hawkins	Stuckey
Davis, Ga.	Holifield	Teague, Tex.
	Kee	
	King	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Teague of Texas for, with Mrs. Abzug against.

Until further notice:

Mr. Mills of Arkansas with Mr. Hall.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Dent with Mr. Arends.
Mr. Cotter with Mr. Broomfield.
Mr. Holifield with Mr. Coughlin.
Mr. Meeds with Mr. Railsback.
Mr. Fulton with Mr. Kuykendall.
Mr. Donohue with Mr. King.
Mr. Pepper with Mr. Hastings.
Mr. Blanton with Mr. Mosher.
Mr. Stuckey with Mr. Ashbrook.
Mr. Stokes with Mr. Esch.
Mr. Anderson of California with Mr. Bell.
Mr. Abourezk with Mr. Metcalfe.
Mr. Hawkins with Mrs. Griffiths.
Mr. Carney with Mr. Schwengel.
Mr. Diggs with Mr. Dowdy.
Mrs. Chisholm with Mr. Gallagher.
Mr. Abernethy with Mr. Dennis.
Mr. Anderson of Tennessee with Mr. Baker.
Mr. Davis of South Carolina with Mr. Burke of Florida.
Mr. Davis of Georgia with Mr. Frey.
Mr. Flood with Mr. McKinney.
Mr. Alexander with Mr. Dickinson.
Mr. Rarick with Mr. Pryor of Arkansas.
Mrs. Mink with Mr. Erlenborn.
Mr. Scheuer with Mr. Fish.
Mr. Miller of California with Mr. McDonald of Michigan.
Mr. Kee with Mr. McMillan.
Mr. Caffery with Mr. Griffin.
Mr. Runnels with Mr. Mollohan
Mr. Mathis of Georgia with Mr. Hagan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed and that I be permitted to extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REQUEST FOR PERMISSION TO EXTEND REMARKS

Mr. MCFALL. Mr. Speaker, I ask unanimous consent that the gentleman from Wyoming (Mr. RONCALIO) may be permitted to have his remarks appear in the RECORD immediately following those of the gentleman from Washington (Mr. MCCORMACK) on H.R. 15586, just completed.

The SPEAKER. The only way the gentleman can do that is do it himself in the Extensions of Remarks, or he can get it in the body of the RECORD under a special order.

PERSONAL EXPLANATION

Mr. PICKLE. Mr. Speaker, today on rollcalls Nos. 227 and 228 I was not recorded. The reason for my absence was that I was in Bethesda Hospital filling an appointment that had been made for that time.

I ask that the RECORD reflect the reason for my absence.

MILITARY PROCUREMENT AUTHORIZATION, 1973

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1025 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1025

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, and all points of order against section 601(b) of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the able gentleman from California (Mr. SMITH) and pending the utilization of that time, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1025 provides an open rule with 4 hours of general debate for consideration of H.R. 15495, the military procurement authorization bill. The bill shall be read for amendment by titles instead of by sections and points of order are waived against section 601(b) for failure to comply with the provisions of clause 14 of rule XXI. Section 601(b) provides a retroactive increase of $200 million in the prescribed statutory ceiling for the support of free world forces in Southeast Asia contained in the Armed Forces Appropriations Act for fiscal year 1972 and constitutes an appropriation in a legislative bill. That is the reason for the waiver.

The purpose of H.R. 15495 is to authorize appropriations for fiscal year 1973 for military procurement, research, development, test and evaluation for the Armed Forces, to authorize construction in connection with the Safeguard antiballistic missile system, and to prescribe authorized personnel strength for the active duty components as well as the Reserve units.

The total authorization for fiscal year 1973 is $21,318,788,250.

The authorization for procurement is $12,940,900,000. For aircraft, $134.5 million are authorized for the Army, $3,101,600,000 for the Navy and Marine Corps, $2,508,600,000 for the Air Force.

For missiles, $888,400,000 are authorized for the Army, $769,600,000 for the Navy, $22.1 million for the Marine Corps, $1,772,300,000 for the Air Force.

For naval vessels, $3,201,300,000 are authorized.

For tracked combat vehicles, $189.1 are authorized for the Army, $62.2 million for the Marine Corps.

$194.2 million are for the Navy for torpedoes and related equipment.

For other weapons, $70.4 million are authorized for the Army, $25.7 million for the Navy, $900,000 for the Marine Corps.

The total authorization for research, development, test, and evaluation is $8,371,888,250. Of this amount, $1,997,332,200 are for the Army, of which a maximum of $174,658,000 is for military sciences budget activity; $2,661,533,250 is for the Navy and Marine Corps, of which a maximum of $131,022,400 is for military sciences budget activity; $3,168,940,150 are for the Air Force, of which a maximum of $124,338,000 are for military sciences budget activity; $494,082,650 are for the Defense agencies.

In addition, $50 million are for the Department of Defense for use as an emergency fund for research, development, test, evaluation, or procurement, or production related thereto.

Except when the President determines that our national security would be in jeopardy, maximum active duty personnel are authorized at 841,190 for the Army, 601,672 for the Navy, 197,965 for the Marine Corps, and 717,210 for the Air Force.

The Reserves shall have a minimum average strength of 402,333 for the Army National Guard, 261,300 for the Army, 129,000 for the Navy, 45,016 for the Marine Corps, 87,614 for the Air National Guard, 51,296 for the Air Force, and 11,800 for the Coast Guard.

Military construction is authorized in the amount of $6 million for family housing $218 units at the Grand Forks Safeguard site in North Dakota.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 1025 provides for 4 hours of debate under an open rule for the consideration of H.R. 15495, the military procurement authorization bill.

Points of order are waived in the rule, Mr. Speaker, against section 601 (b) of the bill for failure to comply with the provisions of clause 4, rule XXI. The reason for this simply is that there is a retroactive increase of some $200 million in this authorization bill in the nature of an appropriation, which is brought about by the occasion of the support of free world forces of Southeast Asia. It would be subject to a point of order.

Accordingly, we decided this should be presented so that we could have this additional $200 million to carry on the activities in Southeast Asia, which recently have been extended to some extent.

The primary purpose of H.R. 15495 is to authorize appropriations during fiscal year 1973 for the procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes and other weapons. In addition, the bill includes funds for research and development, and the Safeguard anti-ballistic missile system, and prescribes the authorized personnel strength for each of the Armed Forces.

The bill authorizes a total of $21,318,788,250. By way of comparison, the amount requested by the Department of Defense is $22,881,967,000. The amount actually appropriated for these same purposes in 1972 was $20,461,802,000.

This bill provides $12,940,900,000 for procurement of weapons, $8,371,888,250 for research and development, and $6,000,000 for family housing construction related to the Safeguard ABM site at Grand Forks, N. Dak. The bill continues the authority for merging military assistance for South Vietnam, other free world forces in support of South Vietnam, and local forces in Laos, with the funding of the Department of Defense, subject to dollar limitations and other restrictions.

This bill authorizes a maximum active duty strength for each component of the Armed Forces as follows: Army, 841,-

190; Navy, 601,672; Marine Corps, 197,-965; and Air Force, 717,210.

The funds authorized in this bill are only a part of the approximately $83,-400,000,000 in new obligational authority requested by the President for the Department of Defense in fiscal year 1973. Appropriations for personnel, operation and maintenance and a part of procurement are made on the basis of continuing authorizations. Military construction is authorized in separate legislation.

Mr. Speaker, I urge adoption of the rule.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15495, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Louisiana (Mr. HÉBERT) will be recognized for 2 hours, and the gentleman from Indiana (Mr. BRAY) will be recognized for 2 hours.

The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the hour is late and I recognize the fact that we may infringing on the time of many Members. Therefore, I will do my best to expedite the handling of the general debate.

The leadership has scheduled a very heavy schedule during the rest of this week in order that the House may recess on time by the end of the week. I make this statement now so that everyone can be guided by what the circumstances are. I intend to finish the general debate this evening and we will read the bill for amendment and then ask that the Committee rise. There will be no vote taken today. The Committee will rise under the rule, and tomorrow we will begin the 5-minute rule, at which time the bill will be open by title for amendment under the rule, and we will continue from then on until we complete the bill.

Mr. Chairman, I bring to the floor today at the direction of the Committee on Armed Services one of the most important pieces of legislation that will be considered by the Congress.

This bill authorizes the procurement of major weapons systems, of all research and development, and sets the strength ceilings for both the active duty and Reserve components of our Armed Forces for the coming year.

The bill authorizes appropriations totaling $21.3 billion. This includes $12.9 billion for the procurement of aircraft, missiles, ships, combat vehicles, torpedoes, and other weapons; $8.3 billion for research, development, test, and evaluation; and $6 million for family housing at the Safeguard site at Grand Forks, N. Dak.

I will explain the salient features of the bill as briefly as possible. I ask that I be allowed to complete my explanation uninterrupted. Following that I will be prepared to answer questions that Members of the House may have.

Last year, when I brought the authorization bill to the floor for the first time as chairman of the Armed Services Committee, I told you I would make no move to cut off debate and that I was prepared to stay on the floor as long as necessary for the House to work its will on the legislation. I make this same pledge to you today.

COMMITTEE REDUCTIONS

The bill as presented to you today is $1,563,000,000 below the amount requested by the Department of Defense. This is the largest reduction made in such a bill by our committee since the authorization process began 12 years ago.

Of this reduction, $582,000,000 is a net reduction related to changes in the ABM because of the SALT treaties. This reduction was concurred in by the Department of Defense.

Other major reductions were made in the AWACS program of the Air Force, in total R. & D. spending authorization, and in the Navy's DD–963 destroyer program.

The committee added funds to the bill for additional procurement of three aircraft, the C–130, A–7D, and the F–5B, to assure that production lines are kept open on aircraft for which there will be a continuing requirement.

The total authorized in the bill is approximately two-thirds of a billion dollars less than the Armed Services Committee recommended to the House last year.

For procurement of aircraft, the amount is $787.8 million less than last year; for procurement of missiles it is $192.9 million less than last year; and for naval vessels it is $127.6 million less than last year.

The only area that shows a substantial increase over last year is research and development. Here we recommend $408.6 million above last year. However, it reflects a net reduction of $323.9 million below the amount requested by the Department of Defense.

COMMITTEE REVIEW OF THE LEGISLATION

This legislation comes to the House after the most extensive review in the Armed Services Committee in my memory. The committee and its subcommittees held more than 50 hearings, stretching over 5 months. Our printed hearings, available to all Members, cover 2,921 pages in three volumes. In addition, supplementary hearings were held relative to SALT. Government, industry, labor, and the academic community are represented in our list of those who testified or provided information. It was only after this extensive review that the Committee was able to make the substantial cuts that I have outlined.

It would be impossible for the committee to have achieved what it has achieved on this bill without the cooperation and the hard work of many members of the committee, and I express my appreciation to all of them. But I would particularly like to call attention to the three subcommittee chairmen whose exhaustive hearings have added significantly to the legislation before you today. I refer to the distinguished gentleman from Illinois (Mr. PRICE) chairman of our R. & D. Subcommittee; the distinguished gentleman from Texas (Mr. FISHER) whose subcommittee reviewed the manpower requirements; and the distinguished gentleman from Florida (Mr. BENNETT) chairman of our CVN–70 Subcommittee. Parenthetically, let me say our records show an average of better than 90 percent attendance by members.

At the conclusion of my remarks I am going to yield to Mr. PRICE to explain the R. & D. authorizations; Mr. FISHER to explain the active duty and Reserve force levels; and Mr. BENNETT to talk about both the carrier and other shipbuilding requirements. I hope all of the Members of the House will listen carefully to what they have to say. Each is an expert in his field.

REDUCTIONS RELATING TO SALT

As all Members of the House are aware, the President on his recent trip to Moscow, negotiated a treaty on antiballistic missile systems and an interim agreement on limitation of offensive weapons.

As a result of those agreements, each side is limited to one ABM site surrounding an intercontinental ballistic missile location and one site at the Nation's Capital. In line with the treaty, the President has suspended all work at the Malmstrom, Mont., Safeguard ABM site, which was approximately 5 to 10 percent completed, and all work on the Whiteman, Mo., and Warren Air Force Base, Wyo., sites where ABM deployment was to begin in earnest in the coming year. The President designated, as the one ICBM site to continue, the ABM complex at Grand Forks, N. Dak., which is 90 percent completed and scheduled to be operational in the fall of 1974.

As a result of these actions the committee was able to delete all ABM construction money in the original defense request and was able to cut $265,000,000 from procurement authorizations and $34,000,000 from R.D.T. & E. authorizations. In addition, $6.4 million was reduced from the family housing authorizations for Safeguard locations.

The committee considered military construction relating to Safeguard with the present bill rather than with the military construction authorization bill

because the system is inextricably tied to the decision the Congress makes on the SALT treaties.

The total of ABM reductions in this bill are $692.4 million.

In concurring with these reductions, the Secretary of Defense requested additional amounts in research and development funds for four systems which will be of increasing importance in the strategic climate created by SALT.

The additions, approved by the Committee, were:

The sum of $60 million for development work on Site Defense of Minuteman (SDM), which is the backup system to provide close-in defense of Minuteman augmenting the Safeguard system. The system is still years away from deployment.

The sum of $20 million to accelerate the Navy's deployment of a submarine-launched cruise missile.

The sum of $20 million for additional research and development effort on reentry vehicle technology.

The sum of $10 million for improved military communication, command and control capability.

The total of these additions is $110 million. The net reduction, therefore, as a result of SALT, is $582.4 million.

I have been amazed to read in the papers in recent weeks that SALT is not really saving any money and that the Defense Department is asking new and more costly systems as a result of SALT.

It should be very clearly understood that there is a saving of over a half billion dollars in this bill due to the SALT agreement. The bill would be a half billion dollars more without the SALT treaty. Additional savings will be experienced in future years as a result of the cutback in the Safeguard program.

It should also be clearly understood that these reductions related to SALT are predicated on the idea that Congress will approve the treaties. Make no mistake about it: if the treaties are rejected, there will be a supplemental in very short order from the Department of Defense and consideration by the committee of additional spending to continue the work suspended.

It is also my considered opinion that should Congress reject the treaty there would also in rapid order be a supplemental spending program at the Presidium of the Supreme Soviet in Moscow and the shock waves will send the Soviet budget far above what it was before the negotiations.

STRATEGIC SYSTEMS

Now let me briefly review some of the other strategic weapons systems for which funds are provided in the bill.

B–1

As the Members of the House know, I have been a consistent spokesman for the idea of keeping manned systems in our strategic force. If I had my way, the B–1 would be much further along than it is at present and would be operational long before the earliest date we can now expect—1978.

In this year's bill there is $444.5 million to continue engineering development on the B–1. Let me emphasize that all of the spending for B–1 is still in research and development. There is no decision yet made to go ahead with production. The first flight of the B–1 is planned for April 1974. A production decision will not be made until sometime in 1975. This program, you will be happy to hear, is on schedule and is within cost estimates.

THE ADVANCED AIRBORNE COMMAND POST

Retaining an assured command and control capability is one of the crucial elements of our strategic deterrent. We must put at the command of the President in time of grave national crisis the best system we can devise to assure that he can continue to carry out his responsibilities as Commander in Chief.

To this end there is a national emergency airborne command post which presently uses EC–135 aircraft. Those aircraft have gotten to the limits of their space expansion.

The bill provides $217.6 million for buying six 747 aircraft for use as the airborne command post. These aircraft will provide greater space, greater endurance and the ability to land at a good many more airfields.

I would note that in this instance the committee departed from its traditional insistence on competitive procurement. But since it has such a unique mission, relating to the safety and the continued functioning of the President, the committee has approved this procurement.

TRIDENT

The bill contains $926.4 million for the Trident, or, as it was formerly called, the ULMS—the undersea, long-range missile system.

Confusing stories have appeared in the news media following the SALT negotiations that Trident has been accelerated as a result of the SALT agreement. That is not correct. The amount provided is the amount requested in the original budget submission.

As a result of SALT, both sides are limited in the number of nuclear submarines they can deploy. That very limitation increases the importance of developing Trident, since the number of submarines allowed to the United States is less than that allowed to the Soviets. It is particularly important that we keep our submarines as modern as technology allows so that the Soviets do not achieve a qualitative as well as quantitative advantage. By the time it is coming into operation the Trident will be replacing Polaris submarines which will then be over 20 years old.

In terms of usage these Polaris subs will be the equivalent of more than 40 years old because they have "Blue" and "Gold" crews and are in constant use. They are like taxicabs that wear out faster from continuous use. When one driver goes home another takes over and the taxi keeps going.

STRATEGY AFTER SALT

I urge all Members to keep in mind that SALT sets quantitative but not qualitative limits. The number of systems are fixed by treaty and the number favor the Soviets in missile launchers and in submarines.

The Soviet quantitative advantage is institutionalized by the treaties.

The treaties, however, do not address themselves to qualitative improvements. In quality of strategic systems the U.S. has a marked advantage but the Soviets are free under the treaties to improve their systems in an effort to catch up.

To retain overall parity, therefore, we must not let our technological lead slip away.

To scrap follow-on development in key systems now, to halt developments which will assure the continued invulnerability of our deterrent, would be to let an acceptable parity slip into an unacceptable inferiority.

It would be the most dangerous game we could play with our national defense.

SEARCH FOR SAVINGS

I want to bring to the attention of the House two actions we have taken in our continuing effort to control defense costs.

In our hearings, we invited industry and labor leaders to testify as to the causes of cost escalation. Some industry leaders testified. Labor representatives were unable to make it, but submitted statements for the record. The views of both will be found in the hearings.

However, the committee found that we still do not have the data required to clearly identify the impact that various factors have on cost escalation.

The committee, therefore, has directed the Department of Defense to conduct a detailed study of cost escalation so as to develop accurate cost accounting information that the committee can use in reviewing authorizations.

At the same time, we asked the Comptroller General to make an independent study of the reasons for cost escalation in procurement contracts.

We will have the results of both of these studies when we bring the authorization bill to the floor next year.

We have added to the authorization law the requirement for authorization prior to appropriations for any funds used for training or education of military personnel. This is an area with annual expenditures of $6 billion. And the Department of Defense admits that it does not have a complete grasp of what it spends in this area. The committee believes that substantial savings might be achieved in this element of defense spending.

PERSONNEL AUTHORIZATIONS

We have authorized the numbers requested for the active duty strength of the Armed Forces and for Reserve strength. However, we have changed the authorization requirement from an average annual active duty strength to a maximum end strength to allow better management of the active duty force.

The strength of our Armed Forces at the close of fiscal year 1973 will be as follows: Army, 841,190; Navy, 601,672; Marine Corps, 197,965; and Air Force, 717,210.

We have also included in the bill a prohibition against expenditure of defense funds at institutions of higher learning when recruiting personnel of the Armed Forces are barred by policy or where the institution, as a matter of policy, eliminates ROTC. If institutions of higher

learning want to sever their relationship with the Armed Forces, that is their prerogative. But we think the separation should be complete.

We don't want to tempt their morality with Government dollars.

The gentleman from Massachusetts, our distinguished majority whip, said he thought an individual in the Armed Forces ought to be free to choose whatever school he wishes. He is—if he is willing to pay for it. But where the education is paid for by the Government and the individual is being paid by the Government and the education is for the Government's purpose. we think the Congress should determine Government policy. This is not a new policy. All Federal programs have cooperative requirements for the receipt of Federal funds.

OTHER MAJOR COMMITTEE ACTIONS

I could talk for hours and still not fully explain the bill. But I want to give other Members an opportunity to be heard. Our report is available to all Members and I urge you to read it. But let me briefly review some other major actions of the committee.

F–14

The committee spent many hours interrogating Navy witnesses on the F–14 aircraft. We have provided $732.7 million for the F–14—the amount requested. But we have made it clear in our report that not more than $407.8 million shall be available only for the procurement of not less than 48 F–14 aircraft. This means that the contractor must deliver on the basis of the terms in the existing contract without a $2 million increase in unit price as he has requested.

DD–963

The committee spent an even longer time agonizing over the Navy's ship construction program. The Navy had asked for $610 million for the DD–963. The Committee has provided $247 million, a reduction of $363 million. The amount provided will assure availability of authorization for long leadtime commitments. It allows the Navy to keep its options open. But it is not an authorization for the seven additional destroyers requested. A procurement decision on those seven destroyers will require further action by the Congress.

The contractor on this program, Litton Industries, has to date met all contractual milestones. But the committee is concerned because of delays in the LHA program being built by the same contractor. We will have to see evidence of improvement in the performance in these ship construction programs before we will authorize further ships.

MULTIYEAR PROCUREMENT

In line with our concern about procurement programs extending over several years, the committee included language in the bill to prohibit multiyear procurement involving cancellation ceilings in excess of $1 million. The Navy has entered into procurement contracts which have obligated the Government to pay substantial cancellation charges if the procurement is terminated. In effect, it results in an obligation on the Government never approved by the Congress. We think that is an intolerable situation, and we are not going to let it continue.

NAVAL SHIPYARDS

The committee also took action to require that some new construction be given some naval shipyards which, under present policy, are limited to repairs and conversion. These shipyards are national assets which we do not wish to see lost, and they must be given an adequate level of work to operate efficiently.

SOUTHEAST ASIA SUPPORT

As Members know, we carry in this bill each year a ceiling on appropriations to be made available for support of Vietnamese forces and other Free World forces in Vietnam, and local forces in Laos. This ceiling was set last year at $2.5 billion. Section 601(a) of the bill continues this authorization for fiscal year 1973. Section 601(b) of the bill provides a retroactive increase of $200 million in the authorization for fiscal year 1972—an increase to $2.7 billion. This is merely to reflect the increase required as a result of the North Vietnamese offensive.

CONCLUSION

The reduction made by the committee in this bill, $1.5 billion, is the largest reduction ever made in such legislation in my memory.

The actual effect of these reductions will be greater when inflation is taken into court.

I have said before that we can only afford as much national defense as we cannot afford to be without. That is what we have provided in this bill. It assures a strong America. It assures an invulnerable deterrent. It assures no weakening of our national security. But perhaps most important of all, it provides that a decade from now our freedom will be equally secure.

I urge all Members to vote for the bill.

Mr. BRAY. Mr. Chairman, I yield myself such time as I may consume.

(Mr. ARENDS (at the request of Mr. BRAY), was granted permission to extend his remarks at this point in the RECORD).

Mr. ARENDS. Mr. Chairman, the bill that our committee presents to the House today provides $21.3 billion for procurement of weapons and research and development in the year beginning July 1.

The chairman of our committee, in his usual fashion, has explained the bill to the Members very cogently and I will avoid repeating the things he has said.

The chairman has pointed out the total reductions made by the committee—$1.5 billion—represent the largest cut in such a bill ever made by the Committee on Armed Services.

I would emphasize two points:

As a result of SALT there is a saving of $582 million.

Independent of SALT we have made reductions of almost a billion dollars—specifically, $981 million.

The amount provided for procurement of aircraft, missiles, and ships is less than that authorized last year. Only in R.D.T. & E. funds have we shown an increase over fiscal 1972.

The total recommended for R.D.T. & E. is $408.6 million above that recommended last year, but even so we have reduced the amount $323.9 million below what the Department of Defense requested and, frankly, I have some reservations as to whether or not we were too severe in our cuts.

The increase over last year in R.D.T. & E. funds is mainly to compensate for inflation factors and, above that, allows only a modest increase in our technological effort. This is one of those areas where the Soviet effort has been considerably greater than ours for some years. If such a disparity continues, our technological advantage could gradually disappear.

I will have more to say on the importance of this technological threat in a moment.

The $21,318,788,250 of appropriations authorized in this bill includes:

The sum of $12,940,900,000 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons.

The sum of $8,371,888,250 for research, development, test, and evaluation.

The sum of $6,000,000 for family housing construction related to the Safeguard ABM site at Grand Forks, N. Dak.

In addition to making record dollar reductions in the bill, we have made important changes in authorization procedures. We have changed the personnel strength authorization for the Armed Forces from an average annual active duty personnel strength to a maximum end strength. We have found this necessary to properly manage the active duty force.

President Nixon and Secretary Laird, in the course of winding down the Vietnam war, have been able to bring about great reductions in the personnel strength of the Armed Forces. By the end of this month, our total Armed Forces will have been reduced by 1 million men below the strength they were when the Nixon administration took office. However, these reductions unfortunately create some temporary turbulence, and during this period of turbulence an end strength authorization is much easier to manage.

ATTACKING COST GROWTH

We have provided other restrictions on expenditures of funds which the chairman has outlined to you and which I think will allow the Congress to more carefully control the use of funds in future years.

I want to particularly take note of two of these:

First, there are the two studies we are requiring to be made by the Comptroller General and the Department of Defense on cost escalation. We have found that—to our surprise—the Department of Defense did not have sufficient data at the present time to determine which element contributes most to cost escalation. For example, the percentage of cost growth due to wage increases as compared to increases in materiel costs could not be readily determined.

We invited representatives of labor and industry to testify before our committee. Frankly, they did not have the answer either.

But we are determined to find the answer. The conclusions of the studies

are due by March 1 of next year and I am hopeful that they will aid the Congress in controlling cost growth.

Let me say here that our committee is willing to listen to anybody who has ideas on how to improve our national defense or how to save defense dollars without hurting national defense, or how to make improvements in any areas of military management. I was amazed to hear the accusation that the committee was making no effort to receive ideas from non-government sources. The committee specifically invited industry and labor representatives. The labor representatives, unfortunately, did not appear, but that was not the fault of the committee, and they did send prepared statements.

The committee, in addition, heard from all those who requested permission to testify. Witnesses included spokesmen from the Federation of American Scientists, and representatives from such diverse groups as the Friends Committee on National Legislation, the Coalition on National Priorities and Military Policy, the National Guard Association, SANE, the Aerospace Industries Association, the International Association of Machinists and Aerospace Workers, the Aerospace and Agricultural Workers of America, the National Council of Business Executives Move for Vietnam Peace and New National Priorities, and the United Church Board for Homeland Ministries of the United Church of Christ.

Abraham Lincoln once said:

If you know anybody who thinks he is smarter than I am, let me know, I need him in my cabinet.

Let me say to the Members, if you know any one who you think is smarter than we are on national defense matters, send them to us; we will be glad to hear them.

THE TREND OF SPENDING

The chairman of the committee has explained the bill thoroughly and the committee report is available to all the Members. Rather than repeat information which has been made available to you, I would like to spend the remainder of my time to consider with you some of the long-range effects of the action that we take here today.

Members should understand that the trend of spending as far as the procurement of weapons has been downward for several years. In real terms—that is, after inflation is taken into account—procurement outlays have dropped almost every year since 1967. In 1971 they were only about 70 percent of the 1967 level. In real terms they dropped further in the present bill.

Personnel and personnel related costs now take up about 57 percent of the defense spending. This is true even though President Nixon has been able to reduce the strength of the Armed Forces by 1 million men and has reduced defense civilian employment by several hundred thousand. Personnel costs have increased because this Congress, as a matter of policy, determined that we should have an all-volunteer force.

We told you very clearly last year when we brought the draft and pay bill to the floor that if you wanted an all-volunteer force you must be prepared to pay the price.

The personnel area is where the bulk of the defense budget has now gone, and we have squeezed out as much as we can for weapons procurement.

THE SALT AGREEMENTS

It is important that the Members of the House look at the effects of SALT in the proper perspective.

The SALT agreement is not an assurance of peace; it is a beginning step toward peace.

It is not a substitute for strength; it is something that strength has brought about. And it is something that only continued strength will insure.

I was amazed to find in the press allegations that the SALT agreement is not really saving any budgetary dollars and that it is being used to justify new and expensive strategic developments. That is simply not the case.

To begin with, there was a reduction in this bill of over a half billion dollars as a result of SALT. If the agreements had not been signed and we did not have the assurance of slowing down the momentum of the Soviet ICBM development, we would have had to leave that half billion dollars in the bill. If SALT is not ratified, there will be a supplemental—make no mistake about it.

Simple arithmetic will also show that as a result of SALT, there will be substantial savings down the road compared to what we would have had to spend if the Soviet arms development had continued at its previous rate. The cost of a two-site ABM program is roughly $8 billion. The estimated cost of a 12-site program, which we would have had to develop eventually is approximately $18 billion. So, over the years there is a potential saving of close to $10 billion.

Even if we were limited to a four-site deployment, the estimated cost of Safeguard is something over $12 billion. So, the outyear savings are at least on the order of $4 billion.

I am very hopeful there will be further savings as a result of follow-on agreements that the President may negotiate in strategic offensive weapons—if we keep up a sufficient level of strength to provide the necessary incentive for such negotiations.

THE NEED FOR OTHER STRATEGIC SYSTEMS

The offensive strategic systems included in this bill are all follow-on systems to replace those now in existence.

The B–1 is to replace the B–52, the latest of which will be on the order of 20 years old by the time the B–1 is deployed.

The Trident is to replace the Polaris submarines, some of which will be over 20 years before the Trident is deployed.

In the case of the Minuteman, there are no new systems being developed but money is requested for continued force modernization and a relatively modest R. & D. program to improve the capability of reentry vehicles.

All of these systems had been requested prior to SALT—in fact, funds for all of them were in last year's bill. None of the authorization requests were increased as a result of SALT.

The Trident—formerly known as ULMS—undersea long-range missile system—would be needed in any case by the time it is scheduled to come into operation toward the end of this decade. At that point, our oldest Polaris submarines will be 20 years old, and close to the end of their life expectancy.

Keep in mind that you can live with some margin of error with many older systems and pieces of equipment, but you do not want to be in such condition with systems based on nuclear power. So, the Trident would be necessary in any case.

But the environment created by the SALT agreement makes development of the system even more imperative.

THE ALLOWANCES UNDER SALT

Let us look a little bit at what the SALT treaties do. Nobody gets everything he wants in a negotiation, and there are advantages and disadvantages for both sides.

The Soviets were ready for an agreement because they got some things that they wanted: A limitation on the U.S. Safeguard development, formalization of their numerical advantage and the attendant prestige on the world stage that such an agreement implies.

We got some things we wanted: Chiefly, a slowdown in the frightening momentum of Soviet missile development and ballistic missile submarine development, an improved atmosphere in international relations, and the beginning steps toward President Nixon's goal of a generation of peace.

For what we got, we paid a price; namely, a fixed number of missile launchers and ballistic submarines with the numerical advantage on the side of the Soviets.

The Soviets were allowed 62 ballistic missile submarines under the agreement and the United States 44, the United States is allowed a total of 1,764 missile launchers; the Soviets, 2,358.

Neither side is prevented from building new submarines but they cannot go above the numerical ceiling. So deployment of a new submarine means the elimination of an older one.

If older land-based missiles are destroyed, they can be replaced by a sea-based missile—always with the caveat that there be no increase in the maximum number of submarines and the maximum number of submarine missile tubes allowed.

In other words, the treaties address themselves to quantity but not to quality.

The numerical limits are acceptable to us because we have a technological advantage.

But the Soviets are in no way restricted by the treaty from improving their systems. We have got to assume that in a few years they will have MIRV capability. If we allowed our technology to stand still and the Russians improve their technology substantially, by the end of the 5-year period of the treaty we could be in the awful situation where they have a combination of numerical superiority and the equivalent technological capability.

That would put us at a simply unacceptable disadvantage in international affairs.

THE NEED FOR KEEPING OUR DEFENSE STRONG

I say with all the sincerity of my being that I hope the Members of the House will remember well the lessons of the 1920's when disarmament negotiations were followed by rapid destruction of ships without adequate safeguards.

I am not one of those who is capable of developing a sense of euphoria because of Soviet signatures on pieces of paper. You can only secure by treaty what you can defend on the battlefield.

There were those who told us several years ago that the ABM might prevent a SALT agreement. But the very opposite was true. Remember that the first Russian announcement of interest in strategic arms limitation talks followed by only 48 hours the announcement first of our intentions to begin deployment of the ABM. There is strong evidence that our resolution in going ahead with the Safeguard was one of the principal incentives to the SALT negotiations.

If we should now fail to keep up our technological capability and fail to continue developing follow-on systems to assure the invulnerability of our deterrent what incentive would there be for the Russians to take in further negotiations for limitation of offensive weapons? We must deal with the Soviets from a position of strength or we will not be able to deal with them at all.

The President's journey to Moscow was the beginning of a long journey for all of us, the up-hill journey for peace.

Let me remind you what Defense Secretary Laird said:

Euphoria has no place on this journey. Neither is there a place for detour prompted by wishful thinking.

Like any other important journey, this one must be adequately financed.

I hope the Members of the House will support this bill. But more important I hope in supporting it they will be signalling to the world our resolution to maintain our strength and signalling to Moscow that we will never be lulled into being a second-rate power.

Mr. BRAY. Mr. Chairman, I particularly urge all the Members to read Mr. ARENDS' remarks. It is not simply a review of details in the bill but is an important discussion of strategic considerations that we must keep in mind in the post-SALT atmosphere.

I would like to add on my own that I think this bill is the result of the most thorough job that the Committee on Armed Services has ever done on this major annual authorization legislation.

This bill authorizes $21.3 billion for procurement of missiles, planes and ships, research and development, tracked combat vehicles, torpedoes, and other weapons. This authorization governs only part of the approximately $83.4 billion defense appropriation requested by the President; but it is the most important part, the cutting edge. It dictates the level of spending on not only procurement for our present force, but on the kind of systems that we will have in the years ahead. It is, quite literally, the job of the Congress in voting on this fiscal 1973 authorization to determine the type of defense and the level of national security which we will have in 1983.

The SALT agreement sets a limit on numbers of systems available to each side. It sets no limits on technological advancement.

The number of strategic systems available to each side, according to the treaties, give an advantage to the Soviets. According to executive branch estimates, the Soviets have a present level of 1,618 ICBM's operational or under construction and about 740 submarine-launched missiles for a total of 2,358 missile launchers.

The United States has 1,054 land-based missiles and 656 sea-based missiles. The treaty allows us to go to 750 sea-based missiles for a total allowance of 1,764.

Complaints are made that the treaty gives the Soviets a numerical advantage. That is true. But keep in mind that they had that advantage anyway and the advantage would have been greater without the treaty because they were developing land-based missiles at the rate of approximately 200 a year and sea-based missiles at the rate of approximately 130 a year. We have not produced increased numbers of land-based missiles since 1967 and have not increased sea-based missiles beyond the 656 deployed on 41 submarines. Even if we changed our policy and decided to deploy more missiles, it would be years before they could become operational. Hence the numerical advantage of the Soviets, which was there before the treaty, would have grown larger without the treaty.

We can accept the numerical advantage of the Soviets because we have qualitative superiority. But quite obviously it would not be acceptable without our technological advantage.

It is particularly important, therefore, that we maintain our ongoing technological capability and that we continue the modernization of our systems.

It is in that light that I think Members of the House should view this bill today. The big programs that are authorized in this bill which engendered such debate are replacement programs.

The Trident submarine will replace the Polaris submarine; and, as has been indicated, by the time it is ready to be deployed, the submarine it will be replacing will be over 20 years old.

The B–1 system is a replacement for the B–52's, the last of which came off the production line in 1962.

PERSONNEL IMPACT

While this bill does not authorize appropriations for personnel and operation and maintenance, it does have considerable impact in those areas because it sets the ceiling on personnel strength.

The strengths authorized for the active-duty forces for the year beginning July 1 are as follows:

Army—841,190; Navy—601,672; Marine Corps—197,965; and Air Force—717,210.

The authorization is set on an "end strength" basis. Previously it has been on an average annual strength basis. The reason for the change is to provide more flexibility in managing the force which has been made necessary by the substantial personnel reductions of recent years. Armed Forces have been reduced by 1 million men from the strengths we had in 1968.

It has been pointed out that the reduction made by the committee in the bill—$1.5 billion—is the largest such reduction ever made by the Committee on Armed Services. In each of the major procurement categories—aircraft, missiles, and ships—the amount recommended is less than what we recommended to the House last year. You all understand the net buying power is reduced further by the effects of inflation—$582.4 million of the reduction is associated with the SALT agreement. This is one point I think we cannot stress too often—that there is a cut in the bill of over a half billion dollars as a result of SALT and, in addition, we will save billions of dollars in the coming years over what we would have spent on the ABM if the limitation treaty had not been negotiated. A four-site ABM deployment would cost an estimated $4 billion a year more than the two-site deployment allowed by the treaty.

I hope Members of the House will recognize that independent of the SALT negotiations we have cut almost a billion dollars from the bill.

We have also taken steps to assure better congressional control of spending in the future. In this regard we have put a prohibition on multiyear procurements where the cancellation charge exceeds $1 million. We found, in reviewing the Navy's ship-construction program, that the Government had been, in effect, committed to long-range procurement programs with substantial cancellation charges. In effect, this was obligating Government money not authorized by the Congress. That sort of procedure must be prevented.

We are also commissioning studies by the Defense Department and by the General Accounting Office of procurement procedures to aid us in getting a better control of future costs on procurement programs. The results of both studies will be available in March of 1973.

I will not take any more time to explain the details of the legislation. The committee's report is available to all Members of the House. I urge you all to read it.

Let me close by reminding you of what the President said in sending the ABM Treaty and Interim Agreement on offensive arms to the Speaker of the House:

The agreements are an important first step in checking the arms race, but only a first step; they do not close off all avenues of strategic competition. Just as the maintenance of a strong strategic posture was an essential element in the success of these negotiations, it is now equally essential that we carry forward a sound strategic modernization program to maintain our security and to ensure that more permanent and comprehensive arms limitation agreements can be reached.

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. PRICE), the ranking majority Member on the Armed Services Committee.

Mr. PRICE of Illinois. Mr. Chairman, the fiscal year 1973 defense R.D.T. & E. budget recommended by the Committee on Armed Services totals $8,371,888,250. This is $323.9 million less than was requested by the Department of Defense, even though it includes a transfer of $83

million from the Air Force aircraft procurement account for the airborne warning and control system—AWAC's—and an add-on of a net $76 million related to the SALT agreement. The amount recommended also includes $54 million in civilian pay raises and $141 million which was earlier presented in the fiscal year 1972 supplemental and later incorporated in this bill.

The amount recommended is $578.5 million more than Congress authorized last year and $408.6 million more than the committee recommended last year. The increase is approximately 7.4 percent over the congressional authorization for fiscal year 1972. This increase merely compensates for inflation and the increased cost of doing research and development. It allows very little, if any, increase in our overall defense research and development effort.

Mr. Chairman, the subcommittee reviewing the defense R. & D. budget attempted to make a thorough and detailed review of the programs requested. Some 19 meetings were held with the various military services and defense agencies. In these meetings we received testimony on more than 1,500 budget items. Each program was carefully examined with the objective of trying to maintain an overall R. & D. effort of approximately the same level as last year. As I mentioned earlier in my statement, the amount recommended by the Committee on Armed Services meets that objective.

The one portion of the R. & D. budget which gave the committee the greatest concern was Budget Activity No. 1, otherwise known as military sciences. This is the budget activity which includes basic and some applied research conducted by both in-house military laboratories and by colleges, universities and industry.

For fiscal year 1971, the last complete year for which statistics are available, this included contracts or grants with some 365 educational and other nonprofit institutions among which were 45 foreign institutions or foreign government agencies.

The contracts awarded for R.D.T. & E. in this area total in the thousands. Unlike the projects under the other activities in the research and development budget which requires detailed justification and review, expenditures for R. & D. effort in this area are controlled on the basis of level of effort. With the increased utility of computers, the committee was of the opinion that closer scrutiny, on an individual project basis, could be accomplished with substantial savings effected through the elimination of unnecessary overlap and duplication. For this area of research, the Department of Defense requested an increase of approximately $40 million over last year. The committee recommends a reduction of about $76 million.

Our review of the major hardware or weapons systems oriented programs failed to reveal any glaring excesses requested for the coming fiscal year. However, in an effort to encourage greater efficiency and economy in the conduct of research, development, test, and evaluation, the committee recommended an overall reduction of 5 percent to the amount requested. In the committee report we have stated that this reduction should be allocated on the basis of military priorities. The rationale of the committee on this action is that the military services and defense agencies need to make even greater efforts toward achieving better managed programs in all areas of research and development.

Mr. Chairman, over the years that I have been involved in reviewing the research and development budget requests of the Department of Defense, I have—from time to time—been asked by my colleagues——

What can we show for expenditures in this area? or——

What new systems have we placed in the hands of our forces?

In response to that question, let me list just a few of the weapons systems that have been placed in the hands of our military forces over the past 6 years.

In the strategic systems, we have Poseidon, Minuteman II and III missiles, the FB–111 aircraft, the over-the-horizon radar, communications satellites, navigation and weather satellites, surveillance and early warning satellites—to name a few.

In the tactical aircraft systems, the following have been introduced: The Cobra attack helicopter, the F–111, the A–7, and the A–37 attack aircraft, the OV–10 attack observation aircraft, the C–2 carrier logistic aircraft, the C–141 and C–5A transports, the CH–53 helicopter, the E–2 early warning aircraft, and the P–3C patrol aircraft.

In the ordnance and tactical missile area, we have added the M–16 rifle, the M–60 machine gun, the M–72 light assault weapon, the M–79 grenade launcher, 7.62mm miniguns, the TOW and Shillelagh antitank missiles, the Chaparral, Redeye, Sea-Sparrow and Vulcan antiaircraft weapons, the Standard ARM and Talos ARM missiles, the Mark–46 torpedoes, the laser guided weapons, and the Walleye/Hobo guided weapons about which much has been written during the past several weeks. The effectiveness of these laser and Walleye/Hobo type weapons has been dramatically demonstrated since the Air Force and the Navy resumed/bombing of military targets in North Vietnam some 10 weeks ago. These weapons are R. & D. blue chips that are currently paying tremendous dividends. A wise and prudent investment.

I could list many more examples of weapons systems or hardware that have been developed, produced and placed in the hands of our troops during the past several years; however, I think the list I have given is illustrative of the results of our R. & D. efforts over these past several years.

In the nonhardware area, the military services have developed such items as the vaccine used against Venezuelan equine encephalitis which helped in controlling recent epidemics in Mexico and the Southern United States. Significant progress has been made in the area of serum hepatitis research bringing the Army closer to the preparation of a suitable vaccine to control a disease second only to battle injuries as a major cause of troop ineffectiveness. Through the use of adenosine and inosine additives, the storage life of whole blood has been extend from 21 to 43 days. These are but a few of the many examples of accomplishments in the nonhardware or weapons systems area that could be cited.

Mr. Chairman, the Department of Defense is, I believe, aware of the challenging problems involved in management of our R. & D. programs produced by the conflicting pressures between desires to keep the expenditures down and the need to increase the rate of improvement of our overall defense potential in a fashion commensurate with rapid Soviet progress. This situation requires that the Defense Establishment exert every possible effort to increase the overall productivity of our research and development efforts as a means of minimizing growth in the R. & D. budget.

Among the accomplishments of the Department of Defense over the past year are the following: decentralization and strengthening of the authority and motivation of the military services in managing their own programs while the Office of the Secretary of Defense has redirected its efforts to the problems of general planning, review, and guidance of the overall effort through the use of various coordinating and development concept papers. The basic acquisition process has been simplified by the elimination of half of the 125 directives and instructions governing weapons systems acquisition; major ongoing systems developments are being shifted to a fly-before-buy basis to the maximum practical extent; contracting procedures have been shifted away from total package procurement toward individual types that better reflect the risk involved; and independent parametric cost analysis is now required on each major defense system at the key program decision point.

These steps are in the right direction and should eliminate some of the deficiencies brought to light over the recent past by the various congressional committees and the Comptroller General.

Mr. Chairman, in summary, the amounts recommended by the Committee on Armed Services for defense research, development, test, and evaluation for the coming fiscal year are really austere and do not reflect any substantial increases over last year. In fact, it merely allows us to maintain approximately the same level of effort as that supported in the fiscal year 1972 budget.

In view of the increased effort on the part of our potential adversary, the Soviet Union, there is, in my opinion, a slight risk accompanying this modest level of effort. Witnesses before the committee over the past several years have emphasized the increased level of effort on the part of the Soviets in the research and development area. The latest estimate received by the committee was that the United Statese presently enjoys a 2-year advantage in technology over the Soviets. If this advantage is to be maintained, the amounts recommended by the committee are the minimum needed for the coming fiscal year.

I urge the Members of the House to support the authorization recommended by the Committee on Armed Services in the bill H.R. 15495.

Mr. BRAY. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Chairman, in the 1950's this Nation was secure under the policy of massive nuclear retaliation. It was a credible and realistic strategy for that decade because of our overwhelming strategic nuclear superiority.

In the 1960's massive retaliation gave way to the strategy of assured destruction and flexibile response. Our 4- or 5-to-1 nuclear superiority enabled President Kennedy to take positive action during the Cuban missile crisis.

By the end of the 1960's the Soviets were clearly embarked on a program to obtain superiority in the area of strategic nuclear capability. They deployed the huge SS–9 which threatened the survival of our Minuteman force.

There was no indication that the Soviets planned to be content with nuclear parity. They continued to gain momentum in the production of ICBM's and SLBM's and in the technological race.

We chose to counter the growing threat posed by the Soviets with qualitative improvements in our existing strategic forces and a deliberate, phased deployment of our ABM system—Safeguard.

Now, phase I of the strategic arms limitation negotiations has resulted in an ABM treaty and an interim offensive agreement with the Soviet Union. The interim agreement limits the Soviet numerical lead and limits the building of the large Soviet SS–9 missiles which posed the greatest threat to our land-based deterrent forces.

Soviet qualitative improvements, permitted under terms of the agreement, will provide a serious challenge to the credibility of our deterrent in the years ahead—if we don't keep our forces modernized.

There are those who continue to oppose deployment of Safeguard, using SALT to season their arguments.

Under the terms of the ABM Treaty, we are allowed two ABM sites—one to defend our ICBM's—one to defend our National Command Authority. Some contend that the limitation on interceptors makes it impossible to justify deployment at the Washington, D.C., site.

But the continued deployment of the Safeguard system and qualitative improvements in our ABM technology are essential to support the position of the United States in future SALT negotiations. And the Washington site provides valuable additional time to the National Command Authority in time of emergency. Keep in mind this extra protection might aid the President in keeping an accidental launch of one missile from starting World War III.

In the interest of our future security, I urge favorable consideration of this bill by all House Members.

Mr. Chairman, I should like to make this personal observation. Having had the privilege over these past 12 years of serving on the Committee on Armed Services during times of varying appraisal of our defense and weapons systems, with many hearings on bills such as this, I do not recall any time when we have proceeded with more deliberation and objectivity than has occurred this year. This is due to the leadership of our chairman, who has been eminently fair and who has endeavored to enlist the interests and talents of every single member of the committee, to acquaint all with the developments, and to insure the support of all for the programs with which we are charged. In a major way we have achieved a unity of purpose in the committee which has enabled us to bring to the House this very important measure in a form to command acceptance by this body.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I think the gentleman from New York is making a very fine statement, and I want to commend the gentleman for making it, and I also want to take this opportunity to direct the attention of the committee to the fact that the distinguished gentleman from New York (Mr. PIRNIE), who represents the district adjacent to mine, and who came to the House back in 1959, at the same time I did, is retiring from the Congress and from the committee. Although we are on opposite sides of the political aisle, I want to say that the gentleman has been one of the most valuable members of the committee, and we are going to miss his guidance, his counsel, and his help in the years ahead—assuming that some of us will ourselves be back again in the next Congress. But certainly the gentleman has done a magnificent job, and has been a very valuable member of the Committee on the NATO Commitment which is still working in a very important area.

So, Mr. Chairman, I just wanted to take this opportunity to pay tribute to the gentleman and to say that the country will be the poorer for his retiring from the committee, from the Congress, and from the wonderful work that the gentleman has been doing.

Mr. PIRNIE. Mr. Chairman, I thank the gentleman, and I would say that the continuation of such representatives on the committee as my colleague, the gentleman from New York (Mr. STRATTON) will enable me to enjoy my retirement because I know that the spirit of bipartisan dedication to the security of this Nation will continue, and that we will have this careful scrutiny that enables us to recognize our national priorities in a very real sense, indicating that we are aware that unless we are able to survive we cannot do anything for anybody, but as long as we work together in a sound, logical, and analytical study of the needs of our country, we will provide in a timely fashion this strong position so necessary to preserve this country and the peace of the world.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Chairman, I want to join my colleague, the gentleman from New York (Mr. STRATTON) in commending the gentleman from New York (Mr. PIRNIE) for the great job he has done in the Committee on Armed Services. I was in the committee when the gentleman from New York (Mr. PIRNIE) came there, and I know of no person who has been more of a tower of strength and a harder worker, and a cooperative and capable worker on that committee through the years than has the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Chairman, I thank the gentleman, and I would like to reciprocate by saying that it has been a great committee upon which to serve, and that I am very appreciative of the cooperation and friendship which has been so generously extended to me.

Mr. HÉBERT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have taken this 1 minute so that I, too, might join in the accolades which have been directed to the gentleman from New York (Mr. PIRNIE). I have served with the gentleman, and I have chaired committees on which he has served also for so many years that it just seems that he is part of any committee that I happen to chair. He has given unstintingly of his time, and there was never a more dedicated and harder worker than he, but I would be gilding the lily to add any more than has been already said about the dedication of the gentleman and the other tributes that have been paid to him today.

Now, Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I want to join the rest of the committee on both sides of the aisle in their statements, and to also add my commendations to the gentleman from New York (Mr. PIRNIE) for his very distinguished service to our committee.

I want to commend the chairman on the bill, and I support the bill.

I would like to include at this point in the RECORD a copy of my additional views, which are included at page 95 of the report, and I would include the remarks as modified without the chart.

The material referred to follows:

ADDITIONAL VIEWS OF HON. ROBERT L. LEGGETT, DEMOCRAT OF CALIFORNIA

I support the bill H.R. 12604, the Armed Services Procurement Authorization for fiscal 1973 in the amount of $21.3 billion, which bill contains reductions of $1.56 billion, for which reductions the Committee and Chairman are to be commended.

In addition to the Committee reductions, I offered amendments in Committee for further reductions totaling $1.489 billion. In addition, I offered a Vietnam alternative, which when added to the reductions, certainly constitutes a *choice not an echo.*

A. WHY DO WE NEED TO REDUCE DEFENSE SPENDING?

The answer is simple. It does not make good sense to spend $762 billion out of $772 billion collected from the total *Federal Individual Income Tax* over the past 10 years exclusively for National Defense.

These figures are in the President's Budget and are undisputed. They demand a reallocation of priorities.

In addition, all of the $34 billion in Corporate Income Taxes collected this year will be required to pay the costs of past wars, including $12 billion plus for *Veterans' Bene-*

fits and $22 billion for *Interest* on the $450 billion *National Debt of past wars.*

The Office of Management and Budget filed their report on June 5 and indicates that due to accelerated withholding of taxes and abatement of Revenue Sharing and Welfare Reform, the deficit for fiscal '72 will now be reduced from $45.8 billion to $33 billion but that next year's deficit fiscal '73 will be $38 billion. (These figures include *Trust Fund* borrowing).

The country, therefore, must get fiscally back into balance and Defense is a place to start.

B. HOW THEN DO WE RESPONSIBLY CUT $1,489 BILLION ADDITIONALLY FROM THE CURRENT AUTHORIZATION BILL?

The answer is simple and takes four steps. The President is to be congratulated on negotiation of the Strategic Arms Limitation Agreement and Treaty. The Congress now must determine future policy.

Do we build up to the limit of the Agreements and restimulate an endless limited-arms but unlimited-expense quality race, or do we take the President and Brezhnev at their word that they agree the arms race should stop?

I personally do not think it is in our national interest to accelerate construction and deployment under a S.A.L.T. umbrella.

I would cut, therefore:

(1) all funds for the new $25 billion (est. cost) *Hard Site ABM System ($140 million).*

(2) *$700 million* out of $977 million programmed (including $926 million subject to authorization in this bill) for the new ULMS, or *Trident* System.

(3) *$350 million* out of $486.2 million in the *Safeguard* procure account leaving R.D.T. & E. alone.

(4) *$299 million* for the *CVAN 70 Nuclear Carrier* that many Naval strategists agree is now obsolete.

= total savings of $1.489 billion, which funds would reduce our National Deficit and National Debt.

The arguments on these items can be briefly stated, as follows:

1. In the President's Budget there is included $80 million for R. & D. for the *Sprint* Hard Site Defense System. There is an additional $20 million in the Military Construction Bill. In spite of the S.A.L.T. agreement, at the request of the Pentagon, the Committee had added another $60 million for the program, totaling $140 million in this bill. Since S.A.L.T. limits the United States to a two-site, 200 missile ABM Program, at Grand Forks and Washington, it makes little sense to accelerate the development on a new 1,000 nuclear missile ABM system called Hard Site. The action has no rationale in spite of the explanations of Pentagon personnel. The Hard Site Defense System originally conceived by the *Air Force* at an estimated cost of $1 to $3 billion, has now grown to a projected $25 billion *Army* monster and envisions nuclear *Sprint* weapons, as opposed to the earlier non-nuclear *Air Force System.* In view of S.A.L.T., this research program should be terminated.

2. The second savings should occur in the *U.L.M.S. Trident System.* In the budget last year the research level on this program was slightly more than $100 million and envisioned the construction of 10-plus 24-tube long-range Poseidon type submarines at one Eastern private shipyard. Many in Washington were amazed this year to see this program accelerate to $977 million mostly for R. & D. In view of the S.A.L.T. limitation agreed to, of 710 sea-based missile tubes and considering that we now have deployed 656 tubes in 41 Polaris-Poseidon boats, it doesn't seem to me to make good sense to spend $977 million to construct 54 additional missile tubes at sea. The argument is made, I think almost facetiously, that the *Trident* is intended to replace the 10 A-3 Polaris that will not be *Poseidon* retrofitted. This suggestion seems needlessly expensive since an outfitted A-3 Polaris is now worth about *¼ billion dollars,* all have been operational less than 10 years, all have *zero defects* as specified by Admiral Hyman Rickover, all have a range in excess of *2,500 miles* and *very high accuracy.*

The argument is made that we need *Trident* to *bargain* with the Soviets in 5 years. It seems that if we need to expand our sea based tubes in 5 years, the Poseidon program already developed would be adequate to provide the balance and incentive to bargain.

So I say, cut the program by $700 million—increase the *current* program over 100% and continue research at the $277 million level.

3. *Safeguard*—Savings *$350 million*: The S.A.L.T agreement has limited the hard-point function of *Safeguard* to a mximum of 100 interceptors, which will attempt to defend approximately 60 Minuteman ICBMs.

It is difficult to justify an ABM system protecting only 6% of the Minuteman force.

It is *impossible* to justify a hard-point ABM system employing only 100 interceptors.

Protection of 60 Minutemen at an ABM system cost of $8.5 billion equals $140 million per Minuteman: more than 23 times the cost of the ICBMs themselves. For less than one twenty-third the cost of *Safeguard,* we could have deployed 60 additional Minuteman III ICBMs complete with hard silos.

As we have discussed in debates on previous military procurement bills, it is highly unlikely that the *Safeguard* ABM system will function effectively under *combat conditions* the first time it is called upon. However, even if the system were 100% effective, this super-expensive protection for 6% of our Minuteman force cannot be justified.

Hard-point protection is obviously not needed against third-country or accidental attack. It can be rationalized only as an attempt to preserve our nuclear deterrent against a heavy sophisticated Soviet first strike.

If such a first strike becomes possible (at this time it is technologically inconceivable) its anti-Minuteman component presumably will consist of about 200 SS-9s bearing six warheads each, augmented by approximately 1,000 smaller ICBMs with single warheads.

Such a force could easily spare 100 of its 2,800 warheads to exhaust the 100 American ABM interceptors, even if we generously assume these interceptors to be 100% effective.

Similarly, a defense of the *national capital* makes no sense if the defense can be exhausted by *101 warheads.*

Presumably the Soviets recognized this when they slowed deployment on their Moscow ABM system. But even if they are foolish enough to waste their money on completing the system, there is no reason why we should follow their example.

Expenditure of public funds for further ABM procurement or construction cannot be justified but at best should proceed at a very decelerated rate.

In time, the Soviets may develop a MIRV, and they may improve their accuracy to the point where they become a threat to Minuteman. But this will take many years, and we will be able to follow their progress. There is no need to rush.

A cut of $350 million would leave a balance of $136.2 million for further completion of construction at Grand Forks in 1973.

4. *CVAN-70—Nuclear Carrier—Delete $299 million* and do not make advance procurement.

Advent of the ICBM and SLBM, combined with the development of highly effective nuclear-powered attack submarines and the new generation of Soviet cruise missiles, have reduced the effectiveness of the aircraft carrier as a strategic nuclear weapon to the point where it is *not cost effective,* and possibly not effective at all. The Defense Department implicitly acknowledges this, when it invariably fails to include its carriers in its lists of *strategic weapons.*

Aircraft carriers continue to have a certain degree of effectiveness for non-nuclear warfare, and they continue to serve as a deterrent to direct Soviet combat intrusion into the Arab-Israeli conflict. However, it is apparent that:

1. The present force of 15 attack carriers is more than sufficient to meet any need that can be reasonably projected. The Navy implicitly acknowledges this, by its practice of keeping only one out of three carriers in operation at any given time, as opposed to the two-crew system employed to keep the more vital missile submarines in operation as much as is mechanically possible.

2. Nuclear propulsion is marginally needed and its cost is not justified. In operations against a minor power, the safety of a large carrier is unlikely to be threatened. In operations against the Soviet Union, with the latter using its best attack submarines and cruise and ballistic missiles, the lifetime of a carrier is measured in minutes, or in hours at the most. Under these conditions, the ability of a nuclear-powered ship to operate for weeks at full speed without refueling is not a significant advantage.

Therefore, the national interest would be served by cancellation of the CVAN-70 procurement program.

Last year the Navy said that if the CVAN-70 was not authorized that costs would escalate from $750 million to $980 million for the ship. This has happened. The Congress decided last year not to build this ship and it makes little sense to proceed this year at a ¼ billion cost escalation.

Many bright professional Naval strategists have written over the past several years that it is cost ineffective to spend $1 billion for a nuclear carrier, $1 billion for airplanes, and $1 billion for a support fleet, when the whole fleet is dependent on the carrier and the carrier is physically vulnerable to a dozen missiles and other lesser weapons in the U.S. and foreign arsenals, many of which have been deployed for over 10 years.

The real question that we must decide is: *"Is this CVAN-70 the last billion dollar carrier that the U.S. will construct, or was the last one the last?*

I am one who supports a big Navy, but not a big *obsolete* Navy—nuclear powered or otherwise.

VIETNAM

In a final area of the Vietnam War, I have offered another solution for this country's desecrating confoundment, short of surrender, but also short of total victory. It has always seemed to me that the American myopic obsession with the war was wrong, not that we were backing the wrong side, but that we were spending ourselves into oblivion Americanizing a conflagration between underdeveloped people. We have clearly spent many hundred times the amounts spent by the Soviets to support their Communist counterparts as the chart from Secretary Laird's unclassified posture statement illustrates:

The U.S. has expended in 7 years annually to support South Vietnam from $5 billion to $25 billion, while the Soviets never expended more than one-half billion in any single year.

The Soviets have provided *two-thirds* of all the North Vietnamese support per Laird. The U.S. has spent over $150 billion, obligated itself for hundreds of billions of Veterans benefits in addition—the Soviets have spent at most $10 billion dollars.

While I have criticized the Thieu Government as being *undemocratic* on the one hand, the facts are self-evident over the past few months particularly that the North Vietnamese are the real heartless aggressors in Southeast Asia who are prepared to annihilate hundreds of thousands of North or South

Vietnamese soldiers or civilians in their efforts to communize the area.

The United States must avoid being *paranoid* in resisting this effort and likewise we must totally *sell the war back to the Vietnamese.*

I believe that there are many people in South Vietnam who want an *independent* South. *They want an end to the killing and they are prepared to die to avoid Northern domination.*

I personally went to Paris and talked at length to the enemy spokesmen informally and they appear *intransigent* with respect to a negotiated peace without *total surrender* of South Vietnam.

On this state of the record I offered the following amendment which would provide the United States with a *unilateral* firm course of action, not forsaking our *POWs and missing,* neither *escalating* or further *bankrupting* our country as has been our past course.

3. *Sense of Congress amendment. New Section No. 503.* It is the sense of Congress that the President negotiate a reasonable termination of US involvement in the undeclared war in South Viet Nam and a return of American Prisoners of War and accounting for those American defense personnel missing in action. It is the further sense of Congress that if possible the President first negotiate for a total cessation of hostilities in this war theater by all parties including return of all Prisoners of War; second, that the President negotiate for a total termination of US involvement including a return of American Prisoners of War without passively or actively undermining the South Vietnamese Government looking toward a complete Vietnamization at the earliest possible date of the land, sea and air forces; third, *that should the President be unable to successfully negotiate either of the foregoing options that it is therefore the sense of Congress that the US having a continued interest in the return of American Prisoners of War and accounting for those missing in action and an interest in a stable balance of power in Southeast Asia, that the United States unilaterally and preferably over a six month period of time reduce its military active and support role in relation to the government of South Viet Nam, Cambodia, Laos and Thailand only sufficient to provide an equal and reciprocal counterpart to roles of support, including logistics and advisory, played by China and the Soviet Union in relation to the Communist movements in North and South Viet Nam, Cambodia, Laos and Thailand.*

In addition, Mr. Chairman, I would include a question and answer which appears in the committee record at page 12098.84, and 12098.85, which also contains the answer of Dr. Foster.

The material referred to follows:

Mr. LEGGETT I would say this about the Trident system, that it appears we have spent on the order of a quarter of a billion dollars for each of the 41 Polaris/Poseidon that we have. We have developed a system that either from 1,500 or 2,500 miles, depending on how they are loaded down, you get [deleted] percent of accuracy within a [deleted].

From my observation, the way we have been recoring these and rebuilding them when they come in for overhaul, they are good for a long, long time, because of Admiral Rickover's zero defect system.

Then I wonder why we are accelerating the $977 million into the Trident system when obviously all we have is the 54 missile Titan surplus differential capability to build into, which would approximate 2.1 Tridents or ULMS.

I think that to obsolete these quarter of a billion dollar A–3, non-Poseidon/Polaris in favor of Trident, even in the 1977 time frame, is wasteful. I would say as far as the cruise missile is concerned, as I recall we abandoned the Mace missile which was a subsonic employed system in Europe, primarily because it was vulnerable. I was briefed the other day on the Phalanx system, which the Navy is developing, which appears to be an excellent, cheap method of defense against a cruise missile. I am wondering why perhaps we couldn't use this as a coastal type defense rather than getting involved with potential charades where we use Sprints, Spartans, and nuclear weapons to defend against this very primitive-type system.

I would say as far as resiting our bombers, as I understand the idea behind that was because of the low trajectory submarine-launched vehicles, which don't really appear to be materializing as early as we had anticipated, and I would add in the same question that Ed Hood published in the Shipbuilders' Council of America the statement the other day in his weekly report indicating where we would be with and without the SALT agreement, and he had there 11,000 strategic nuclear warheads. I am sure he is including tactical in that number—versus 2,700 for the Soviet Union—but he also had us ahead of the Soviets in megatonnage under the SALT agreement, as well as numbers of targetable warheads.

The CHAIRMAN. Mr. Secretary, do you understand the question, or do you want Mr. Leggett to repeat it?

Dr. FOSTER. I certainly understand the question, Mr. Chairman. I would be delighted to have an opportunity to provide the answers.

If I may, I would like to provide the answers after each question so as to provide more clarity.

The CHAIRMAN. In other words, you want to reread the question before you can answer?

Dr. FOSTER. I certainly would like the opportunity to do that very carefully.

(The following information was received for the record:)

Regarding Trident, our need for this system, and its acceleration, was not based on an immediate need for a replacement for the current SSBN's, but was driven by two factors:

1. A need for the option to place additional launchers at sea, which is still valid under the current SALT negotiating environment; and

2. A need for a sea-based deterrent in the late 1970's which is less likely to be affected by improving Soviet ASW capabilities than the current FMB submarines. Trident, with its long-range missiles and advanced submarines, will provide increased operating area and quieting to maintain survivability of the SLBM force against potential Soviet ASW developments.

Several other points are also pertinent. It may be true that some of the items in Admiral Rickover's system could last beyond 20 years, but when dealing with radioactive materials in a nuclear propulsion plant, there is no margin for error; material integrity is paramount. For this reason, and also because of the Navy's previous experience with overall submarine life expectancy, we are apprehensive about maintaining nuclear submarines in service beyond about 20 years. If we are assure that we maintain a first-rate deterrent force, we should be willing to recognize the value of the Navy's experience in estimating the time at which it is prudent to plan for replacement to be available.

Regarding the submarine-launched cruise missile, it will fly at very low altitudes. It will thus be an entirely different defense problem, and will add another factor for Soviet defense planners. An SLCM threat would stress Soviet air defense capabilities and restrain their commitment to an ABM role because the SLCM's could arrive at the targets during the ballistic missile attack period.

I believe it is essential that the United States initiate the development of the submarine-launched cruise missile, both to preserve our position of sufficiency, and to insure that we are in a position of strength to negotiate on this class of strategic weapons during the next round of SALT.

With reference to your question concerning the need for relocation of our alert bomber force, I don't believe we can say that the threat may not be materializing as early as we had anticipated. The Soviets are now testing a new missile for their SLBM force, the SSNX–8. They are also continuing, and permitted under the SALT agreement, to expand their SLBM force. We have very little information concerning this missile; and unless the Soviets choose to demonstrate a capability to fly a highly depressed trajectory, we have no way of knowing whether it can or cannot do this. If this missile possesses such a capability, thereby minimizing the warning time, then our bomber force could be seriously threatened. We believe it prudent to hedge against this possibility and take those steps now which serve to keep our force secure. The bomber relocation program does this.

Mr. Chairman, I would compare that answer with the statement by the columnist, Art Hoppe, speaking over the weekend, appearing in a California newspaper, and I will obtain the proper authorization to put this in the RECORD at the proper time.

The material referred to follows:

THE GREAT ROCK RACE

(By Art Hoppe)

June 25, 1984—As church bells chimed and people throughout the world danced in the streets, the United Nations today realized an age-old dream of mankind by ratifying a Universal Disarmament Pact.

Under terms of the widely hailed treaty, all Nations agreed to destroy immediately every single weapon in their arsenals—from missiles to billy clubs, from jet bombers to bows and arrows.

"At last man now enters a golden age of permanent peace," a jubilant President told the U.S. people in a nationwide telecast. "At last we can divert our $200 billion defense budget to better the lot of every American. For man will war no more. "After all," he said with a smile, "The only thing man can now hurl at his brother is a handy rock."

June 26, 1984—Defense Secretary Melvin Ludd appeared before a joint Congressional committee today to ask for $1.5 billion research funds to develop a "prototype rock."

Ludd pointed out that rocks, being indigenous to every nation's environment, were not banned by the treaty. "We can be sure," he warned ominously, "that the Russians and the Chinese are secretly at work on an advanced rock that could make America a second-rate power."

April 8, 1985—The Army today unveiled its new M–16 anti-personnel rock designed to fragment on impact.

Developed at a cost of $43.6 billion, it will replace the now-obsolete 125-pound M–15 rock, which failed in extensive tests to get off the ground. Some of the obsolete M–15s will be mothballed for emergencies, the Army said, while the remainder will be sold to "our friendly neighbors in Latin America" for 3 cents on the dollar.

The Army purchased one million of the new H–16 rocks for $1.39 each. The rest of the $43.6 billion went for new M–16 mobile rock haulers with white sidewall tires, new individual M–16 rock carriers with chromium handles.

November 3, 1985—Secretary Ludd asked Congress today for $64.5 million to develop an Anti-Rock Rock, (ARR) plus another $82.7 billion to construct an Anti-Rock Early Defense Line (ARED).

He cited CIA reports that the Chinese were working on an Inter-Continental Bal-

listic Rock launched by a giant Chinese firecracker.

He said the proposed ARED, a mile-high net along the Canadian border, would intercept most Chinese ICBRs, while the new ARRs, sent aloft by mile-long rubber bands, would shoot down the rest.

November 7, 1985—A worried President today signed the Universal Draft Law requiring all Americans over age five to work on the Nation's rockpiles.

"Our freedom will never be secure," he said, "until we have the world's largest rockpile stockpile."

July 4, 1986—The people of the world, fed up with working day and night on their national rockpile stockpiles, revolted today.

Chanting the stirring slogan, "We need rocks like holes in our heads," they marched on the U.N. and demanded an entirely new treaty. This one banned not weapons, but all Generals in general and all Defense Secretaries in particular.

And so church bells are chiming and people throughout the world are dancing in the streets tonight—confident that they have at last found the key to a golden age of permanent peace.

Mr. BRAY. Mr. Chairman, I yield to the gentleman from Illinois (Mr. ARENDS), the ranking minority member of the committee.

Mr. ARENDS. Mr. Chairman, I, too, wish to join with those who have paid their tribute to the gentleman from New York (Mr. PIRNIE) who after this session of the Congress will be leaving us.

He has been, I think, one of the most outstanding and valued members of our committee, a steady, constant worker on the jobs that have been assigned to him on that committee, both in the full committee and in the subcommittee.

The gentleman from New York (Mr. PIRNIE) is one of those rare individuals who accepts responsibility, and when he takes on a responsibility he gets the job done.

Not only have I enjoyed serving with him on this committee for many, many years, but likewise I have deeply appreciated his friendship and the close cooperation that I have had with him in the work here on the floor of the House.

All of us will miss him as he leaves us at the end of the year, voluntarily. I only wish that he might have decided rather to stay here where he has been of such invaluable service.

I want to say as you leave, Mr. PIRNIE, as you go away from here, I am proud when you leave that I can say—"There goes a friend."

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. PIKE).

Mr. PIKE. I thank the chairman for his usual courtesy in giving me this much time. Sometimes I wonder whether any of it is worth it. The bill involves twenty-one billion and some three hundred million dollars and, yet, you look around the room and essentially we are talking to ourselves. The room is about empty other than the members of the committee, all of whom have heard it before and said it before and know how they stand. There are a hardy few, I will say, a dozen perhaps—but here we are and—oh, maybe I was even tempted to have a quorum call in the hope that somebody would come and listen, but I do not think it matters particularly.

For example, one of the things we are doing in this bill in section 601 is increasing retroactively the amount that we can give to Vietnam to fight the war over there. Why are we doing it retroactively? We have to do it retroactively because it is being done illegally right now.

What difference does it make what limitations we put on how much they can spend over there? Last year it was $2½ billion and they have used up the $2½ billion and the Secretary of Defense came before the committee a few weeks ago and he said—Well, we are right up against the limit right now so we have to increase it.

Well, he was right up against the limit a few weeks ago when he was there so, obviously, they are over the limit today.

So what difference does it make whether we establish any limits at all—because the money is going to be spent.

This really is not the worst bill that I have seen come out of the Committee on Armed Services by a long shot. We did make some real cuts in research and development. It is kind of fun sometimes to look back over the committee reports of prior years and to see what we said about some of these wonderful weapons systems which are with us year after year, back again like bad pennies—or perhaps bad billions.

You look back over the years—2 years ago, for example, there was the Cheyenne helicopter. Two years ago the committee report said—Well, the Army had found the company in default on procurement of the Cheyenne.

So last year what did we say about the Cheyenne helicopter? We said that they were not entitled to $13 million on the Cheyenne. So what are we giving them this year? We are giving them $53 million for the Cheyenne. It just will not ever go away. We have built 12 of the darn things already.

So what have we got in there—money for three preproduction prototypes.

Then back over the years there was the C–5A. Two years ago the committee report said there was $544 million in it for the C–5A, of which the Air Force said we owed Lockheed $344 million. But there was $200 million in there which we might have to use just to keep the line going.

Well, that was 2 years ago, and last year there was another $200 million and some for the C–5A, and this year there is another $200 million and some for the C–5A, and every dime of this, after that $344 million 2 years ago, is a cost overrun.

We have had the ABM just about as long as I have been in Congress. We called it other things in other times, but it was always there, and if we spend the money which is authorized in this bill this year, we will now have spent over $10 billion for the ABM. That is the total that we will have spent for the ABM and its predecessors, the Nike Zeus, the Nike Ajax, and the many different other names that we call the thing—$10 billion. Last year Congress prohibited the only ABM new site that we are talking about building now. That is the site to defend Washington. Congress passed a law saying, "No, you can't build that." Why are we going to build a new site to defend Washington? The Russians chose that site. We did not choose it. It is the only site we can build under the ABM Treaty, under the SALT compact. So we are going to build on a site which the Russians chose for us. It was not our choice.

We had four sites that we wanted to build on before this Washington thing. We cannot build three of them, so we will build the only one we really did not want to build.

I will offer a motion to strike from the bill the language which pertains to the ABM site. All the language does is to repeal the law Congress passed last year saying we could not build a Washington ABM site. At the appropriate time I will offer a motion to strike that.

We are just beginning to get cranked up on the B–1. We have had it for a long time. We used to call it the B–70. You may remember that we spent $1.5 billion to build 2½ B–70's. Then we canceled that program. I do not know what is going to happen with the B–1, but it is just beginning to get cranked up. Two years ago there was $100 million for it. Last year there was $370 million for it. This year there is $445 million for it and we are only warming up. Two years ago in the minority views on the B–1 I lamented the fact that they were going to cost almost half a billion dollars apiece for the R. & D. prototypes. Today I lament the fact that they are now going to cost over $800 million apiece for the R. & D. prototypes. It probably does not matter, but I will move to strike that one, too.

The DD–963 is a fascinating subject matter and it generated a great deal of debate in the committee. When we moved to put $247 million into the bill for advanced procurement for more DD–963's, I do not think the committee really knew whether they had authorized seven more DD–963's or not. Now we say we are not. But here is the situation. We have already authorized 16 of them. The keel has not yet been laid on No. 1. We are putting $247 million of advanced procurement for ships 17 through 23 in here, and I really do not think that there is anyone on the committee who believes that those ships are going to be built anywhere near the cost or anywhere near on time, if we can judge by what has gone before in that particular yard.

Do not judge it by time alone. Take fundamentals like the man-hours needed to build the LHA, which has increased by almost 300 percent, and the wages paid to production workers, which have in the last year increased by one-third. When we get a 300-percent increase in man-hours and a one-third increase in wages, we know we are going to go way over the cost on these things. Essentially there is only one way to limit what we spend on arms. That is just to plain limit what we spend on arms.

What we have here today is a great triumph about the SALT talk and the wonderful things which were accomplished by the SALT talk.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Iowa.

Mr. GROSS. I hope the gentleman is not going to overlook that great flying Edsel known as the F–111, which was grounded for the seventh or eighth time last week.

Mr. PIKE. I would simply say to the gentleman from Iowa that there are so many things in here that I could devote my time to, but I am running out of time, and I want to just kind of generalize rather than be specific at the end.

I think after the SALT talk agreement, when we wind up with a bill which authorizes more money than we authorized last year, which authorizes $800 million more than we appropriated last year, there is not any great victory in the SALT agreement.

I think if we are going to use every agreement only as an excuse to got out and build something else that is not covered by the agreement, we underestimate the ingenuity of our scientists and theirs. If we can agree only on specifics, then our scientists will still be finding ways of making their vodka bottles explode and their scientists will be finding ways to make our beer cans turn into land mines along the highways.

The only way we will ever be able to do anything about cutting military expenditures so we can do something else in this Nation is just plain to cut them, and I hope a few people vote against this bill.

Mr. BRAY. Mr. Chairman, I yield to the gentleman from Ohio (Mr. CLANCY) such time as he may consume.

Mr. CLANCY. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I rise in support of this legislation and I would like to discuss with you a most important feature of this bill—the Trident program.

The Trident program is not a crash program. It is an urgent, but orderly, program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities.

By the time the first Trident submarine can be delivered in the late 1970's, the first Polaris submarines will be nearly 20 years old, and with no potential for significant improvement. These submarines have been operated hard, with two crews, to allow them to be on station a high fraction of the time. They were built to specifications based on a 20-year life and their machinery is wearing out. It is unreasonable to expect them to operate more than about 20 years without having some major breakdowns.

The Trident submarines will be quieter and incorporate the latest technology to improve their survivability. These improvements can only be incorporated in new design submarines; they cannot be backfitted in Polaris submarines.

Our Polaris/Poseidon submarines are limited in their patrol area by the range of their missiles. This forces them to operate in close range to foreign shores, thus bringing them within range of Soviet shore-based aircraft. This limited patrol area simplifies the Soviet antisubmarine problem by allowing them to concentrate their sea and air forces in a much smaller area. The Soviets have been investing heavily in antisubmarine warfare research and development, and have built and continue to build improved nuclear-attack submarines—one of their best ASW weapons. They have invested large resources in ASW surface ships. Also, indications are the Soviets are attempting to establish an area antisubmarine surveillance system presumably aimed at locating our Polaris/Poseidon submarines.

The first generation Trident missile will have a range of almost twice the range of the 2,500-mile Poseidon missile. This initial Trident missile can be backfitted in the 31 Poseidon submarines and will provide a severalfold increase in ocean-operating area available to our ballistic-missile submarines compared to the shorter-range Poseidon missile.

The Trident submarines will have missile tubes which will provide growth potential for even longer-range missiles. With this longer-range missile, which will fit only in the Trident submarines, the ocean-operating area available to our Trident submarines will again be increased severalfold over the area of the first generation Trident missile.

The Trident missiles will permit basing our ballistic-missile submarines in U.S. ports. This will eliminate dependence on foreign basing.

The Soviets are continuing to expand rapidly their own ballistic-missile submarine program. They now have in operation about 30 nuclear and diesel ballistic-missile submarines of older classes and 25 of the new *Yankee* class which can fire a 1,300-mile-range missile. In the past year they started work on their 42d *Yankee* submarine, and they are now substantially expanding their submarine building facilities. They already have the largest and most modern submarine building yards in the world which gives them several times the nuclear-submarine construction capacity possessed by the United States.

The Soviets have tested a missile with a range at least twice that of the present 1,300-mile missile. This new missile will give their submarines the capability to strike us from points only a few days from Soviet bases. In a sense, the Soviets are already building their equivalent to our Trident missile. These developments increase the threat to our land-based strategic forces and increase the reliance we must place on our sea-based strategic deterrent.

The Soviets have a more modern ballistic-missile fleet than we do. They are building more missile-launching submarines today, whereas we funded our last Polaris construction in fiscal year 1964, and finished it in 1967.

The Interim Agreement on Strategic Offensive Arms signed in Moscow on May 26, 1972, allows the Soviets to continue building ballistic-missile submarines up to a total of 950 ballistic-missile launchers on submarines and up to 62 modern ballistic-missile submarines. This will allow the Soviets to continue building ballistic-missile submarines at a rate of about 7 per year during the 5-year term of the interim agreement. Even under the President's recommended fiscal year 1973 budget for the Trident program the first Trident submarine will not become operational during the 5-year term of the interim agreement. Therefore, it is essential that the United States proceed now with Trident submarines as proposed by the President.

Modern complex defense systems take many years to design, develop, and produce. Trident has already been in the research and development stages for 3 years. The system has been carefully evaluated during this period and the Navy is now ready to move into detailed design and construction of the submarine.

In developing a new missile the long leadtime is in research and development with a relatively short production span of 1½ to 2 years required to build the missiles themselves. In contrast, the production span time on nuclear components is up to 5 years under the most favorable conditions. The Navy and Atomic Energy Commission have already done the propulsion plant development work necessary to define what is needed to order the long-lead nuclear propulsion plant components. Delivery of the nuclear propulsion machinery will control the construction schedules for the Trident submarines. It is therefore necessary to start production of this machinery while the missile work is still in the research and development stage.

For this reason, there are $361 million of shipbuilding and conversion, Navy—SCN—funds in the fiscal year 1973 budget request to start work on the first four submarines. Of this amount, $194 million is for ship design, long-lead nuclear propulsion components, and hull steel procurement for the lead ship. The remainder, $167 million, is for long-lead components for three additional ships.

It will be impossible to build the lead and follow ships on the shortened schedule proposed by the administration if the Navy does not get the long-lead machinery on order. In other words, by ordering this long-lead machinery in fiscal year 1973 the option will be kept open to authorize the lead Trident submarine in fiscal year 1974 and follow submarines in fiscal year 1975. However, going ahead with the procurement of the long-lead nuclear propulsion machinery for the ships in fiscal year 1973 does not commit Congress to any specific submarine-building schedules. The construction schedules for these ships can be settled later, based on events as they occur.

If the nuclear machinery were delayed by lack of long-lead funding, the submarines themselves would be delayed, the propulsion machinery costs would increase, and the delay in the submarine schedules would cause the total cost of the submarines to escalate. Further, it is important to have a sizable buy of Trident nuclear propulsion plant components in fiscal year 1973 in order to get the best manufacturers to make commitments to set up production lines for this machinery and to benefit from the economics of a sizable procurement.

Mr. Chairman, it is of the upmost importance that we continue to improve the quality of our submarines. In agreeing to let the Soviets have 62 nuclear-powered ballistic-missile submarines to our

44, it is of prime importance that our submarines be able to cope with any threat. We must start building at once.

If and when additional negotiations occur, and we hope they do, we must negotiate from a position of strength.

Mr. BRAY. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, I would like to add my voice to the complimentary things which have been said about the gentleman from New York, our colleague who is retiring at the end of this session (Mr. PIRNIE). It has been my great honor and my privilege to sit next to the gentleman on the Armed Services Committee and to serve with him on several subcommittees, to observe at firsthand the very wonderful things he has done for this country, and to admire the tireless and energetic manner in which he has gone about performing his duties.

It is not easy in this modern day and age, considering the emotional trend of our times, to serve on the Armed Services Committee. In fact, I would go so far as to say it is almost a political liability today. We all recognize the fact that people are frustrated and sick and tired of the war in Vietnam, and it is only natural that their emotions escape due bounds and they make a blanket condemnation of everything military.

Members of the type who stand up and assert their feeling that this country does need to be strong and that this is still a dangerous world are categorized as bloodthirsty hawks and as tools of the so-called military-industrial complex.

The gentleman from New York has stood up to the challenge of today. I think all members of the House Committee on Armed Services have done likewise.

If we look at this bill today—yes, it is a larger authorization than last year's appropriation; yes, it is larger than one would expect if they adopted Neville Chamberlain's belief that suddenly peace in our time was upon us. However, if you are going to be responsible, it is up to each of us to resist this mistaken emotional tide that the country is being swept along with and insist that this country be kept strong.

If I were able to have that mythical magic lamp and to have one wish granted, here is what I would wish for. I would wish for the day to come when this arms race would stop and we could cut back on our military spending and use the money for other things of a higher priority insofar as human needs are concerned. That is what I would wish for—real cutbacks in defense spending.

However, I am not going to be fooled into thinking that because we have made one tiny step with the SALT talks that everything in defense spending can come to an end. I am simply not going to be fooled that way.

In fact, if we want to cut back our spending, we have to have phase II of the SALT talks. This is what I pray for when I pray for seeing a real end to this arms race. I am praying for phase II.

This bill is what will give you phase II. If you cut it, if you knock out some of the items which will really provide the incentive for Russia to negotiate phase II, then you will be sacrificing the follow-on SALT agreement and you will be sacrificing the fondest hope and greatest dream mankind could ever have.

If we had succumbed to the pressures to knock out the ABM in past years, you would not have phase I of SALT today. I say this with every confidence. We had the courage to withstand the emotional tides of the moment and vote for the ABM that gave us the first SALT agreement. I say the time has come then when even though it may be unpopular we must stand up and vote for Trident and the B–1. Then we will get phase II and realize our national dream.

Mr. HÉBERT. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I would like to thank the chairman for giving me this time to commend him and the other members of the committee on which I serve for doing a good job. We did work hard on the bill. There might be some things a few people do not like, but I believe we have a good bill which will work. I hope the committee will support the bill.

Also, Mr. Chairman, I would like to rise to join my colleagues and say that we are certainly going to miss the gentleman from New York (Mr. PIRNIE). I have served on subcommittee No. 2 with him, and I know he is one of the most dedicated members of the subcommittee. It will be a great loss to the committee.

I take this opportunity to join my colleague in saying how much we are going to miss Mr. PIRNIE who is retiring after this session of Congress.

The gentleman from New York has been of so much help to me personally. I have asked his advice on many legislative issues and his advice has always been sound and logical.

I have served on the subcommittee No. 2 with Mr. PIRNIE. He is always at the committee meetings and always adding something to the meetings. His questioning of witnesses before our subcommittee is outstanding.

We are going to miss this man in Congress. I know the people of his district in New York State are certainly going to miss this great Congressman.

Mr. BRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I want to rise along with our colleagues in paying tribute to the gentleman from New York (Mr. PIRNIE), and also to the gentleman from Missouri (Dr. HALL) who will be retiring at the end of this term, for the fine work he has done as a member of the Committee on Armed Services.

Mr. Chairman, the Armed Services Committee has recommended for fiscal year 1973 for the Coast Guard Reserve a manpower strength of 11,800.

However, Mr. Chairman, I wish to reemphasize its position in this regard which is strongly pronounced in the committee report. The committee report reads as follows:

> We want to make clear, however, that we do not share the belief expressed by Coast Guard officers that they could rely on the Ready Reserve to supply the difference between the strength authorized this year and the 22,000 needed within 30 days after mobilization. We are firmly convinced that ultimately the strength of the Selected Reserve of the Coast Guard must be raised to at least 15,000.

Mr. Chairman, along with my colleagues on the House Armed Services Committee I shall be anticipating the Coast Guard returning before our committee next year with a request in support of an increase in the authorized strength of the Coast Guard Reserve. The very important mission in the time of emergency delegated to the Coast Guard certainly warrants a full-strength organized Reserve and I for one will support such an increase.

Furthermore, Mr. Chairman, I am most hopeful the conferees of the other body on the Department of Transportation appropriation bill, will agree to accept the amendment unanimously adopted by this House when it approved the full funding for the Coast Guard Reserve providing for this year's strength of 11,800 men. Should this authorization not be enacted into law before the new fiscal year begins this Saturday, I trust the House will not recess until some legislative language is adopted providing for a continuing authorization; for if this is not done, all activities of the Coast Guard Reserve will cease until legislation is enacted. We cannot allow nor can we afford to permit any of our Reserve components to become inoperative for even 1 hour.

Mr. BRAY. Mr. Chairman, we have no further requests for time.

Mr. HÉBERT. Mr. Chairman, since the gentleman from Massachusetts (Mr. HARRINGTON) is now on the floor and is present, I yield him 10 minutes.

Mr. HARRINGTON. Thank you, Mr. Chairman.

Mr. Chairman, I appreciate the chance to speak, perhaps giving the minority point of view. I cannot help but feel that the observation made by my very able colleague from New York (Mr. PIKE) about the illusion rather than the reality of this performance is something that I should comment on. I think if we were to clear the galleries and to ask the press to leave, we would almost have an exact replica of what the situation goes on, on a day-to-day basis, in the Armed Services Committee.

We probably have a bill here next to the military appropriation bill, that is the single largest item moneywise that the Congress will be asked to deal with.

Mr. HÉBERT. Will the gentleman yield?

Mr. HARRINGTON. I yield.

Mr. HÉBERT. I cannot let that statement go unchallenged. The records of the Armed Services Committee show a 90-percent attendance.

Mr. HARRINGTON. My point, Mr. Chairman, was not to question the attendance, which I would never quarrel with, since the name of the business is not sometimes how well but how often one does things in Congress. Basically my point is that we only operate in a rather

closed and classified circuit, and my point was not to be any more irreverent than my dissenting remarks, but I would point out I think it is unfortunate that in dealing with a $21.5-billion bill that we should find so few of our colleagues present, and so few of the public interested.

Let me, if I can, spend a little bit of time generalizing. Let me make a couple of apologies with reference to my relatively brief tenure on the committee, which is often referred to as perhaps the reason for my inability to understand the logic of what is done. I find it very difficult because I, like the gentleman from California and others, would like very much to see the end of the arms race. I would like very much to see a limitation of what we spend for weapons and more spent in other areas; and I, like those gentlemen before me in general, would like, I think, to find a way, if it is at all possible, to convince more people of the need to have an adequate—not an excessive—defense. But I said this a year ago, and I say it again now, that I find that the method of approach to accomplish this, the way we choose to go about convincing both the Congress and the public, is to me self-detrimental when it comes to accomplishing the desired goal.

If most of our sessions are going to be in secret, if most of our sessions are going to have testimony only from the executive branch, if most of the people who come before us already have a predetermined point of view which coincides with the committee, it seems to me that we do not perform the function which all of us would like to see—a broad national consensus about the need for defense, and a broad national consensus about what those needs should be and how they should be met. What I would like to see, and perhaps it is born of my impatience and by my expectations, is an effort made to be educated in a broader way; an effort made to use the time in compiling the 3,000 pages referred to as a demonstration of interest and skill and capacity, not only to convince the members of the committee—who one might again irreverently suggest were convinced before they started—but to convince the rest of Congress and to convince the rest of the country of the need to spend this kind of money. I think instead what we have had—and I find myself most troubled by this—is an effort to deal more with the form of things than with the substance of things, and I think that this bill once again, despite the well-claimed efforts at cutting $1.5 billion from it, is a fitting justification for that.

There are a number of areas that I would like, if I could, to address myself to, and I would be prepared, as I have indicated in letters sent to all House Members today, to ask amendments to this bill tomorrow in a specific sense.

The first is the one that has already been dealt with dealing with so-called SALT incremental moneys—moneys that were not part of the original bill—moneys that were not given anything more than cursory treatment by this committee in one morning session shortly after the appearance of the Secretary of Defense. The cursory treatment of these additional moneys I think goes to the very heart of the credibility of the performance that we as a committee have and the expectation and the obligation to perform.

I do not see how we can convince the American public that an arms limitation agreement means anything at all if in the next breath we find ourselves asking for increments in a budget, before we have an opportunity to determine whether or not the faith on which these agreements are made can be used as an assumption for the Congress to go forward by limiting amounts of money, rather than increasing them.

The second area, and one in which I have found myself disturbed, is the question of keeping from members of the committee, and I would say from most members of the committee, information about parts of the budget. There is somewhat under a billion dollars which most of the committee knows nothing about, and which we were asked, at least until recently, to take on faith that the ranking majority and minority members have enough information about to guarantee that we should accept it and should vote for these moneys in the course of a $21 billion bill.

I might only point to the history alluded to by the gentleman from California, of our experiences in the late 1930's and in the late 1940's, and perhaps later than that, with certain of the CIA activities in the 1950's and the 1960's, to wonder what kind of mischief might be unloosed by an uninformed American Congress and by an uninformed American public.

I believe it is unfortunate in the midst of classified hearings conducted in secret that the members of the committee were not apprised of money which is substantially a part of this budget, and were thus unable to make a determination as to whether its use is wisely put.

The third item, which has already been alluded to, and one I find myself disturbed by on a regular basis, is one which puzzles me as to why it stays in our budget. I am referring to the $2.7 billion in military assistance service funding which logically belongs under the jurisdiction of the Foreign Affairs Committee. We have been told, as long ago as 1968, that there was going to be a plan to end our involvement in Southeast Asia. We were told as recently as 2 weeks ago that in addition to the moneys already available for that purpose we would perhaps spend $5 billion more in Southeast Asia before the end of the year because of the attacks which have occurred since April 1.

Our slight contribution to that is the sum of $200 million over and above the $2.5 billion which we were asked to authorize to give aid to our allies in all of Southeast Asia for the continuation of the struggle for which we have spent $150 billion in the last 10 years, at a cost of 50,000 lives and 300,000 wounded.

Again, I believe that the matter should have been dealt with in a fashion which gave more of an opportunity for those who oppose the general direction we have taken in Southeast Asia to be heard and, more importantly, I believe it should be heard before the Foreign Affairs Committee, where most of the other matters of this kind are properly matters of consideration, and where, before 1967, this particular area of the world found itself funded.

I would ask that there be one other consideration given, and I do not have any particular special expertise in the area. This is to the question raised by the gentleman from Mississippi, the chairman of the Senate Committee on Armed Services, (Mr. STENNIS), in the course of two very interesting speeches during the course of last year and the first part of this year.

Basically, the question is whether or not we are not pricing ourselves out of being able to raise and equip an army, and whether, in view of the fact that the total cost of personnel now is approaching 60 percent of the total annual budget, we ought not to reflect on whether or not our force levels and the need for men, which is almost a mania, is such that it is now self-defeating as to providing for an adequate defense.

I hope we will give serious consideration, since it is a part of the bill, as to whether or not we need a standing army of 2.4 million men, with 3,000 separate locations in which they find themselves around the world, with a substantial number of them in Western Europe 27 years after the end of World War II, with an increasing number in Thailand and in ships off the coast of Vietnam some 3½ years after the plan is proposed to end our involvement in that area. Can we find any justification in the Congress today, when it comes to appropriating funds in the manner we have chosen to appropriate them?

Finally, Mr. Chairman, I am appalled by the section of the bill which prohibits universities refusing ROTC on campus from receiving Defense Department research and development funds and which prohibits the Defense Department from sending students to those universities. The Department of Defense opposes this provision; the universities oppose this provision; civil libertarians oppose this provision. It is illogical, shortsighted, denies academic freedom, and ignores the fact that many of the universities involved met for over a year with the Department of Defense and came to an amicable agreement about needed changes in the ROTC program which would in many cases allow ROTC back on campus with all parties pleased. Why it is necessary to include this punitive section in the legislation is beyond me and it is a disgrace to the House that we are asked to vote on it.

These are some of the questions I have on the question of dealing with the bill. I cannot help but feel that, though the philosophic bias with which I approach the bill is well known to the members of the committee, and the philosophic bias which most members of the committee have is well known to the Congress, that there is a question in this procedure as a whole whether we really do accomplish anything useful by performing the kind of function we have gone through.

Yes, we had 4 months of hearings.

Yes, we had 3,000 pages of testimony.

Yes, we cut $1.5 billion from the bill. I do not think a single mind in the Congress was changed by what we did. I do not think the divisions in the country that exist about priorities have been healed. And I hate to see the Congress, again in particular the committee that I have enjoyed the experience of serving on, finding itself useless, apparently, in attempting to solve these very simple questions.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I am pleased to rise in support of the bill, H.R. 15495. Before proceeding, however, I desire to join with my colleagues who have paid accolades to our distinguished friend and colleague, the gentleman from New York (Mr. PIRNIE), who, by his own volition, has chosen to leave the Congress at the end of this year.

It happens that the gentleman from New York (Mr. PIRNIE) is a member of a subcommittee of which I am the chairman, which deals with manpower, personnel, Reserves, ROTC, Coast Guard, and related topics, and I can tell you, those of you who may not already know, that Mr. PIRNIE is recognized as one of the most knowledgeable, and probably the most knowledgeable, man in this Congress regarding the Coast Guard, and he has been literally worth his weight in gold in fighting the battles that have occurred on occasion in preserving that very useful and very vital but relatively small portion of our defense structure. He has demonstrated time after time to be one of the most knowledgeable and one of the most able and dedicated Members of this Congress. Believe me, it is really a misfortune for the country, and a great loss, that AL PIRNIE will not be with us next year.

Mr. Chairman, as I said before, I am pleased to rise in support of H.R. 15495. This afternoon, I would particularly like to direct my remarks to titles 3 and 4 of the bill. These are the sections which establish the strengths of our military forces, both Active and Reserve. Before going to the strengths themselves, I would like to call your attention to this general observation. The almost 2.4 million man-years recommended represent:

Over 1 million less than in 1969 at the peak of the Vietnamese buildup;

Almost 300,000 less than in 1964 before the Vietnamese buildup; and

Over 1 million less than in 1954 after the Korean war.

The last time there was an active duty strength lower than the one before you today was before the Korean war, some 22 years ago.

The strengths of the Reserve and Active Forces take into account the relative contributions, actual and potential, of the Active Forces and the Reserve Forces, as well as those of our allies.

The manpower levels requested by the Department of Defense are based upon mission forces which the Department plans to operate and the support necessary to sustain these forces. These force levels are, in turn, based upon foreign policy objectives established by the President on the basis of our treaty commitments and other matters vital to the security of the United States. The forces are built to satisfy specific strategy directives which are issued by the President after consultation with his primary foreign policy, and defense and military advisers. These military requirements, in turn, dictate the force structure and the manpower levels of our defense establishment.

In extremely comprehensive hearings, we examined into the questions regarding our basic policy underlying our national security strategy, our U.S. nuclear strategy, our theater nuclear forces, our general purpose forces, including those forces committed to NATO. We examined into the structure of each of the services, including the factors used to determine the composition of the forces and, in general, we satisfied ourselves that the programs which were designed are correct and that the planning and creating of force structure to respond to the threat is a logical one, bearing in mind that there are political, fiscal, strategic, and manpower restraints which cannot be ignored.

Obviously, manpower requirements cannot be considered in isolation. They can only become meaningful when such requirements are related to mission-trained manpower and equipment. First, the determination must be made of how many aircraft, missiles, combat division equivalents and ships are needed to meet our national security objectives. Once this is established, such questions must be answered as to how many crews are needed, how many persons are required to keep a plane serviced and flying, how much support it takes to keep a division in the field, what sort of headquarters it requires to direct combat elements, what training bases must be maintained, and where troops should be deployed in order to best preserve the capability to deter or to respond to an attack in a way where timeliness is adequate to the threat.

The active duty manpower request is adequate to provide for 13 active divisions, three marine divisions, 594 ships, 463 strategic bombers, 117 strategic missile squadrons, 21¾ tactical wings, plus 110 tactical squadrons. When we consider this force in addition to our Reserve structure of nearly 1 million personnel in the Selected Reserve, we believe there is an adequate manpower base to meet the military goals as part of our national security objectives.

But in speaking of the Reserves, we are extremely concerned that at the time of the hearings, there was a shortage of approximately 55,000 below the minimum average strength authorized by the Congress, and the waiting line for entry into the Reserve program has disappeared. If we are to depend on reservists as a primary augmentation force for the Active Forces, we must find ways to keep this strength at least to the minimum level. The only alternative would be to increase the size of the Active Forces.

But certainly the Reserve picture is not all black. Significant improvement in overall capability has resulted from the influx of equipment. Issues of modern equipment have continued at a high level totaling $727 million in 1971. Forecast for fiscal year 1972 indicate issues will exceed $900 million. Significant in this equipment issue has been the increased inventory of Army Guard and Reserve aircraft now envisioned to reach 99 percent of requirements shown by the end of fiscal year 1973.

Inherent in the receipt of modern equipment permitting more realistic and appropriate training is a resultant increase in readiness.

On the average, Reserve combat divisions and brigades have improved deployment capability by 2 weeks during this past year.

You will note that for the Active Forces the figures are not the ones submitted by the Department of Defense, for we in the Congress had imposed upon the Department an "average year strength." This year, the committee decided to change that requirement to a maximum end strength. The figures that you have before you represent that committee decision but reflect the end strength requested by the services in their budget submissions. We did this because in recent years Congress has not completed its work on the authorization bill until after the beginning of the new fiscal year, and if Congress reduces the average strength, the time the law becomes effective determines in a large measure the number affected by the reduction. For example, if it is known that the average strength of a service is to be reduced by 1,000 man-years, there could be a cut of 1,000 men at the beginning of a fiscal year, but if that reduction begins in the middle of the fiscal year, the reduction is increased to 2,000 personnel, and if it begins in the last month of a fiscal year, there would have to be a personnel cut of 12,000 persons to affect that 1,000-average man-year reduction.

The results impact not only on personnel planning but also on readiness. Thus, in our bill this year, we authorized a maximum end strength for active duty personnel as follows:

The Army, 841,190; the Navy, 601,672; the Marine Corps, 197,965; the Air Force, 717,210.

For the Reserves:

The Army National Guard of the United States, 402,333; the Army Reserve, 261,300; the Navy Reserve, 129,000; the Marine Corps Reserve, 45,016; the Air National Guard of the United States, 87,614; the Air Force Reserve, 51,296; the Coast Guard Reserve, 11,800.

The Reserve strengths represent a slight variance from that provided last year. These variances primarily relate to minor reorganizations and changes in structure based on new equipment.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, an exception to this, however, is the Coast Guard Reserve. While we have an authorized strength in the Coast Guard Reserve last year of 15,000, we recommended only 11,800 this year, even though a recent study confirmed that

wartime requirements provide a mission for the Coast Guard Reserve requiring in excess of 22,000 persons within 30 days of mobilization. However, because of the lateness in starting the recruiting program last year, the Coast Guard now has only approximately 11,000 members of the Selected Reserve. They cannot get above 11,800 during fiscal year 1973 even if we authorized the 11,800 figure because they just do not have a training base large enough to accommodate more. We are firmly convinced, however, that they cannot rely on ready reservists for nearly half of their strength in the event of wartime mobilization, and that we must in the future build back to a strength of at least 15,000.

I strongly urge your support of the entire bill as I believe it represents the minimum required to preserve our national security.

Mr. Chairman, included in this bill is authorization of $299 million, the amount requested, for long-leadtime items for a new nuclear-powered aircraft carrier. These funds are essentially for the nuclear-propulsion plant of the new carrier.

Authorization of these items will provide the start for the fourth nuclear-powered aircraft carrier. The *Enterprise*, which was funded in fiscal year 1957, was commissioned in 1961 and is now 11 years old. The second nuclear carrier, the *Nimitz*, was funded in fiscal year 1969 and will be delivered in 1973. The third, the *Eisenhower*, was funded in fiscal year 1970 and will be delivered in 1975. When the long-leadtime items for the fourth carrier *CVN–70*, are funded this year, the carrier cannot be available for fleet use until 1980. Only when the *CVN–70* is operating will the Navy have two nuclear carriers in the Atlantic and two nuclear carriers in the Pacific. The carriers in the other oceans cannot be quickly brought to an area of emergency since they are too large to go through the Panama Canal.

The source of the energy is the paramount factor in the unquestioned superiority of the nuclear-powered carriers over conventional carriers. Because she does not have to carry large volumes of fuel oil for her own propulsion, the nuclear carrier has much greater room for aircraft fuel and ordnance. The greater staying power in combat consumables, coupled with virtually unlimited steaming endurance and freedom from oilers, makes the modern *Nimitz*-class carriers much more combat effective than any other ship afloat.

The advantages of nuclear propulsion in a modern aircraft carrier, such as *CVN–70* and the other *Nimitz* carriers, are shown on the table on page 19 of the report. The table reveals that a modern nuclear carrier has twice the strike capability, four times the ordnance capability, five times the jet fuel capability, and virtually infinite times steam endurance.

No weapon system, no land or sea base, no unit is invulnerable. A direct atomic blast can wipe out even the strongest position, even on land and sea. But the carrier has been constructed with all possible defenses and strengths to carry out its position against intense opposition.

The committee received considerable testimony on the amount of damage that the United States and British carriers actually absorbed in World War II. The American experience showed that no carrier, *Nimitz* or later, was ever sunk. The British experience with armored flight decks—our flight decks were made of wood—showed that that kind of protection significantly minimized damages. Since World War II there have been several accidents on board carriers, the most serious being the detonation of nine major-caliber bombs on the flight deck of the *Enterprise*. Yet, it could have been back in action flying and landing planes within hours if that had been necessary.

The amount of planning that has gone into making the carrier survivable has been extraordinary. Both the carrier and its equipment has been designed to withstand shock from nearby atomic blasts. The ship is divided into 2,000 separate watertight compartments which have no lateral openings from one to another. *Nimitz*-class carriers incorporate the latest design and engineering and are far superior to those of our older ships.

A more complete listing of its protections is given on page 20 of the report.

In addition, the carrier together with weaponry, planes and escorts has been designed so that an enemy attack has to pass through several layers of protection before reaching the ship. As a last-stand protection, the carrier will be provided with Phalanx/Vulcan guns which are designed to knock down missiles before they can reach the ship.

To sum it up Mr. Chairman, the carrier is needed. It will really be needed by 1980 when it can first become operational. It has been designed with the utmost care. I hope that the committee will retain the moneys for *CVN–70*.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON. Mr. Chairman, I thank the Chairman for yielding me this time, and I rise in support of the bill pending before us.

Mr. Chairman, included in the bill now before us is a total of $444.5 million to continue engineering development of the B–1 strategic bomber. The B–1—formerly known as the AMSA—is a long-range intercontinental jet bomber intended as the eventual replacement for the aging B–52 heavy bombers now in the force. The earliest B–52's have already been phased out except for those models being used in support of allied forces in Southeast Asia. The latest built B–52H will be 10 years old in several months.

The B–1, being developed to counter the expected threat in the 1980's and beyond, is on schedule and within cost estimates. The development program includes the design of the aircraft as well as the fabrication and test of three flight vehicles and one fatigue airframe. The first flight of the B–1 is planned for April 1974. This will be followed by a full year of testing before a production decision is made. The initial operational capability—IOC—is planned for November 1979, based on receipt of production approval in April 1975.

Since our appearance before the House last year on the fiscal year 1972 authorization bill, the Air Force has completed the preliminary design review and the mockup review, which were the first two milestones. Full-scale component testing of the F–101 engine is complete. Current effort indicates that tests of the full-scale engine will be initiated on or ahead of schedule.

In fiscal year 1973, effort will be concentrated on the next two major milestones: design validation and critical design review. Aircraft No. 1 will be in final assembly and should be 75-percent complete by the end of the fiscal year. Aircraft No. 2 will be 33 percent complete and the first four of the XF–101 engines will be delivered.

Mr. Chairman, in the Armed Services Committee markup this year, as well as last year, an amendment was offered to delete all of the funds requested for the B–1 development. The amendment was overwhelmingly defeated; however, it is my understanding that the same amendment will be offered here in the House when the bill is read for amendments.

Arguments used against the B–1 include cost, initial survivability, penetration capability, and the lack of a similar system being developed by the Soviets.

COST

During our hearings this year, Counsel Slatinshek questioned Air Force witnesses on a study made comparing the cost of the later model B–52G/H with that of the B–1. The answer, found on page 9887 of our hearing record, was very illuminating. In terms of 1970 "constant" dollars and equating costs for the B–52G/H on the basis of being among the first 241 B–52's produced, the 1970 unit production cost of the B–52G/H would be $25.5 million compared to the estimated unit production cost of the B–1 of $30 million.

Not an unreasonable difference when one compares the capabilities of the two aircraft.

INITIAL SURVIVAL

The problem of initial survival for the bomber fleet has become more critical with the advent of potential missile attacks—particularly if the attack is by submarine launched ballistic missiles that use depressed trajectories from close-in offshore locations to minimize warning time.

The Strategic Air Command has done many things to improve the initial survival of the B–52 force. The B–1 overcomes some of the remaining inherent deficiencies to assure initial survivability well beyond that of the B–52's.

The solution to bomber survival, as with missile survival, can be approached in several basic ways: hiding from the enemy, hardening to withstand weapon effects, and reacting to the enemy's attack. United States sea-based missiles are hidden in the oceans, our land-based missile silos are hardened against nuclear effects, and both types of missiles can be

launched on warning of attack by Presidential order to avoid any enemy strike. The B–1 bomber may use all three means of improving initial survival. It hides by dispersal to any of many bases or by going on airborne alert during times of intense international stress; it is hardened to effects of nearby bursts of nuclear weapons—unlike the B–52; and it can be launched on warning by the commander in chief of the Strategic Air Command—commitment to a mission can only be made by the President. The combinations of effects of such capabilities result in a cumulative probability of initial survival for the B–1 that is greater than the mere sum of the individual components affecting such survivability.

Because the B–1 is designed with a much higher degree of self-sufficiency and requires a relatively shorter runway than the B–52, many more air bases are available than are required. This means that the B–1 can shift from base to base on a random schedule to keep its location ever changing, thus complicating enemy attack plans.

The B–1 is the first bomber to be designed to withstand nuclear effects of blast, radiation, and electromagnetic pulse. Such designed-in hardening, plus higher climbout and cruise speeds, means that the B–1 reaches a safe distance from an air base under attack much faster than the slower, more vulnerable B–52.

In all, the B–1's inherent design improvements over the B–52 permit it to utilize all three means of surviving an initial attack—hiding, hardening, and reacting. The combined effects of these three methods assure a much higher degree of survival for the B–1 than for the existing B–52 fleet.

PENETRATION CAPABILITY

The B–1 is designed to penetrate under the radar coverage of missile and interceptor defenses. In addition, the B–1 will have the option, unlike the B–52, of supersonic high altitude flight that may be used for penetration around the defenses. The low altitude flight mode of the B–1 is effective against surface-to-air missiles—SAM's—regardless of their speed and altitude capabilities; terrain-following flight negates even high performance ICBM defenses. The B–1's greater speed, lower altitude, reduced detectability, greater payload, and larger load of countermeasures assure its penetration through SAM and interceptor defenses to a much higher degree than that of the B–52.

STRATEGIC BOMBER DEVELOPMENT BY SOVIETS

The development of a new long range sweptwing bomber by the Soviets was first called to the attention of the House several years ago by the late L. Mendel Rivers, our beloved former chairman of the Armed Services Committee. This new bomber, now designated the Backfire, is a large aircraft, almost 2½ times the gross take-off weight of the FB–111 and approximately two-thirds the size of the B–1. It is a supersonic bomber, and it probably can be refueled in flight, according to testimony from Admiral Moorer, the chairman of the Joint Chiefs of Staff. With refueling it could reach virtually all targets in the United States.

Testimony was received by our committee that the Backfire could become operational in the next few years. Thus, it is clear that the Soviets are not standing pat in this area of strategic forces.

Mr. Chairman, any attempt to delete or reduce the funds authorized in this bill for the B–1 bomber should be rejected. Manned bombers, such as the B–1, will continue to be an indispensible element of our strategic deterrent for as far ahead as we can see for the following reasons:

First, bombers, in combination with land- and sea-based missiles, provide a hedge against future technological development which might severely degrade the capabilities of any one of the three major elements of our strategic offensive forces. The maintenance of this so-called Triad force has been a fundamental principle of U.S. strategic force planning for more than a decade, and its wisdom has been well demonstrated over the years.

Second, bombers provide insurance against an unlikely, but possible gross failure in our strategic missile systems. We have never fought a war with missiles, but we have with bombers. We know exactly what bombers can do, and cannot do, under wartime conditions. Missiles have yet to be tested in combat.

Third, bombers, together with strategic missiles, compound and frustrate Soviet "first strike" attack planning. If the Soviets launch their SLBM's first in an attempt to catch our bombers by surprise, they would give us time and cause to launch our land-based missiles before their ICBM warheads arrive. If the Soviets launch their ICBM's first and then their SLBM's, so that both arrive at the same time, our alert bombers would have ample time to take off and escape.

Fourth, bombers, together with strategic missiles, make the Soviet defensive task much more difficult and costly. They must have two different types of systems to defend against both.

Fifth, bombers are not limited under the terms of the proposed SALT agreement.

Sixth, bombers are more appropriate than strategic missiles for less than all-out nuclear war. Bombers, in contrast to missiles, can be used with greater precision since they are much less likely to go far astray from their intended targets, and they can be launched and recalled thus providing the opponent much more time to consider his response.

Seventh, bombers comprise the only major element of our strategic forces which can be used in conventional wars, large or small. Their value has been convincingly demonstrated in Southeast Asia.

For the above stated reasons, I urge you to support the continued development of the B–1 and reject amendments to delete it or delay it.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I rise in support of this legislation, and also to say a few words about one of the programs in it that I think is vital to our country, and that is the Trident submarine, or what was previously known as the Underwater Launched Missile System, or the ULMS.

As a member of the committee, I cannot take the well here without saying at least a word responsive to the comments by our colleague, the gentleman from Massachusetts, who I suppose in a sense represents a kind of a generation gap between some members of the committee.

The impression that the gentleman from Massachusetts has given is one that somehow any appropriation for military spending is bad; that somehow if the committee spends money on weapons that we are contributing to a dark age, to something that is antithetical to human development, and that somehow we are holding back the forces of progress.

I know the gentleman is not as old as I am, but I think the gentleman ought to realize as a Member of this House that there are those of us who have served in World War II. That is regarded as ancient history in these days.

I know my children mention that when I tell them. They say, "Daddy, don't go back to those ancient days."

But I think that one cannot understand what this committee is doing, and one cannot understand why we do not have a philosophical debate on whether arms are or are not good every time a question comes up because most of the members of the committee have lived through days when the future of this world depended on whether certain countries and certain individuals had control of effective armaments.

I have had the privilege of reading through the current best seller, and I am only about halfway through it, and the Library of Congress is bugging me on it to get it back, Herman Wouk's very impressive "Winds of War." Anybody who lived through that period, I think, would understand the touch and go situation that faced the world when Hitler launched his legions and when it was a question as to whether the British had enough research and development in the field of radar to be able to defend themselves against the attack that Goering and his inadequately prepared Luftwaffe was launching against them.

It is possible to spend too much money on weapons. But to suggest that somehow these weapons are undermining our country instead of protecting it is, I think, to ignore the lessons of history.

The gentlemen is entitled to his opinion, but I think we ought to state the other side of the case. The thing that disturbs me the most is to suggest that simply because we do not argue this question in committee every day that we do not have just as deep and just as strong and just as moral a conviction that what we are doing is designed to save this country and to prevent war.

That I think is misleading and I cannot allow, even at this late hour, those remarks to stand in the House record without some challenge from this committee.

One of the items in this legislation is an increase for a particular area of activity. It was requested in a sense as a follow-on to the SALT agreements. It has

to do with the Trident nuclear submarine.

I will not take the time of the Committee at this late hour to present all of the arguments, since I will extend my remarks, but I think we ought to remember that the most important key is our deterrent force, which has prevented a nuclear war, which the experts were telling us back in 1946 and 1947 was just around the corner, and that has still not occurred. We have deterred it. The key to that has been our underwater nuclear submarine Polaris fleet.

Some people, in fact, have argued that is all we need and that if we had Polaris we would not need anything else. Well, I do not entirely think that is true because there are other people who tell us, like Jack Anderson, I think, and some of these other experts, that the Soviets are already discovering a way to destroy our Polaris deterrent forces.

If that happens and if we have all of our eggs in that one basket, we will be in trouble. So I think it makes sense for us to try to improve the Polaris force, and that is what the ULMS does. That is all it does. It is a submarine that incorporates modern developments. It is quieter, so it is harder for the enemy to detect. It will have a longer range of missile. So instead of going within a few hundred miles of the Soviet coast, we can base our submarines at home, out of Charleston, if you will, or even Portsmouth, or maybe even out of Philadelphia, and still have them protecting us the way they are protecting us today.

This is an advance that we ought to work to achieve. This is what this bill today would do.

Mr. Chairman, I think if we really believe in maintaining peace, we ought to get going today and improve our Polaris forces in line with the recommendations of this committee.

TRIDENT

The Trident program is not a crash program. It is an urgent, but orderly program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities.

By the time the first Trident submarine can be delivered in the late 1970's, the first Polaris submarines will be nearly 20 years old, and with no potential for significant improvement. These submarines have been operated hard, with two crews, to allow them to be on station a high fraction of the time. They were built to specifications based on a 20-year life and their machinery is wearing out. It is unreasonable to expect them all to operate more than about 20 years without having some major breakdowns.

The Trident submarines will be quieter and incorporate the latest technology to improve their survivability. These improvements can only be incorporated in new design submarines; they cannot be backfitted in Polaris submarines.

Our Polaris/Poseidon submarines are limited in their patrol area by the range of their missiles. This forces them to operate in close range to foreign shores, thus bringing them within range of Soviet shore-based aircraft. This limited patrol area simplifies the Soviet antisubmarine problem by allowing them to concentrate their sea and air forces in a much smaller area. The Soviets have been investing heavily in antisubmarine warfare research and development, and have built and continue to build improved nuclear attack submarines—one of their best ASW weapons. They have invested large resources in ASW surface ships. Also, indications are the Soviets are attempting to establish an area antisubmarine surveillance system, presumably aimed at locating our Polaris/Poseidon submarines.

The first generation Trident missile will have a range of almost twice the range of the 2,500-mile Poseidon missile. This initial Trident missile can be backfitted in the 31 Poseidon submarines and will provide a severalfold increase in ocean-operating area available to our ballistic-missile submarines compared to the shorter range Poseidon missile.

The Trident submarines will have missile tubes which will provide growth potential for even longer-range missiles. With this longer-range missile, which will fit only in the Trident submarines, the ocean-operating area available to our Trident submarines will again be increased severalfold over the area of the first generation Trident missile.

The Trident missiles will permit basing our ballistic-missile submarines in U.S. ports. This will eliminate dependence on foreign basing.

The Soviets are continuing to expand rapidly their own ballistic-missile submarine program. They now have in operation about 30 nuclear and diesel ballistic-missile submarines of older classes and 25 of the new Yankee class which can fire a 1,300-mile range missile. In the past year they started work on their 42d Yankee submarine, and they are now substantially expanding their submarine building facilities. They already have the largest and most modern submarine building yards in the world which gives them several times the nuclear submarine construction capacity possessed by the United States.

The Soviets have tested a missile with a range at least twice that of the present 1,300-mile missile. This new missile will give their submarines the capability to strike us from points only a few days from Soviet bases. In a sense, the Soviets are already building their equivalent to our Trident missile. These developments increase the threat to our land-based strategic forces and increase the reliance we must place on our sea-based strategic deterrent.

The Soviets have a more modern ballistic-missile fleet than we do. They are building more missile-launching submarines today, whereas we funded our last Polaris construction in fiscal year 1964, and finished it in 1967.

The interim agreement on strategic offensive arms signed in Moscow on May 26, 1972, allows the Soviets to continue building ballistic missile submarines up to a total of 950 ballistic missile launchers on submarines and up to 62 modern ballistic missile submarines. This will allow the Soviets to continue building ballistic missile submarines at a rate of about seven per year during the 5-year term of the interim agreement. Even under the President's recommended fiscal year 1973 budget for the Trident program the first Trident submarine will not become operational during the 5-year term of the interim agreement. Therefore, it is essential that the United States proceed now with Trident submarines as proposed by the President.

Modern complex defense systems take many years to design, develop, and produce. Trident has already been in the research and development stages for 3 years. The system has been carefully evaluated during this period and the Navy is now ready to move into detailed design and construction of the submarine.

In developing a new missile the long leadtime is in research and development with a relatively short production span of 1½ to 2 years required to build the missiles themselves. In contrast, the production span time on nuclear components is up to 5 years under the most favorable conditions. The Navy and Atomic Energy Commission have already done the propulsion plant development work necessary to define what is needed to order the long-lead nuclear propulsion plant components. Delivery of the nuclear propulsion machinery will control the construction schedules for the Trident submarines. It is therefore necessary to start production of this machinery while the missile work is still in the research and development stage.

For this reason, there is $361 million of "Shipbuilding and conversion, Navy (SCN)" funds in the fiscal year 1973 budget request to start work on the first four submarines. Of this amount, $194 million is for ship design, long-lead nuclear propulsion components, and hull steel procurement for the lead ship. The remainder, $167 million, is for long-lead components for three additional ships.

It will be impossible to build the lead and follow ships on the shortened schedule proposed by the administration if the Navy does not get the long-lead machinery on order. In other words, by ordering this long-lead machinery in fiscal year 1973 the option will be kept open to authorize the lead Trident submarine in fiscal year 1974 and follow submarines in fiscal year 1975. However, going ahead with the procurement of the long-lead nuclear propulsion machinery for the ships in fiscal year 1973 does not commit Congress to any specific submarine-building schedules. The construction schedules for these ships can be settled later, based on events as they occur.

If the nuclear machinery were delayed by lack of long-lead funding, the submarines themselves would be delayed; the propulsion machinery costs would increase, and the delay in the submarine schedules would cause the total cost of the submarines to escalate. Further, it is important to have a sizable buy of Trident nuclear propulsion plant components in fiscal year 1973 in order to get the best manufacturers to make commitments to set up production lines for this machinery and to benefit from the economics of a sizable procurement.

Mr. Chairman, it is of the utmost importance that we continue to improve the quality of our submarines. In agreeing to

let the Soviets have 62 nuclear-powered ballistic missile submarines to our 44 it is of prime importance that our submarines be able to cope with any threat. We must start building at once.

Mr. HÉBERT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take this time in order to direct the attention of Members of the House to the fact that during the justified accolades paid to the gentleman from New York (Mr. PIRNIE), we did not mention that we are going to lose several other members of the committee. On the Republican side of the committee we will lose the gentleman from Missouri (Mr. HALL), who has rendered such great service to the committee. On the Democratic side we shall lose the gentleman from North Carolina (Mr. LENNON), and the gentleman from Pennsylvania (Mr. BYRNE), and the gentleman from Louisiana (Mr. SPEEDY LONG). All these individuals were chairmen. I want to pay them equal tribute with that paid to AL PIRNIE. We could not function without the overwhelming unanimity of the majority and the dedication that has been reflected in repeated votes on the committee and an understanding on the part of all its members.

Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the bill by title.

The Clerk read as follows:

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

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $134,500,000; for the Navy and the Marine Corps, $3,101,600,000; for the Air Force, $2,508,600,000.

MISSILES

For missiles: for the Army, $888,400,000; for the Navy, $769,600,000; for the Marine Corps, $22,100,000; for the Air Force, $1,772,300,000.

NAVAL VESSELS

For naval vessels: for the Navy, $3,201,300,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $189,100,000; for the Marine Corps, $62,200,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $194,200,000.

OTHER WEAPONS

For other weapons: for the Army, $70,400,000; for the Navy, $25,700,000; for the Marine Corps, $900,000.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HÉBERT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, had come to no resolution thereon.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns tonight that it adjourn to meet at 11 o'clock tomorrow morning.

Mr. ANNUNIZO. Mr. Speaker, reserving the right to object, I should like to ask the distinguished majority whip if he intends to make a similar request for Wednesday also.

The SPEAKER. The Chair will answer that question. The Chair will not entertain a unanimous-consent request to come in early on Wednesday.

Mr. ANNUNZIO. Then I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERENCE REPORT ON H.R. 13188, COAST GUARD AUTHORIZATION, 1973

(Mr. LENNON (on behalf of Mr. GARMATZ) filed the following conference report and statement on the bill (H.R. 13188), to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard:

CONFERENCE REPORT (H. REPT. No. 92-1177)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4 and 6 and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: in lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "39,449, and an end of year strength of 39,541."

And the Senate agree to the same.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

RUSSELL B. LONG,
PHILIP A. HART,
ERNEST F. HOLLINGS,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the act (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

AMENDMENT NO. 1

House bill

The House authorized to be appropriated $81,070,000 for procurement and increasing capability of vessels.

Senate amendment

Senate amendment No. 1 increased this amount by $670,000, with the intent that the funds be allocated for expedited action to equip Coast Guard vessels assigned to the Great Lakes with pollution abatement capabilities.

Conference substitute

The conference report authorizes to be appropriated $81,740,000, with the intent that the funds be allocated for expedited action to equip Coast Guard vessels with pollution abatement capabilities and your conferees expect that the Coast Guard will use such funds to abate pollution from vessels assigned to restricted waters where pollution problems are most acute, such as in inland lakes, rivers, and the Great Lakes, on the basis of the most urgent environmental needs.

AMENDMENT NO. 2

House bill

The House bill authorized to be appropriated $15,100,000 for the procurement and extension of service life of aircraft.

Senate bill

The Senate bill authorized to be appropriated $18,100,000.

Conference substitute

The conference report authorizes to be appropriated $18,100,000. Your conferees agreed that the Coast Guard should be authorized additional funds to procure the long-range search and rescue helicopter authorized by Senate amendment No. 3.

AMENDMENT NO. 3

House bill

No comparable provision.

Senate bill

Senate amendment No. 3 provided for the authorization of one long-range search and rescue helicopter, and the Senate report expressed the intent that the Coast Guard should station the helicopter at Alaskan Coast Guard facilities.

Conference substitute

The conference report authorizes the procurement of one long-range search and rescue helicopter, and your conferees believe that the Coast Guard should locate the helicopter wherever it would be most useful to protect human life.

AMENDMENT NO. 4

House bill

The House bill provided $45,650,000 for construction of certain designated projects, including the rebuilding of the moorings of the cutter *Mackinaw* at Cheboygan, Michigan.

Senate bill

The Senate bill increased this amount by $390,000 to allow additional funds for the project at Cheboygan, Michigan. This increase was provided as a result of revised cost studies submitted by the Coast Guard.

Conference substitute

The conference report authorized the appropriation of the additional amount provided by Senate amendment No. 4, making the total amount authorized for construction projects $46,040,000.

AMENDMENT NO. 5

House bill

The House bill authorized the Coast Guard to have an average active duty strength of 39,074.

Senate bill

The Senate bill authorized an average active duty strength of 39,449. The Senate increased this authorized strength in order to reflect the recall of two cutters from the reserve fleet, which was funded by appropriations not subject to authorization, and to reflect the transfer from the Navy to the Coast Guard of the responsibility for providing essential services for Coast Guard operations at Kodiak, Alaska necessitated by the closure of the Naval Station at Kodiak.

Conference substitute

In order to conform to the recent action of the Congress requiring that authorized personnel ceilings be stated in terms of the authorized strength at the end of the fiscal year, your conferees agreed to authorize an end of year personnel strength at 39,541, which does not reflect an increase over the ceiling set by the Senate, but states the figure in a manner compatible with the method adopted by the Armed Services Committees of the two Houses; and your conferees agreed to the increases provided in Senate amendment numbered 5.

AMENDMENT NO. 6

House bill

No comparable provision.

Senate bill

Senate amendment No. 6 authorized the extension of the authority for the Coast Guard to lease housing for military personnel, now scheduled to expire on June 30, 1972, at the request of the Coast Guard. The Senate made the authority permanent, contingent upon an annual report to the Congress as to the utilization of the authority for the previous calendar year.

Conference substitutes

The conference report grants the Coast Guard permanent authority to lease housing for military personnel subject to the filing of an annual report to the Congress as to the utilization of the authority during the preceding calendar year.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

RUSSELL B. LONG,
PHILIP A. HART,
ERNEST F. HOLLINGS,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 8140, PORT AND WATERWAYS SAFETY ACT OF 1972

Mr. LENNON (on behalf of Mr. GARMATZ) filed the following conference report and statement on the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States:

CONFERENCE REPORT (H. REPT. No. 92–1178)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 14, 18, and 21, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "Ports and Waterways Safety Act of 1972".; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 7 of the House engrossed bill, immediately after line 12, insert the following:

TITLE II—VESSELS CARRYING CERTAIN CARGOES IN BULK

SEC. 201. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a) is hereby amended to read as follows:

"SEC. 4417a. (1) STATEMENT OF POLICY.—The Congress hereby finds and declares—

"That the carriage by vessels of certain cargoes in bulk creates substantial hazards to life, property, the navigable waters of the United States (including the quality thereof) and the resources contained therein and of the adjoining land, including but not limited to fish, shellfish, and wildlife, marine and coastal ecosystems and recreational and scenic values, which waters and resources are hereafter in this section referred to as the 'marine environment'.

"That existing standards for the design, construction, alteration, repair, maintenance and operation of such vessels must be improved for the adequate protection of the marine environment.

"That it is necessary that there be established for all such vessels documented under the laws of the United States or entering the navigable waters of the United States comprehensive minimum standards of design, construction, alteration, repair, maintenance, and operation to prevent or mitigate the hazards to life, property, and the marine environment.

"(2) VESSELS INCLUDED.—All vessels, regardless of tonnage size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, which are documented under the laws of the United States or enter the navigable waters of the United States, except public vessels other than those engaged in commercial service, that shall have on board liquid cargo in bulk which is—

"(A) inflammable or combustible, or

"(B) oil, of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, or

"(C) designated as a hazardous polluting substance under section 12(a) of the Federal Water Pollution Control Act (33 U.S.C. 1162); shall be considered steam vessels for the purposes of title 52 of the Revised Statutes of the United States and shall be subject to the provisions thereof: Provided, That this section shall not apply to vessels having on board the substances set forth in (A), (B), or (C) above only for use as fuel or stores or to vessels carrying such cargo only in drums, barrels, or other packages: And provided further, That nothing contained herein shall be deemed to amend or modify the provisions of section 4 of Public Law 90–397 with respect to certain vessels of not more than five hundred gross tons: And provided further, That this section shall not apply to vessels of not more than five hundred gross tons documented in the service of oil exploitation which are not tank vessels and which would be subject to this section only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities.

"(3) RULES AND REGULATIONS.—In order to secure effective provision (A) for vessel safety, and (B) for protection of the marine environment, the Secretary of the department in which the Coast Guard is operating (hereafter referred to in this section as the 'Secretary') shall establish for the vessels to which this section applies such additional rules and regulations as may be necessary with respect to the design and construction, alteration, repair, and maintenance of such vessels, including, but not limited to, the superstructures, hulls, places for stowing and carrying such cargo, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers thereof; and with respect to all materials used in such construction, alteration, or repair; and with respect to the handling and stowage of such cargo, the manner of such handling or stowage, and the machinery and appliances used in such handling and stowage; and with respect to equipment and appliances for life saving, fire protection, and the prevention and mitigation of damage to the marine environment; and with respect to the operation of such vessels; and with respect to the requirements of the manning of such vessels and the duties and qualifications of the officers and crew thereof; and with respect to the inspection of all the foregoing. In establishing such rules and regulations the Secretary may, after hearing as provided in subsection (4), adopt rules of the American Bureau of Shipping or similar American classification society for classed vessels insofar as such rules pertain to the efficiency of hulls and the reliability of machinery of vessels to which this section applies. In establishing such rules and regulations, the Secretary shall give due consideration to the kinds and grades of such cargo permitted to be on board such vessel. In establishing such rules and regulations the Secretary shall, after consultation with the Secretary of Commerce and the Administrator of the Environmental Protection Agency, identify those established for protection of the marine environment and those established for vessel safety.

"(4) ADOPTION OF RULES AND REGULATIONS.—Before any rules or regulations, or any alteration, amendment, or repeal thereof, are approved by the Secretary under the provisions of this section, except in an emergency, the Secretary shall (A) consult with other appropriate Federal departments and agencies, and particularly with the Administrator of the Environmental Protection Agency and the Secretary of Commerce, with

regard to all rules and regulations for the protection of the marine environment, (B) publish proposed rules and regulations, and (C) permit interested persons an opportunity for hearing. In prescribing rules or regulations, the Secretary shall consider, among other things, (i) the need for such rules or regulations, (ii) the extent to which such rules or regulations will contribute to safety or protection of the marine environment, and (iii) the practicability of compliance therewith, including cost and technical feasibility.

"(5) RULES AND REGULATIONS FOR SAFETY; INSPECTION; PERMITS; FOREIGN VESSELS.—No vessel subject to the provisions of this section shall, after the effective date of the rules and regulations for vessel safety established hereunder, have on board such cargo, until a certificate of inspection has been issued to such vessel in accordance with the provisions of title 52 of the Revised Statutes of the United States and until a permit has been endorsed on such certificate of inspection by the Secretary, indicating that such vessel is in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder, and showing the kinds and grades of such cargo that such vessel may have on board or transport. Such permit shall not be endorsed by the Secretary on such certificate of inspection until such vessel has been inspected by the Secretary and found to be in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder. For the purpose of such inspection, approved plans and certificates of class of the American Bureau of Shipping or other recognized classification society for classed vessels may be accepted as evidence of the structural efficiency of the hull and the reliability of the machinery of such classed vessels except as far as existing law places definite responsibility on the Coast Guard. A certificate issued under the provisions of this section shall be valid for a period of time not to exceed the duration of the certificate of inspection on which such permit is endorsed, and shall be subject to revocation by the Secretary whenever he shall find that the vessel concerned does not comply with the conditions upon which such permit was issued: *Provided*, That rules and regulations for vessel safety established hereunder and the provisions of this subsection shall not apply to vessels of a foreign nation having on board a valid certificate of inspection recognized under law or treaty by the United States; *And provided further*, That no permit shall be issued under the provisions of this section authorizing the presence on board any vessel of any of the materials expressly prohibited from being thereon by subsection (3) of section 4472 of this title.

"(6) RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT; INSPECTION; CERTIFICATION.—No vessel subject to the provisions of this section shall, after the effective date of rules and regulations for protection of the marine environment, have on board such cargo, until a certificate of compliance, or an endorsement on the certificate of inspection for domestic vessels, has been issued by the Secretary indicating that such vessel is in compliance with such rules and regulations. Such certificate of compliance or endorsement shall not be issued by the Secretary until such vessel has been inspected by the Secretary and found to be in compliance with the rules and regulations for protection of the marine environment established hereunder. A certificate of compliance or an endorsement issued under this subsection shall be valid for a period specified therein by the Secretary and shall be subject to revocation whenever the Secretary finds that the vessel concerned does not comply with the conditions upon which such certificate or endorsement was issued.

"(7) RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT RELATING TO VESSEL DESIGN AND CONSTRUCTION, ALTERATION, AND REPAIR; INTERNATIONAL AGREEMENT.—(A) The Secretary shall begin publication as soon as practicable of proposed rules and regulations setting forth minimum standards of design, construction, alteration, and repair of the vessels to which this section applies for the purpose of protecting the marine environment. Such rules and regulations shall, to the extent possible, include but not be limited to standards to improve vessel maneuvering and stopping ability and otherwise reduce the possibility of collision, grounding, or other accident, to reduce cargo loss following collision, grounding, or other accident, and to reduce damage to the marine environment by normal vessel operations such as ballasting and deballasting, cargo handling, and other activities.

"(B) The Secretary shall cause proposed rules and regulations published by him pursuant to subsection (7)(A) to be transmitted to appropriate international forums for consideration as international standards.

"(C) Rules and regulations published pursuant to subsection (7)(A) shall be effective not earlier than January 1, 1974, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In the absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate.

"(D) Any rule or regulation for protection of the marine environment promulgated pursuant to this subsection (7) shall be equally applicable to foreign vessels and United States-flag vessels operating in the foreign trade. If a treaty, convention, or agreement provides for reciprocity of recognition of certificates or other documents to be issued to vessels by countries party thereto, which evidence compliance with rules and regulations issued pursuant to such treaty, convention, or agreement, the Secretary, in his discretion, may accept such certificates or documents as evidence of compliance with such rules and regulations in lieu of the certificate of compliance otherwise required by subsection (6) of this section.

"(8) SHIPPING DOCUMENTS.—Vessels subject to the provisions of this section shall have on board such shipping documents as may be prescribed by the Secretary indicating the kinds, grades, and approximate quantities of such cargo on board such vessel, the shippers and consignees thereof, and the location of the shipping and destination points.

"(9) OFFICERS; TANKERMEN; CERTIFICATION.—(A) In all cases where the certificate of inspection does not require at least two licensed officers, the Secretary shall enter in the permit issued to any vessel under the provisions of this section the number of the crew required to be certified as tankermen.

"(B) The Secretary shall issue to applicants certificates as tankermen, stating the kinds of cargo the holder of such certificate is, in the judgment of the Secretary, qualified to handle aboard vessels with safety, upon satisfactory proof and examination, in form and manner prescribed by the Secretary, that the applicant is in good physical condition, that such applicant is trained in and capable efficiently to perform the necessary operations aboard vessels having such cargo on board, and that the applicant fulfills the qualifications of tankerman as prescribed by the Secretary under the provisions of this section. Such certificates shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of this title.

"(10) EFFECTIVE DATE OF RULES AND REGULATIONS.—Except as otherwise provided herein, the rules and regulations to be established pursuant to this section shall become effective ninety days after their promulgation unless the Secretary shall for good cause fix a different time. If the Secretary shall fix an effective date later than ninety days after such promulgation, his determination to fix such a later date shall be accompanied by an explanation of such determination which he shall publish and transmit to the Congress.

"(11) PENALTIES.—(A) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall violate the provisions of this section, or the rules and regulations established hereunder, shall be liable to a civil penalty of not more than $10,000.

"(B) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall knowingly and willfully violate the provisions of this section or the rules and regulations established hereunder, shall be subject to a fine of not less than $5,000 or more than $50,000, or imprisonment for not more than five years, or both.

"(C) Any vessel subject to the provisions of this section, which shall be in violation of this section or the rules and regulations established hereunder, shall be liable in rem and may be proceeded against in the United States district court for any district in which the vessel may be found.

"(12) INJUNCTIVE PROCEEDINGS.—The United States district courts shall have jurisdiction for cause shown to restrain violations of this section or the rules and regulations promulgated hereunder.

"(13) DENIAL OF ENTRY.—The Secretary may, subject to recognized principles of international law, deny entry into the navigable waters of the United States to any vessel not in compliance with the provisions of this section or the regulations promulgated thereunder."

SEC. 202. Regulations previously issued under statutory provisions repealed, modified, or amended by this title shall continue in effect as though promulgated under the authority of section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by this title, until expressly abrogated, modified, or amended by the Secretary of the Department in which the Coast Guard is operating under the regulatory authority of such section 4417a as so amended. Any proceeding under such section 4417a for a violation which occurred before the effective date of this title may be initiated or continued to conclusion as though such section 4417a had not been amended hereby.

SEC. 203. The Secretary of the Department in which the Coast Guard is operating shall, for a period of ten years following the enactment of this title, make a report to the Congress at the beginning of each regular session, regarding his activities under this title. Such report shall include but not be limited to (A) a description of the rules and regulations prescribed by the Secretary (i) to improve vessel maneuvering and stopping ability and otherwise reduce the risks of collisions, groundings, and other accidents, (ii) to reduce cargo loss in the event of collisions, groundings, and other accidents, and (iii) to reduce damage to the marine environment from the normal operation of the vessels to which this title applies, (B) the progress made with respect to the adoption of international standards for the design, construction, alteration, and repair of vessels to which this title applies for protection of the marine environment, and (C) to the extent that the Secretary finds standards with

respect to the design, construction, alteration, and repair of vessels for the purposes set forth in (A) (i), (ii), or (iii) above not possible, an explanation of the reasons therefor.

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: On page 13, line 23, of the Senate engrossed amendments, strike out "Title II" and insert the following: "Title I"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "101."; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(including the substances described in section 4417a(2)(A), (B), and (C) of the Revised Statutes of the United States (46 U.S.C. 391a(2)(A), (B), and (C))"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 3, line 14, of the House engrossed bill strike out "Act" and insert the following: "Title"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 3, line 16, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "102"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 6, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 11, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 12, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 17, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) This title shall not be applicable to the Panama Canal. The authority granted to the Secretary under section 101 of this title shall not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under this title shall be delegated to the Saint Lawrence Seaway Development Corporation to the extent that the Secretary determines such delegation is necessary for the proper operation of the Seaway."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 21, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "103".; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 5, lines 20 and 23, of the House engrossed bill, strike out "Act" and insert the following: "title", and the Senate agree to the same

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "104"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 6, line 8, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "105"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "106"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 6, lines 23 and 25, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$10,000;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 7, line 6, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "107."; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 7, line 10, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with amendments, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$50,000".

On page 7, line 10, of the House engrossed bill, strike out "$1,000" and insert the following: "$5,000".

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "five years."; and the Senate agree to the same.

That the Senate recede from its amendment to the title of the act.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

WARREN G. MAGNUSON,
RUSSELL B. LONG,
PHILIP A. HART,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas and the navigable waters of the United States, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The following Senate amendments made technical, clarifying or conforming changes: 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, and 28. With respect to these amendments (1) the House

either recedes or recedes with amendments which are technical, clarifying, or conforming in nature; or (2) the Senate recedes in order to conform to other action agreed upon by the committee of conference.

CITATION OF THE ACT

Amendment No. 1. Section 1 of the House bill provided that the Act may be cited as the "Ports and Waterways Safety Act of 1971". The Senate amended the bill to provide that the Act may be cited as the "Navigable Waters Safety and Environmental Quality Act of 1972". The Committee of conference agreed that the Act may be cited as the "Ports and Waterways Safety Act of 1972".

VESSELS CARRYING CERTAIN CARGOES IN BULK

Amendment No. 2. As passed by the House, the bill was intended to promote safety and protect the navigable waters from environmental harm primarily by authorizing the Secretary of the Department in which the Coast Guard is operating (the "Secretary") to establish vessel traffic services, systems and controls and minimum safety standards for structures. The Senate amendment inserted new material, designated as Title I, amending the Tank Vessel Act (46 U.S.C. 391a) to authorize the Secretary, in consultation with other agencies and departments, to establish standards for the design, construction, maintenance, repair, and operation of vessels carrying certain cargoes in bulk in order to protect the marine environment.

The purpose of the Senate amendment is to provide a systems approach to protection of the marine environment: improved traffic controls and improved vessel design, construction and operation. The amendment sets forth congressional findings to the effect that carriage by vessels of certain cargoes in bulk creates substantial hazards to the marine environment, that existing standards for the design, construction, alteration, repair, maintenance and operation of such vessels must be improved, and that it is necessary that there be comprehensive standards established for all such vessels documented under our laws or entering our navigable waters. The Secretary, in coordination with other departments and agencies, is given broad authority to promulgate regulations with respect to these vessels, including their design, construction, propulsion machinery, equipment, manning and operation. He is directed to begin publication of proposed rules relating to certain topical areas as soon as practicable. Specific topical areas for Secretarial action are outlined by way of inclusion and not by way of limitation. With respect to vessels engaged in foreign trade, the effective date of standards is deferred in order to provide a reasonable period of time for the development of standards by international agreement. Finally, the Secretary is required to report annually to the Congress regarding his activities under the legislation.

The Committee of Conference carefully reviewed the Senate hearings relating to the Senate amendment. In addition, the House Merchant Marine and Fisheries Committee held hearings on the amendment on June 19 and 20, 1972 at which all interested persons were permitted to testify.

The Committee of Conference agreed to the substance of the Senate amendment with certain revisions, most of which were technical, clarifying or conforming in nature. The material inserted by the Senate was redesignated as "Title II" which the substance of the bill that passed the House was designated as "Title I". The more significant revisions to the Senate amendment include:

(1) exclusion from the title of vessels carrying dry cargoes in bulk which will be designated as hazardous polluting substances under section 12(a) of the Federal Water Pollution Control Act (33 U.S.C. 1162). This revision was made at the urging of the Coast Guard which noted that such substances have not yet been designated and expressed concern that their inclusion might unduly strain Coast Guard resources. As revised, the bill would apply to vessels engaged in the bulk carriage of liquid cargoes which are inflammable or combustible, oil in any form, or hazardous polluting liquids. Gases carried in liquid form are also subject cargoes. The Committee of Conference also noted that dry cargoes would continue to be subject to the other title of the bill and, specifically, that the reference to "other hazardous circumstances" in section 101(3) includes the carriage of hazardous cargoes, including but not limited to those designated as hazardous polluting substances under section 12(a) of the Federal Water Pollution Control Act.

(2) deferral for an additional year to January 1, 1976 of the latest date by which initial standards for the design and construction of vessels will be applied to vessels in foreign trade, including vessels of foreign registry, in the absence of internationally adopted standards. This amendment was also urged by the Coast Guard which noted that an international conference on the subject of preventing pollution from vessels is scheduled for late 1973 and which believed that an additional maximum delay of two years to allow development of international standards before unilateral imposition of standards might not be unreasonable. The earliest date on which standards may be unilaterally imposed on vessels in foreign trade in the absence of international standards remains January 1, 1974.

(3) providing the Secretary more flexibility with respect to the unilateral imposition of standards on foreign vessels. The Senate amendment provides that the Secretary shall begin publication as soon as practicable of proposed regulations setting forth minimum standards for vessels design and construction and was subject to the interpretation that the Secretary was required to unilaterally impose on foreign vessels all previously published proposed standards unless nearly identical standards were adopted internationally in each and every topic area. The language adopted by the Committee of Conference clarifies that the Secretary has flexibility not to impose a particular standard if he deems it inappropriate, for example, because other standards adopted internationally obviate the need for the earlier proposed standard published by the Secretary.

(4) revision of criminal and civil penalties in conformity with the conference action taken with respect to Senate amendments 25, 29, and 30.

SAINT LAWRENCE SEAWAY

Amendment No. 13. The Senate amendment provides that authority under the title with respect to the Saint Lawrence Seaway shall not be delegated by the Secretary to any agency other than the Saint Lawrence Seaway Development Corporation. The provision adopted by the Committee of Conference clarifies that the authority referred to is that set forth in section 101 (section 2 of the bill as passed by the House, section 201 of the bill as amended by the Senate). Other authority will be delegated by the Secretary to the Saint Lawrence Seaway Development Corporation to the extent necessary for the proper operation of the Seaway.

CRIMINAL AND CIVIL PENALTIES

Amendment Nos. 25, 29 and 30. As passed by the House the bill provides for a civil penalty for violations of not more than $1,000 and for criminal penalties of not less than $1,000 nor more than $10,000 or ten years imprisonment, or both. The Senate amendment provides maximum civil penalties of $20,000 and maximum criminal penalties of $100,000 or one year imprisonment, or both. The Committee of Conference agreed on a maximum civil penalty of $10,000 and criminal penalties of not less than $5,000 nor more than $50,000 or five years imprisonment, or both.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

WARREN G. MAGNUSON,
RUSSELL B. LONG,
PHILIP A. HART,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

CABELL HAS A POINT

(Mr. ROBERTS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, in recent weeks, both the Dallas Morning News and the Dallas Times Herald printed lead editorials concerning my good friend and colleague, EARLE CABELL, and his views on revenue sharing. I thought that these statements of editorial opinion by two outstanding papers in my part of Texas would bear notice:

[From the Dallas Morning News, June 14, 1972]

CABELL HAS A POINT

The City Council and Rep. Earle Cabell are now involved in a disagreement that concerns us all, because it concerns our tax money. Specifically, the disagreement is over which level of government should collect the money from us.

On Monday the council voted to put more pressure on Dallas congressmen to get them to support legislation for federal revenue sharing with the cities. Dallas, of course, is one of the cities that could expect to get its share.

The idea of receiving a "free" share of the federal government's tax revenues has several things to recommend it to the council and, in fact, to all local and state officials.

First, there's the attractive feature that the local officials get the money without having to vote to raise it themselves. It has no doubt occurred to the councilmen—certainly it has occurred to most public officials—that the taxpayers are in no mood to have their taxes raised at the moment.

Taxpayers, in fact, are apt to react ferociously against those who move to add to their tax burdens. And city officials, being much closer to the taxpayers, are therefore more exposed to the heat of their anger.

Letting the Congress do the dirty work of voting the tax increases while the local governments do the more pleasant work of spending the money is understandably a popular plan at the local level.

Second, there is the undeniable fact that the federal government has, in the Internal Revenue Service, a remarkably effective and efficient instrument for the collection of our money. To put it mildly.

Third, there is the old, familiar and unfortunately all too accurate argument, that "if we don't take it, somebody else will." If Dallas makes a stand on its conservative principles and righteously turns away the handouts, this will not stop the handout process—it will merely mean that those other state and local entities who are eager to cash in on it will do so with less competition from us.

But Rep. Cabell, who was mayor before he was elected to Congress, has seen this process from both levels. And he said Monday that the council and other local and state governments are living in a "pipedream" if they think that they are going to go on getting federal money for long without strings being attached.

Fact is, he said, the officials on the receiving end "will be . . . doing the bidding of the federal government like a bunch of monkeys on a string."

Unfortunately, recent history bears out that argument, too. Remember when federal aid to education was being pressed on local officials? We were promised, then as now, that there'd be no strings.

As for the No. 1 argument for the council's position, Cabell said.

"This may look like a bird's nest on the ground. It looks like they are lowering local taxes, but they forget they're raising national taxes."

And that is the most significant point. We should never forget that as citizens and taxpayers we are involved in both sides of this process. The extra money we may receive as local recipients will be the same money we have just paid out as payers of those "national taxes"—less the bureaucracy's handling charges for taking the money to Washington, dividing it and sending it back.

Thus each dollar that we get via Washington costs us more than if we had raised the same dollar by local taxes—currently a federal dollar of aid costs Texans about $1.02 in federal taxes.

It would be far better to work out a plan whereby the federal government would share its sources of collection, letting the local and state governments collect part of the money formerly collected by the feds. This wouldn't ease the local officials' problem with political heat, but it would allow the raising of money to be done in the area where it is to be spent—and without adding to the taxpayer's total tax burden by disguising local spending as federal taxes.

Working out such an alternative plan requires a national approach, of course, and a considerable amount of initiative from Rep. Cabell and his colleagues in Washington. Your move, congressmen.

[From the Dallas Times Herald, June 14, 1972]

RISKS IN REVENUE SHARING

The prospect of easy money from federal revenue sharing has prompted the Dallas City Council to urge Dallas area congressmen to support a measure now under study in Washington. The city's need for additional revenue makes the plea understandable but we believe revenue sharing would be more of a liability than an asset.

In the first place, there are no excess federal funds to share. Annual deficits are running about $40 billion a year and the proposed $5 billion annually in revenue sharing would simply add to the deficits. And where does that money come from, except from the pockets of individual citizens and companies, Dallasites included.

A second objection, which we have stated frequently, is a philosophical one. He who spends tax money should have the responsibility of levying the taxes. Having the Congress earmark billions for various governmental subdivisions, billions gained through the federal income tax office, makes it easier for local or state officials to spend money without worrying about the taxpayer. In addition, we share Rep. Earle Cabell's concern that revenue sharing would tend to centralize, rather than decentralize, federal authority because it places more taxation power in the Congress. There has been much loose talk about unrestricted grants but the Congress isn't likely to hand cities, counties and states a bundle of cash without strict guidelines.

And lastly, nearly all the revenue sharing proposals are weighted in favor of states with corporate or personal income taxes. Approval of a sharing plan would put pressure on the Texas legislature to adopt some kind of income tax in order to get Texas' fair share of the gravy.

We recognize the fiscal problems of Dallas and other cities, but we believe that Dallas citizens would rather have control of their own tax affairs. The city sales tax, the new garbage fee and other service charges have relieved somewhat the pressure on the property tax.

Federal programs providing specific grants in aid for cities should be continued but we believe that all-out revenue sharing should be defeated in the Congress.

CONTENT OF FINANCIAL STATEMENTS

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, on April 3, 1972, I was advised by the Chairman of the Securities Exchange Commission, William J. Casey, that his office is engaged in a revision of the Commission's general regulations with respect to form and content of financial statements including disclosures with regard to provisions for taxes. Securities and Exchange Commission Chairman William J. Casey also advised me that their present rules require separate disclosures of provisions for: First, Federal normal income and surtax; second, Federal excess profit tax; and third, other income taxes.

In reviewing the annual reports filed with the SEC, last year United States Steel Corp., Standard Oil of New Jersey, IBM, and other American corporations, I find that these corporations have combined their Federal and foreign taxes—so that it is impossible to determine who received these tax revenues. In some corporate reports, the taxes paid include excise taxes paid by the consumer or the purchaser of the items produced by the reporting corporation.

As I understand SEC Rule 5–14, 15, commercial and industrial companies are required to state separately: first, Federal income taxes; second, Federal excess profits taxes; and third, other income taxes—State, local, and foreign.

The improper consolidation of taxes paid misrepresents and tends to overstate the actual amount paid to the Federal Government.

I have asked Chairman Casey whether the Securities and Exchange Commission considers this type of consolidated reporting to be a violation of the aforementioned rule. If this is, in fact, a violation of the rule, I have requested Chairman Casey to provide me with a determination as to the type of action the SEC plans to take with respect to the enforcement of its regulations on this subject.

Following is a copy of a letter I received from Chairman William J. Casey on—and a copy of a letter which I have forwarded to him on apparent transgression of SEC rules:

APRIL 3, 1972.

Hon. CHARLES A. VANIK,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: Thank you for your letter of March 23, 1972. At this time we are engaged in a revision of the Commission's general regulations with respect to form and content of financial statements including disclosures with regard to provisions for taxes. The Commission's proposal for revisions of existing rules was published August 20, 1971. A copy is enclosed. You may be interested in "Item 15, Income Tax Expense" at page 26. Our present rules require separate disclosures of provisions for (1) Federal normal income and surtax, (2) Federal excess profit tax and (3) other income taxes.

I wish to assure you that the views expressed in your letter will be thoroughly considered.

Sincerely,

WILLIAM J. CASEY,
Chairman.

JUNE 22, 1972.

Hon. WILLIAM J. CASEY,
Chairman, the Securities and Exchange Commission, Washington, D.C.

DEAR MR. CHAIRMAN: On April 3, 1972, you advised me that your office was engaged in a revision of the Commission's general regulations with respect to form and content of financial statements including disclosures with regard to provisions for taxes. You also advised me that your present rules require separate disclosures of provisions for: (1) Federal normal income and surtax; (2) Federal excess profit tax; and (3) other income taxes.

In reviewing the annual reports filed with the SEC in 1971 for the United States Steel Corporation, Standard Oil of New Jersey, I.B.M., and other American corporations, I find that these corporations have combined their Federal and foreign taxes, so that it is impossible to determine who received these tax revenues. In some corporate reports, the taxes paid include excise taxes paid by the consumer or the purchaser of the items produced by the reporting corporation.

As I understand SEC–5–14, 15, commercial and industrial companies are required to state separately: (1) Federal income taxes; (2) Federal excess profits taxes; and (3) other income taxes (state, local, and foreign.)

The improper consolidation of taxes paid misrepresents and tends to overstate the actual amount paid to the Federal government.

Do you consider this type of consolidated reporting a violation of the aforementioned rule? If so, what action does the SEC plan to take with respect to the enforcement of its regulations on this subject.

Sincerely yours,

CHARLES A. VANIK,
Member of Congress

ONLY ONE EARTH—THE U.N. CONFERENCE ON THE HUMAN ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MCCLORY) is recognized for 60 minutes.

Mr. MCCLORY. Mr. Speaker, the United Nations Conference on the Human Environment held in Stockholm, Sweden, between June 5 and 16, 1972, has been described appropriately as a turning point in human history.

This highly acclaimed meeting attracted representatives from 114 nations totaling an estimated 1,500 official governmental delegates. Our U.S. delegation, headed by Russell E. Train, Chairman of the Council on Environmental Quality, included distinguished environmentalists and public and governmental representatives, from a broad cross section of American society. Our colleagues, Congressmen JOHN DINGELL of Michigan, SEYMOUR HALPERN of New York, FRANK CLARK of Pennsylvania, and I were privileged to serve as part of our U.S. delegation. We were joined also by our colleague

Congressman GILBERT GUDE of Maryland, who attended the conference as a congressional observer in behalf of the House Government Operations Subcommittee on Conservation and Natural Resources. I should add that it was with extreme regret that our colleague, JOHN BLATNIK of Minnesota, chairman of the House Public Works Committee, was unable, at the last minute, to participate. I want to commend highly the important contributions made by all of our colleagues who attended the Stockholm Conference.

Mr. Speaker, in addressing this report to the House of Representatives today, it is not my intention to detail the history and the background of this landmark meeting in behalf of protecting the planet earth from deterioration. However, I would like to state at the outset that my colleagues and I are convinced that unless prompt and comprehensive steps are taken on a global scale the human environment could soon deteriorate to the point where it would no longer sustain human life.

Mr. Speaker, I would like to say in my own behalf that, in my opinion, no international conference has been more carefully or thoughtfully organized or prepared. Following the original proposal by Sweden, made in the spring of 1968 at a session of the U.N. Economic and Social Council, this 1972 Conference was officially approved by the U.N. General Assembly in December 1968. The United States was one of 55 nations endorsing this Conference and, thereafter, became a member of the key 27 nation Preparatory Committee. This Preparatory Committee worked during the intervening 4 years in developing the agenda, and in preparing detailed documentation and recommendations for consideration at the Stockholm meeting.

Mr. Speaker, in connection with this preparatory work, the leadership of Maurice Strong of Canada, who served as Secretary-General of the Conference, deserves special commendation. He was a dynamic and capable leader who guided the affairs of the U.N. Conference from the time he assumed his office in 1969 until the final adjournment of the Conference on June 16, 1972.

The night preceding the opening of the Conference, an ecumenical service was held in the Stockholm Cathedral. In addition to the participation of several clerics, the Conference Secretary-General, Maurice Strong was scheduled to deliver an address at this service. As a result of his unavoidable absence, his formal statement was read with dramatic presence and effect by Mrs. Strong. She spoke from the cathedral pulpit to an assemblage representing every part of the globe. This emphasis on spiritual power gave inspiration and hope at the very outset of this historic Conference.

The objectives of the Stockholm Conference should be kept well in mind. These were stated by our U.S. group as follows:

> The overall U.S. objective for the Conference is to raise the level of national and international concern for environmental problems and to increase national, regional and global capabilities to recognize and solve those problems which have a serious adverse impact on the human environment.

While slated as an "action" Conference proposing urgent steps essential to the protection of various aspects of the human environment, there was no suggestion that economic or social developments must be reversed. On the contrary, at the very outset of the meeting, the Secretary General of the United Nations, Kurt Waldheim, had high praise for the social, economic and cultural advances that have occurred in the developed world. He emphasized that these benefits must be shared with the people of the less developed countries—at the same time as the programs for environmental protection and improvement go forward.

Mr. Speaker, our congressional delegates took an active part in the discussions on all of the six subject areas considered by the three Committees established for the Conference. In addition to our individual preparatory work, we had the advantage of a full-day briefing at the State Department about 10 days before our departure for Stockholm, as well as a followup session at the U.S. Embassy the day before the Conference opened officially. Also, our delegation held a group meeting each morning at 8:30 a.m. before proceeding to the Plenary and Committee sessions. Aided by capable technical staffs, including some of the best scientific minds in the world on the subject under discussion, our U.S. delegation performed consistently as a team determined to make the Conference a successful "first step" in the solution of global environmental problems.

Mr. Speaker, a great many publications were developed in preparation for the Stockholm Conference, but none was more succinct or more helpful than that prepared by the Secretary of State's Advisory Committee, headed by our colleague in the other body, HOWARD H. BAKER, Jr., U.S. Senator from Tennessee. In addition to the volume which his committee produced, Senator BAKER was in attendance throughout the Stockholm Conference providing the benefit of his intensive study of and concern with all of the subjects on the Stockholm agenda.

Now, Mr. Speaker, relating to my individual experiences, I wish to point out that I was assigned as a member of Committee I to deal with Subject Area I: "Planning and Management of Human Settlements for Environmental Quality." In our committee work on the subject of "Human Settlements," I had the privilege of serving with Mr. Laurence S. Rockefeller, Chairman of the Citizens Advisory Committee on Environmental Quality, and Samuel C. Jackson, General Assistant Secretary, Department of Housing and Urban Development; as well as Charles J. Orlebeke, Deputy Under Secretary, Department of Housing and Urban Development, who was also Technical Advisor to our Committee members. The critical aspects of this subject involved the frightening growth of population in most areas of the world, the general impact of urbanization in both the developing and developed nations, and all of the related subjects of housing, transportation, sewer and water services and other subjects affecting human settlements. These made the work of our committee extremely interesting and rewarding.

Mr. Speaker, I would like to recall at this point that in all of my discussions with delegates from the more than 100 other nations, there were no expressions of hostility or unfriendliness toward either our nation or the American people. Instead, all of the delegates appeared to devote themselves to the subject assigned to us for discussion and to direct the debates toward the 24 recommendations upon which our committee acted.

Mr. Speaker, this is not to say that there was complete agreement at all times and on all issues. In the contrary, the debates were quite spirited and differences of opinion were sometimes quite marked. At a later time I shall give an account of the recommendations of our committee, which will indicate the broad scope of our deliberations and recommendations.

Other committees made similarly meaningful recommendations, most of which, in turn, were favorably acted upon at the plenary session of the Conference during the final days in Stockholm.

Mr. Speaker, a number of accounts have come out of Stockholm reporting on events there. For the most part, I feel that the public has misunderstood the depth and seriousness of the discussions and actions which occurred at this Environmental Conference. The few attacks which appeared to be directed at our Nation were publicized way out of proportion to their significance. In the speech of the Prime Minister of Sweden, the United States was not mentioned directly; and, in any event, only a very few words of his entire address were of a character to cause us to take offense.

It should be noted that this is one of the first international meetings at which representatives of the People's Republic of China—Communist China—appeared, and it was my first individual experience in meeting with representatives from the Chinese Mainland. Insofar as their conduct in committee I was concerned with, I should report that they were completely inactive. They declined to vote on a single issue and refused to participate in any way in the committee discussions.

While the Soviet Union, together with several of their satellite governments boycotted the Conference—because East Germany which is not a U.N. member was not invited—it is noteworthy that delegates from Romania and Yugoslavia participated actively in all aspects of the Stockholm meeting.

Mr. Speaker, I am certain that several of my colleagues will want to comment on their individual activities and also to discuss the unofficial and extraneous events which attracted some newspaper, TV, and radio coverage, but which provided nothing constructive to the U.N. Conference activities. Many of those who came to Stockholm were there to attend the so-called environmental forum and other less official gatherings. Unfortunately, the other gatherings served primarily to divert attention from the genuine environmental issues and impinged

upon the limited time of some of the delegates. In their efforts to attract attention to themselves, some of these self-ordained missionaries employed emotional and inflammatory tactics.

Mr. Speaker, I should add that most of the non-Governmental Organizations—NGO's—present in Stockholm represented outstanding environmental and conservation groups. They contributed substantially to the knowledge and prestige of the U.N. Conference. An exceptionally fine series of lectures were sponsored by the International Institute for Environmental Affairs in cooperation with the Population Institute. This series included a presentation by the noted Norwegian author, anthropologist, and explorer, Thor Heyerdahl; and, by the noted Swedish economist, Gunnar Myrdal.

Mr. Speaker, my experiences with environmental subjects have been many and varied during my years here as a Member of this body—and elsewhere. However, I attended the Stockholm Conference not as an environmental expert, but as a lawmaker—because, as lawmakers, you and I and every Member of this body must assume responsibility for translating public hopes and aspirations into laws and appropriations upon which effective action affecting the environment can be taken.

At one stage of the U.N. Conference, I addressed myself along this line substantially as follows and I ask leave to insert here my own remarks as delivered at Stockholm.

REMARKS OF CONGRESSMAN ROBERT MCCLORY, MEMBER OF THE U.S. DELEGATION AT THE UNITED NATIONS WORLD CONFERENCE ON THE HUMAN ENVIRONMENT

As a representative in the United States Congress and member of the United States Delegation to this Conference, I am pleased to be assigned particularly to the Committee dealing with the planning and management of human settlements for environmental quality (subject area No. 1).

I am impressed by the critical nature of this problem in almost every country, the extent to which the subject impinges upon virtually every aspect of the human environment, and by the fact that the theme of this conference—only one earth—must likewise be the limit within which the problems of human settlements may be solved—since there is "only one earth" upon which the human species may be sustained.

The scientific information, and the reports of experts covering every conceivable discipline with which this conference is concerned—have produced—and will continue to produce benefits to mankind which can be measured according to a variety of parameters. However, ultimately, as the preparatory committee has prescribed—and as this conference will certainly conclude—action programs at international, national, and local levels will be required.

The basis for all national action rests with the national parliaments or law-making bodies of our respective governments. Indeed, even national policies, whether enunciated by a government's chief executive or administrative heads, must be authorized or confirmed by appropriate legislative action. In addition, the funds which are essential to the implementation of national policies and programs must be appropriated by the parliamentary branch of our respective governments. Of course, the source of funds, i.e. The revenues with which to defray such appropriations must be based upon enabling legislation.

The expression that dominates many current environmental fears and solutions is that they are "so much rhetoric". Indeed, when talk—(even at the level of an International Conference)—replaces action, such references are well grounded. In sum, the ultimate ideas and steps for effecting improvements in the human environment require the utmost in national and international cooperation and coordination—including the education and training of personnel charged with the responsibilities inherent in any environmental control programs.

But, bear in mind, that all of the educational and training programs, as well as authority for the research and development of plans and techniques, require legislative support. Even the movement of population and the control of population growth may be influenced by legislative action. Furthermore, the agencies and administrative bodies which governments authorize for carrying out the planning of human settlements, the location of industrial developments, the establishment of power sources and transportation facilities can only be realized after the national parliaments or legislatures have passed laws which authorize such action.

Finally, all international arrangements and institutions require legislative authorization or approval. In the case of the United States, international cooperation in the form of treaties requires approval by the U.S. Senate. Other international action, in which the expenditure of funds of the United States may be involved, would require implementation through legislative action by both the House and the Senate.

I am not certain that either this conference or all of the other meetings and conferences which are being held will render our lawmakers experts on the subject of the environment. It is fundamental that a great deal of expert counselling and advice should be made available to our national lawmakers and to the committees or commissions upon which they are represented . However, it is important that it be said here—and vital to the success of any action which is undertaken as a part of this conference—or hereafter—that the critical need is for effective, comprehensive and long range legislative action and goals. This should be clearly understood—and we should go forth from these sessions determined to implement our decisions with action—legislative action, that is, new laws—wherever required.

In my own case, the Congress of the United States represents the key to the solution to our national environmental problems. It is likewise an essential part of all international programs which may be developed to help protect and preserve the land and the sea and the air for this and future generations of mankind.

Mr. Speaker, finally the Conference adopted a declaration which has been heralded by many as the most significant accomplishment of this great international meeting. There was substantial conflict as to the international principles which should guide all nations on the basis of uniform standards of conduct. It seems, indeed, that a turning point in human history was experienced when the vast majority of the representatives from 114 nations from every section of the globe, both developed and underdeveloped, small and large, were able to agree in principle on the broad guidelines which can protect the earth's natural resources and improve the quality of the environment upon which the survival of mankind depends. In brief summary, the declaration provides, as follows:

Man has a fundamental right to freedom, equality, and adequate living conditions in an environment which permits a life of dignity and well-being. Policies of apartheid, racial segregation, discrimination, colonialism, and other forms of oppression must stop.

The natural resources of the earth must be safeguarded for present and future generations.

Man has a special responsibility to safeguard the heritage of wildlife.

Nonrenewable resources of the earth must be used in a way to guard against exhaustion.

The discharge of toxic substances must be halted.

Nations shall take steps to prevent sea pollution.

Nations have the sovereign right to exploit their own resources according to their own environment policies and the responsibility to ensure their activities will not harm the environment.

International matters concerning the protection and improvement of the environment should be handled in a cooperative spirit by all countries.

Mr. Speaker, the principal objectives sought by our U.S. delegation, and outlined earlier by President Nixon, were substantially achieved. These consist of the following: first, establishment of a viable agency within the United Nations to coordinate United Nations environmental activities; second, establishment of an environmental fund totaling $100 million over the first 5 years, of which the United States has pledged up to $40 million on a matching basis subject to congressional approval; and third, establishment of a global earth watch program to coordinate a monitoring of environmental conditions and trends in the atmosphere, oceans and soil. In addition, the U.N. Conference approved such significant U.S. recommendations, as—

First. The early completion of conservation conventions, including the World Heritage Trust for natural and cultural treasures and a convention restricting international trade in endangered species.

Second. The strengthening of the International Whaling Convention and a 10-year moratorium on commercial whaling, and

Third. A Declaration on the Human Environment containing important new principles to guide international environmental action.

At a later time, I will ask leave to insert several significant and informative newspaper articles regarding the Stockholm Conference which supplement the remarks made here today—and to help place in perspective the significant Stockholm Conference on the Human Environment.

Mr. MCCLORY. Mr. Speaker, I now yield to the gentleman from New York (Mr. HALPERN) who served so ably as one of the delegates.

Mr. HALPERN. I thank the gentleman from Illinois for yielding to me.

Mr. Speaker, I wish to compliment the enormously capable gentleman from Il-

linois (Mr. McCLORY) for taking this time today briefly to discuss the United Nations Conference on the Human Environment which was held in Stockholm, Sweden, from June 5 through June 16.

I was privileged to have served as a member of the distinguished United States Delegation along with the gentleman from Illinois, who performed so creditably in Stockholm. Likewise, this House can well be proud of our other colleagues who participated at this historic conclave which brought 114 nations together to agree on mutual cooperation for environmental protection. I refer to the able gentleman from Michigan (Mr. DINGELL), the distinguished gentleman from Pennsylvania (Mr. CLARK), and the esteemed gentleman from Maryland (Mr. GUDE), each of whom contributed invaluably in his respective role on the delegation.

The representatives of the other body on the delegation similarly performed with great skill and achievement. The outstanding Senator from Tennessee (HOWARD H. BAKER), chairman of the Secretary of State's Advisory Committee to the U.N. Conference on the Human Environment, provided tremendous expertise, as did his colleagues from the other body: HARRISON A. WILLIAMS of New Jersey, CLIFFORD P. CASE of New Jersey, WARREN G. MAGNUSON of Washington, CLAIBORNE PELL of Rhode Island, JAMES L. BUCKLEY of New York and FRANK E. Moss of Utah.

It has been one of the most rewarding experiences of my 14-year tenure in the House of Representatives to have served with these most able legislators and with the highly skilled representatives of the administration and private sector who comprised the U.S. delegation to the Stockholm Conference.

All of us, I am sure, left Stockholm with the conviction that the 2-week conclave had accomplished virtually everything it had intended to do. The official representation in Stockholm reflected the diversified opinions and attitudes of the world's 3½ billion people by reconciling, to a remarkable extent, the contrasting philosophical, ethnic, social, and economic backgrounds.

One highlight of the Conference was the unanimous agreement on the existence of a worldwide environmental crisis applying to every aspect of the earth—oceans, atmosphere, and land. Of course there was bickering, political haranguing, regional disputes, and the open expression of philosophical differences. But all this is to be expected when the family of nations gathers together in quest of consensus on a critical issue. The important thing to point out is the miraculous success of the Conference. It produced an agreement that all the nations of the world have the grave responsibility of working together for global environmental protection.

The Conference approved a 200-point program of international action. It established a permanent organization within the United Nations to coordinate these actions. It adopted a Declaration of Principles to serve as guidelines and standards for future national and international performance.

I should also like to point out, Mr. Speaker, that the U.S. delegation went to this Conference with a most detailed understanding of the hundreds of items that were covered both in the committee and plenary sessions. It was the most remarkable job of preparation that I have ever observed and I wish especially to compliment Russell E. Train, Chairman of the Council on Environmental Quality, and Christian A. Herter, Jr., the State Department's environmental specialist, for the exceptional leadership they provided our delegation.

It is significant to point out that in virtually each instance the U.S. position on the Conference recommendations were sustained. In particular, there were 40 Conference recommendations ranging from wildlife protection to trade policy that the United States had especially favored. Foremost among these was the approval of the permanent environmental coordinating unit in the United Nations and the $100 million special environmental fund which were strongly urged by President Nixon as early as last February.

Although the Declaration of Principles turned out to be a matter of some controversy due to the Chinese delegation's move to alter the original version, the principles expressed in the final document actually concur fully with U.S. policy. I would like to quote the official U.S. assessment of the declaration:

> Although the resulting text is uneven in quality it contains important principles which may serve as a foundation for future international law, and its preamble contains concepts which may serve a wide educational value.

The Conference recommendations are, to a large degree, self-implementing. Many of them were addressed to the Secretary General of the United Nations and to the specialized agencies such as the World Health Organization and the Food and Agricultural Organization, both of which are called on to initiate, expand, and intensify environmental activities. An example of one of the significant innovations resulting from the Stockholm Conference is the earthwatch network of monitoring stations which will assess conditions of atmospheric and oceanic pollution.

As expected, many developing nations accused the technologically advanced countries of having precipitated the present crisis of global environmental deterioration and demanded that the industrialized nations make reparations in various forms. These attitudes did not, however, prohibit virtual unanimity on the bulk of Conference recommendations.

In summary, I would say that the Stockholm Conference has truly set the stage for an all-out effort in the area of worldwide environmental protection and the entire world community must cooperate in this timely effort for the survival of mankind.

I should point out, Mr. Speaker, that hundreds of nongovernmental organizations and individuals from scores of countries converged upon Stockholm at the time of the Conference in order to express their own point of view on the crucial issues at hand. Counterconferences were being held throughout the city. Participating in these conferences, forums and workshops were a mixture of individuals ranging from prominent scientists, ecologists, conservationists, and some concerned youth teams to so called ecofreaks.

Among the thousands of visitors to Stockholm in connection with the Conference were hundreds of Americans. Many were accredited through the U.N. Secretariat as representing nongovernment organizations, while a good many others, deeply concerned with environmental issues, had not been officially accredited, due to the fact that their organizations were not international in scope. Many of these enthusiasts felt left out of the proceedings. Some felt that they were not relating to the official conferees and were, in some instances, kept somewhat uninformed of the Conference's proceedings.

Our delegation felt that these people had every right to be heard, and we arranged means of communication with them and established an on-going dialog during the course of the Conference. In my own participation in this endeavor, I was impressed by the exceptional concern and complete dedication on the part of many of our youth who were there. The great majority had an exceptional knowledge of the subject at hand, a well-balanced sense of perspective on the problem and a genuine commitment to a healthier world. This attitude was indeed inspiring and the very presence of those groups and individuals contributed greatly to the overall impact of the Stockholm Conference.

Allow me to relate at this time, Mr. Speaker, some of the proceedings of the working committee of which I was a member covering the educational, informational, social, and cultural aspects of environmental issues. One of the subject areas of this committee on which I had the opportunity to focus particular effort was the recommendation calling for the establishment of an International Referral Service which won both committee and Conference approval.

This instrument should be considered as a necessary basic step toward resolving questions of information exchange which underlie all areas of Conference consideration. The referral service would make full use of the extensive services in existence and would operate in conjunction with them. When established, it will ascertain what information services exist, where they are, and how to gain access to them.

The successful recommendation resulted from a study conducted by the Conference Secretariat on behalf of the Preparatory Committee. It focused upon means of improved access to existing and continuing national and international information resources as representing the most important initial problem to be faced. The Referral Service represents a modest and feasible mechanism for improving such access and for determining both information needs and resources pertinent to environmental assessment and management.

A detailed action plan for establish-

ment of the International Referral Services should be prepared for review by governments prior to implementation. It is significant to note that even the modest costs of the proposed International Referral Service can be minimized—and the effectiveness of the Service significantly enchanced—by the initial efforts and contributions of the governments and the bodies of the United Nations in first, surveying and assessing their own national and U.N.-related needs incident to environmental questions; second, identifying known information resources that can help meet these needs; third, voluntarily reporting such resources to the Referral Service; and fourth, promoting the use, evaluation, and continuing enhancement of the Referral Service, both as an information-exchange mechanism and as a means for progressively determining where additional attention to specialized information needs may required.

If we are to succeed in achieving meaningful environmental protection, there must be a change in present attitudes and methods. Change means knowledge. This means better and broader education on every level and more effective means of gathering, disseminating, and applying experience and environmental information.

I like to think of the proposed information referral service as a "knowledge fund."

We should view it in that sense, for the contributions from this service to each member of the world community will be invaluable. It would be impossible to evaluate the benefits of these contributions in economic terms.

All aspects of environmental problems are of concern to everybody in our deeply interdependent world today. These problems are such that no nation, no continent, no system can succeed in resolving them alone, or even attempt to resolve them without relating to the knowledge, expertise, and experience of others without drawing on the services envisaged in recommendation 137 as adopted at the Stockholm Conference.

Governments, consumers, business, labor, all people rich and poor alike, suddenly realize they are all in the same situation and that something must be done. In other words, no one of us can escape the responsibility of improving the state of our environment. All nations have a stake and concern. No political system or level of economic development is immune, for the environmental crisis is a global one. We must therefore encourage global cooperation in the exchange of knowledge and the application of that shared information.

The United Nations can bring governments together, as so clearly demonstrated by this Conference and its preparatory meetings. It has the machinery to create and expedite the necessary institutional arrangements to collect worldwide data, to evaluate, to exchange experience, and review appropriate implementation. The International Referral Service will hopefully prove to be a great advancement along the path of multinational cooperation in environmental control.

In conclusion, Mr. Speaker, I can assure my colleagues that the U.N. Conference on the Human Environment provided a most interesting personal experience on the one hand, and, more importantly, a giant step toward multilateral control of our precious natural resources on the other. Let us hope that the first dramatic successes, attained this month at Stockholm, will be followed by a sustained worldwide effort to save our oceans, air, and land masses from the ravages of pollution.

Mr. McCLORY. I thank the gentleman for his contribution, as well as for the very able service that he rendered at the recent Conference in Stockholm.

I now yield to the distinguished gentleman from Maryland (Mr. GUDE.)

(Mr. GUDE asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, I thank the gentleman from Illinois for yielding. It was my honor and pleasure to serve with the gentleman from Illinois (Mr. McCLORY) and the gentleman from New York (Mr. HALPERN) and observe the invaluable service they gave at the Stockholm Conference. I went to the United Nations Conference on the Human Environment as a representative of the Conservation and Natural Resources Subcommittee of the House Committee on Government Operations.

I thank the gentleman from Illinois for his patience and for his leadership at Stockholm.

Mr. McCLORY. I thank the gentleman from Maryland for his contribution and for the very thorough way in which he prepared for this Conference and the close attention he gave to it, as well as his eloquent report on his participation in the U.N. Conference.

Mr. FRASER. Mr. Speaker, when one considers the worldwide consequences of marine pollution, depletion of key natural resources, and air pollution, international boundaries almost lose their meaning and the motion of interdependence of nations takes on a new meaning which can be felt by every man, woman, and child. Taking note of this fact, former U.N. Secretary General U Thant said:

> Like it or not, we are all travelling together on a common planet. We have no rational alternative but to work together to make it an environment in which we and our children can live full and peaceful lives.

Noting the environmental decay rampant all over the planet, he went on to say:

> If present trends are allowed to continue, the future of life on earth could be endangered.

It was with this common danger clearly in mind, and the realization that only a worldwide common effort can deal effectively with that danger, that the United Nations General Assembly decided to convene the first world Conference on the Human Environment in Stockholm this year. Now that the Stockholm Conference is over and we look at its record, we can be thankful that, at the very least, such a conference was in fact held and that 114 nations came together to seek effective solutions to environmental problems.

If nothing else had been accomplished, at least the Conference would have served to focus world attention on the environment. But I think all would agree that a great deal more than that was accomplished.

Agreement was reached through a number of recommendations to establish an international "Earthwatch," to monitor and assess pollution of the earth, air, and water.

An appeal was made to the International Whaling Commission for a 10-year moratorium on commercial killing of whales, similar to the resolutions passed last year by both the House and Senate. The House resolution was produced by the Subcommittee on International Organizations and Movements which I chair.

Agreement was reached to convene a special meeting in London to consider an ocean-dumping treaty this fall after the U.N. Seabeds Committee meeting in Geneva this summer. The treaty would be presented for final consideration at the U.N. Law of the Sea Conference next year. As a congressional adviser on the U.S. delegation to the Seabeds Committee this year, I intend to support effective antidumping measures.

Of great long-range significance is the organizational proposal to establish within the United Nations a major new agency responsible for international environmental cooperation. The head of this agency would be second only to the U.N. Secretary General in environmental affairs.

Obviously if a new U.N. Environment Agency is to be effective it will require adequate funding. The United States has a major responsibility for funding, as the richest member of the U.N. and at the same time the world's biggest pollutor—an unfortunate byproduct of our advanced state of industrialization. Agreement was reached in Stockholm on a voluntary fund of $100 million over the next 5 years, a rather small figure in view of the enormous scale of environmental problems, and the amount of money that will be needed to implement the numerous Stockholm recommendations.

However, it is a start, and I believe we must make it clear to the world that the United States will devote its fair share of money and effort to this undertaking. Accordingly, today I am introducing a resolution urging that at the U.N. General Assembly this fall, the United States strongly support a General Assembly resolution which would establish the U.N. Environment Agency and voluntary fund, and that Congress declare its willingness to authorize funds for 40 percent of the budget of the new agency. The resolution is similar to Senate Concurrent Resolution 82, passed while the Stockholm Conference was in session. President Nixon has already stated his support for the voluntary fund and a U.S. contribution of 40 percent.

There appears to be wide support in Congress for reducing the United States' legal assessment for U.N. dues from 31.5 percent to 25 percent of the total U.N. budget. Such a recommendation was made last year by the Lodge Commis-

sion, the President's Commission on the Observance of the 25th Anniversary of the United Nations, with the stipulation that the reduction be done over a period of time in accordance with our treaty obligations as a U.N. member, and that the reduction in our assessed contribution be accompanied by an increase in our contributions to the various voluntary funds under U.N. auspices. I can think of no more appropriate and deserving voluntary fund than a U.N. fund for the environment. Effective U.N. action against environmental decay is in the interest of all Americans.

American support for a U.N. fund for the environment would be an important first step in the right direction, if we are ever to begin to direct our national priorities away from wasteful spending on excessive armaments and trips to the moon, and toward such humanity-serving tasks as protecting and improving our environment.

The Stockholm Environment Conference was one of the most significant conferences ever held under the auspices of the United Nations, and points out clearly to those who question the usefulness of the United Nations that on many of the most crucial international issues, the United Nations is not only a desirable forum to rely on, but the only one which holds any prospect for worldwide effective action.

I urge my colleagues in the House to join together in support of a United Nations voluntary fund for the environment.

GENERAL LEAVE

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SHOUP AMENDMENT TO CORRECT INEQUITIES IN DIVISION OF TIMBER SALE REVENUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. SHOUP) is recognized for 10 minutes.

Mr. SHOUP. Mr. Speaker, chapter 2 of title 16 of the United States Code provides for a share of timber receipts from Federal lands for the counties in which the timber was cut. These moneys are earmarked for school and road purposes and are of course desperately needed by the local governments involved. A reasonable share would do much to alleviate the property tax burden. The burden is heavy in western Montana where half the land area is Federal land with a commensurate loss of tax base.

It is my firm conviction that the intent of the original act was to reimburse local government for loss of tax base by sharing with them 25 percent of the gross value of the timber harvested. However, over the years liberal and sometimes devious interpretation of the law has resulted in reducing the rightful share belonging to local government to a mere pittance.

The problem involved with these payments is that they are based on net receipts rather than gross value. The 25 percent of these net receipts from marginal timber sale becomes a paltry amount when the Forest Service bookkeeping has been completed.

All conceivable costs are subtracted from the established selling price before the local government gets its cut. These costs include logging costs; falling and bucking, skidding and loading—include cost of skid roads—hauling, transportation, road maintenance, logging overhead, depreciation of equipment, and administrative costs. The next cuts are for slash disposal, erosion control, snag disposal, limbing of debris, the construction of temporary roads, and other necessary developments. Another substantial sum is extracted for "sale area betterment." This fund, known as KV moneys, is used for site preparation and reforestation. The most costly of the items is listed as "specified roads," extensions of the Forest Service permanent multiple-use road system.

Here are four examples of recent timber sales in our part of the country. I list the board feet involved, the selling price per thousand, the value of the sale, the net receipts to the Treasury, the amount realized by the local government, the amount that would be realized under provisions of my bill, and finally the dollar loss to local government under the existing system:

Scribe Creek Sale—Coeur d'Alene National Forest

(Volume, 3,350 (MBF))

Selling price L.S	$145.24
Log scale value	486,554.00
Receipts to Treasury	60,765.50
Returned to local government	15,191.38
Proposed returns	121,638.50
Loss to local government under present system	106,447.12

Rausch Mountain Sale—Kootenai National Forest

(Volume, 5,510 (MBF))

Selling price L.S	$143.23
Log scale value	781,497.40
Receipts to Treasury	75,578.36
Returned to local government	18,894.59
Proposed returns	195,384.31
Loss to local government under present system	176,489.72

McGinnis Sale—Flathead National Forest

(Volume, 1,590 (MBF))

Selling price L.S	$136.81
Log scale value	217,617.90
Receipts to Treasury	31,005.00
Returned to local government	7,851.25
Proposed returns	54,404.48
Loss to local government under present system	46,553.23

Bill Cyclone Sale—Flathead National Forest

(Volume, 12,070 (MBF))

Selling price	$140.41
Log scale value	1,694,748.70
Receipts to Treasury	6,035.00
Returned to local government	1,508.75
Proposed returns	423,687.18
Loss to local government under present system	422,178.53

My bill makes provision for payment of 25 percent of the gross stumpage value, the established selling price of the timber. The local governments are in many ways custodians of these lands for the entire country and should be reimbursed for their services rather than being penalized for their efforts. The current practice is at best a devious method of financing land and resource management.

Mr. Speaker, I ask that my bill regarding distribution of timber sale revenues be printed in the RECORD at this time in its entirety.

The bill follows:

H.R. 15686

A bill to amend Chapter 2 of Title 16 of the United States Code (respecting national forests) to provide a share of timber receipts to States for schools and roads

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 500 of Title 16 of the United States Code is amended to read as follows:

SEC. 500. Payment and evaluation of receipts to State for schools and roads.

Twenty-five per centum of the gross value of timber harvested during any fiscal year from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided,* That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for school and roads by this section shall be based upon the product of volume of sale times the selling price, L.S.

FOOD STAMPS FOR STRIKING WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ADERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, next week the House will consider the appropriations bill for the Department of Agriculture and related agencies. At that time my distinguished colleague and friend from Illinois (Mr. MICHEL) will once again offer an amendment to bar expenditure of funds appropriated for the food stamp program in behalf of those who qualify solely because they are on strike. I intend to strongly support this amendment and would urge my colleagues to do likewise. Because this issue has been so clouded in heated and emotional rhetoric, and because some important new information is now available concerning the extent and impact of food stamp use by striking workers, I would like to take a few minutes this afternoon to outline some of the reasons why I believe it is imperative that the House adopt the Michel amendment.

Mr. Speaker, last month a book entitled "Welfare and Strikes: The Use of Public Funds to Support Striking Workers" was published by two economists, Professors Armand Thiebolt and Ronald Cowin, associated with the Wharton School of Finance and Commerce. In my view this book is the most comprehensive and best documented study currently available of the food stamp for striking workers question, and provides some important evidence that I hope will

not be overlooked during the debate next week. By way of introduction let me cite the following major findings that emerged from the authors' investigation of a large number of industrial disputes over the last 3 years, including the General Electric strike of 1969–70, the massive General Motors strike of September-November 1970, a lengthy strike at Westinghouse plants in Lester, Pa., and numerous others:

In a typical strike situation, at least 50 percent and in some instances up to 90 percent of strikers had applied and been certified for food stamp benefits by the end of the strike.

The average bonus value of the food stamp benefits was about $100 a month for a family of four, but in cases where the union paid no strike benefits the value was considerably greater.

On the basis of food stamp utilization patterns found in the case studies and the extent of annual strike activity, the authors estimate the national cost of food stamp subsidies for striking workers to be almost $240 million annually.

The authors found almost unanimous agreement on the part of management groups involved in these situations that heavy use of food stamps by strikers tended to prolong strikes and significantly strengthen the hands of union negotiators at the bargaining table; in addition, many union officials candidly admitted that the availability of food stamp and other welfare benefits played an important role in sustaining support among their members for prolonged strikes.

In most instances the unions had well developed organizational plans for assuring cooperation by local welfare officials and informing union members how and where to apply for public welfare benefits. Because of the huge backlog of applicants during strikes local welfare agencies often set up emergency processing offices in union headquarters; in Detroit during the GM strike, more than 100 additional employees had to be hired to cope with the surge of applicants, two emergency offices were established, and more than 5,000 hours of overtime were recorded by local welfare offices during the 2-month strike.

In many instances, striking workers made use of additional forms of public assistance including AFDC–U, medicaid, general assistance, and emergency relief that in combination brought in up to $350 per month in tax free income during the strike period.

THE COST OF PUBLIC AID TO STRIKING WORKERS

Mr. Speaker, the study to which I referred above provides some striking evidence as to the growing cost of public aid subsidies to strikers. While the food stamp program accounts for the bulk of expenditures, other public aid programs, most notably AFDC–U, contribute significantly to the total. According to projections developed by Thiebolt and Cowin, the national cost of these subsidies during a year with the average amount of strike activity would be more than $350 million. I find it somewhat ironic to note that figure is almost precisely equal to the amount of additional appropriations authorized for education last week by the Hathaway amendment that many of us felt constrained to oppose in budgetary grounds. In these times, when we hear so much talk about the need to reorder national priorities, I think we must ask ourselves whether or not that $350 million might better be spent on programs like education, health and the environment with broad public benefits rather than to subsidize a minority of the labor force during its efforts to obtain higher personal wages and benefits. The following table indicates the national cost of public aid subsidies for striking workers. It can be readily seen that the food stamp program is by far the most important source:

ANNUAL COST OF PUBLIC AID SUBSIDIES FOR STRIKERS

Program	Average monthly benefit	Annual cost
Food stamps	$98	$238,826,000
AFDC–U	240	62,640,000
General assistance	67	2,412,000
Medicaid and other supplementary benefits	83	24,650,000
Administrative costs		25,000,000
Annual total		353,428,000

Source: Armand J. Thiebolt and Ronald Cowin, "Welfare and Strikes: The Use of Public Funds to Support Strikers" (Wharton School of Finance and Commerce, 1972).

While these figures indicate that public aid to striking workers is now a substantial Federal expenditure, they do not tell the entire story in terms of the magnitude of this kind of assistance in individual strike situations. Using data obtained from the Department of Agriculture and State public aid departments, Thiebolt and Cowin have provided some pretty dramatic evidence of the impact of strikes on food stamp and other public assistance rolls. Let me here just briefly summarize the data for two of the most important strikes that they have investigated:

The General Motors Strike, September–October 1970.—The strike by the UAW against General Motors which began in mid-September of 1970 and lasted 71 days involved more than 329,000 workers nationally, and more than 170,000 in Michigan—almost 18 percent of that State's manufacturing work force.

In Michigan alone, more than $10.6 million in food stamps bonus value was made available to strikers during that 2-month period, as well as an additional $5 million in other forms of public aid. When a similar calculation is made for other States in which GM plants were located, the national total comes to more than $30 million or $3 million a week in total public aid to UAW strikers, about 66 percent of this in the form of food stamps. The authors make the following comments about the effect of this public assistance on the income of an individual striking employee:

Coupled with union strike funds, public aid protected General Motors employees from any severe economic hardship. Although most strikers were not receiving as much money each week as they would have if working, a significant portion of the General Motors strike force was living on $300 to $350 per month.

Data taken from records of the Michigan Department of Public Aid indicates that in August of 1970—the month before the strike began—109,000 individuals were receiving food stamp benefits, but that by October the rolls swelled to more than 400,000, nearly a four-fold increase. In August about 4,000 Michigan families received AFDC–U benefits while in November—after the 1-month waiting period had elapsed—the number increased to more than 19,000. Some small part of this increase, of course, may be a reflection of the general upward climb in public assistance rolls that we have witnessed during the past 4 or 5 years; but the preponderant share must certainly be attributed to the temporary enrollment of large numbers of striking GM workers in these two programs. Perhaps the best confirmation of this is that fact that the number of food stamp recipients in Michigan declined from a peak of 431,000 during November—the last month of the strike—to 163,000 in January after the dispute had been settled; in the case of AFDC–U, the decline was equally dramatic from 19,138 families at the peak of the strike to 7,600 in January of 1971:

GM STRIKE, FOOD STAMP, AND AFDC–U PARTICIPATION RATES AND COSTS (MICHIGAN ONLY)

Month	Food stamps		Number (families)	AFDC-U cost[1]
	Number	Cost		
July	107,209	$3,973,638	3,591	$965,506
August	108,774	3,970,598	3,902	1,073,822
Strike began:				
October	403,404	9,375,584	7,056	1,698,400
November	431,122	10,125,375	19,138	3,807,759
Strike ended:				
January	163,657	5,253,974	7,601	2,202,588

[1] The fact that both participation rates and costs did not go up dramatically until November—1 month after the big jump in the food stamp column—reflects the 1 month waiting period requirement for AFDC-U. In the case of food stamps, strikers are eligible immediately after the work stoppage begins.

Westinghouse strike, 1970–71: In late August of 1970, 5,132 workers at the Westinghouse Steam Division Plant in Lester, Pa., walked out in a strike that lasted 160 days. The union provided no strike benefits from its treasury, but did set up an extensive system to inform strikers of their eligibility for welfare benefits, including a recorded telephone message service giving workers exact instructions on where and how to apply for food stamps, and eventually an arrangement with the local welfare board to set up an emergency office at union headquarters in order to accommodate the backlog of applicants.

The following data taken from tables in the Thiebolt/Cowin book indicate the extent of food stamp and AFDC–U utilization by strikers. In the case of food stamps it is evident that the participation rate rose dramatically during the first month after the strike began, as applicants are eligible as soon as their incomes drop. In the case of AFDC–U there is a 1-month waiting period, and as might be expected it was not until the second and third month that participation rates began to climb substantially. By the fourth month of the strike, food stamp participation in Delaware County had increased by nearly 500 percent and AFDC–U participation by more than 140 percent.

FOOD STAMP AND AFDC-U PARTICIPATION AND COSTS, DELAWARE CO.

Month	Food stamps		AFDC-U	
	Number	Cost	Number	Cost
3d month before	5,923	$55,364	460	$128,938
2d month before	6,473	64,763	446	117,410
1st month before	6,822	69,139	363	111,840
Strike date:				
1st month after	11,881	214,783	404	109,464
2d month after	15,132	234,652	492	134,587
3d month after	15,310	248,279	681	192,451
4th month after	17,361	261,658	807	229,349
5th month after[1]	18,024	250,967	893	249,281

[1] Last month of strike.

In total, the authors estimate that striking workers received more than $1.6 million in food stamp benefits during the work stoppage, more than $190,000 in general assistance aid, and almost $127,000 in AFDC–U benefits. In addition, the latter two figures represent the cost only for Delaware County although a substantial part of the striking work force resided in other counties. When these further costs are computed the total public aid cost of the strike comes to $2.6 million. When this figure is divided by total man-days lost in the strike, it comes out to $18 a day—certainly a sufficient income to maintain the resolve of most workers to hold out.

At the peak of the strike in January, the authors conclude that fully 98 percent of the striking work force was receiving food stamp benefits and that another 17 percent were receiving general assistance payments. In an interview, a local union leader admitted the following:

> This was the first time our members received welfare benefits while on strike. Our experience with them has been very favorable. Yes, I think our membership now relies on welfare . . . I like to think that we could have stayed out for twenty-two weeks without welfare, but it would have been rough.

THE ECONOMIC CONSEQUENCES OF PUBLIC AID FOR STRIKERS

Mr. Speaker, the foregoing information certainly makes it clear that the budgetary cost of subsidizing striking workers is a major problem, and probably for that reason alone it would be in order to reevaluate our current policy in this area. But in my view, there is an even more serious objection to these strike subsidies: namely, the distorting influence they have on the process of collective bargaining and the inevitable cost push inflationary pressures they help create in an economy that is already in a serious state of disrepair.

We are now well into the Nation's first experiment with peacetime wage and price controls. While I welcome the progress in reducing the rate of inflation that the President's economic stabilization program has achieved, it would be highly unrealistic indeed to assume that the controls will be effective indefinitely or that they will not cause serious distortions in the economy over the long run. We were forced to take the extreme step of imposing mandatory controls last August because the traditional medicine of monetary and fiscal restraint had failed to sufficiently slow down the rate of inflation; in the words of Federal Reserve Board Chairman, Arthur Burns, the old rules no longer seemed to be working. Yet unless we can restore the old rules, unless we can succeed in reinvigorating the processes of the private market mechanism, I am afraid that we are in store for merely chronic prolongation of the kind of economic difficulties that have plagued us for the past 5 years. And in my view, termination of the practice of providing public subsidies for striking workers with its distorting influence on collective bargaining is one of the major items on this agenda of economic reform.

FAILURE OF DEMAND MANAGEMENT POLICY, 1968–70

Mr. Speaker, it is agreed by most fair-minded observers that our current economic woes originated in the excessive full employment deficits of the Johnson administration during calendar years 1967 and 1968. In 1967, actual GNP outstripped potential GNP by more than $2.5 billion and during 1968 by more than $7.0 billion. The clear implication of these figures is that the economy was severely overheated and that output was outpacing actual economic capacity with consequent upward pressure on the price level. The obvious imperative for demand management policy was a slowdown in the growth of money supply and substantial Federal budget surpluses. In fact, though, the Johnson administration's policies moved in just the opposite direction. During 1967 the money supply—M_1—increased by 6.5 percent and in 1968 by 7.6 percent; similarly, the Federal budget registered a full-employment deficit of $12.4 billion during calendar year 1967 and $6.5 billion during calendar year 1968. That the rate of inflation hovered at about 6 percent when President Nixon took office in January of 1969, then, is really not very surprising.

Upon taking office the Nixon administration pledged to place the highest priority on reducing this galloping inflation by means of a gradual reduction of the excess demand in the economy. Pursuant to this objective, the Federal budget was brought into a surplus of $7.3 billion in calendar year 1969, and, with the cooperation of the Federal Reserve Board, the rate of money supply growth was reduced to about 3 percent during the same year.

This turn toward restrictive fiscal and monetary policy soon began to have the desired effect of slowing down the rate of economic expansion and reducing the inflation producing excess demand in the economy. Where real GNP had increased 4.5 percent during the peak of the expansion in the 18 months from January 1968 to mid-1969, it actually decreased by 1.6 percent during the next 18 months through the end of 1970. Similarly, plant capacity utilization, which had been at a rate of about 85 percent during most of 1968, dropped to less than 73 percent by the end of 1970; furthermore, the unemployment rate rose from 3.5 percent to almost 6.2 percent during the same period; and GNP, which had been running ahead of potential during 1968, dropped to almost $50 billion below its potential by December of 1970. Finally, the index of industrial production which had increased by 7.5 percent during the 18 months in 1968–1969 when the economy was overheated, declining by an equal percentage during the next 18 months in response to the deflationary fiscal and monetary policies.

These indicators suggest quite clearly that the conventional anti-inflation policy pursued by the Nixon administration substantially slowed down the rate of economic activity during the 18 months after mid-1969. Unfortunately, the expectation that this growing slack in the economy would slow-down the rising price level, as past experience and conventional economic theory would predict, was not vindicated. In fact, the GNP price deflator, which had risen by 5.7 percent during the period of excess demand, rose at an even faster rate—6.8 percent—during the next 18 months of economic slow-down. The consumer price index showed the same pattern; after rising 7.5 percent during the first period. The rate of increase escalated still further to 8 percent during the second 18-month period. The following table indicates this paradoxical phenomena of declining demand and economic activity and simultaneously rising price levels:

[In percent]

Indicator	Excess demand period (January 1968–June 1969)	Recession (July 1969–December 1970)
Demand indicators:		
Real GNP change	+4.5	−1.6
Index of industrial production change	+7.5	−7.1
Corporate profits change	+7.5	−15.5
Unemployment rate[1]	3.7	6.2
Plant utilization rate[1]	85.0	72.4
GNP gap (billions)[2]	−$9.3	+$50.1
Price indicators:		
GNP deflator change	5.7	6.8
CPI change	7.5	8.0

[1] Figure in 1st column is monthly rate for January 1968, and 2d figure for December 1970.
[2] Figure in 1st column is for 3d quarter of 1968 and figure in 2d column for 4th quarter of 1970.

Source: Business Conditions Digest.

THE ROLE OF RISING WAGES AND UNIT LABOR COSTS

Mr. Speaker, I think the second column in the table I have just referred to makes it clear the persisting high levels of inflation that we experienced during late in 1969 through 1971 were not of the demand-pull variety. Fiscal and monetary policy clearly did succeed in its assigned task of cooling off the level of economic activity and in reducing demand pressures on the price level. That prices nevertheless continued to rise must be explained by other factors.

One of these additional factors, of course, was undoubtedly the inflationary psychology that gripped the country until the President's dramatic announcement of August 15, 1971. Where possible, bankers hedged on interest rates, businessmen on prices, and unions on wage rates in the common expectation that the price level would continue to rise and that larger than normal increases where

therefore necessary in order to maintain real purchasing power.

However, we would be ill advised, I think, to attribute this stubborn persistence of inflationary pressure to some great national psychological aberration entirely. For in the final analysis, the source of rising price levels in the face of a slack economy is more deeply rooted. In an effectively operating competitive economy, it would simply be impossible to translate inflationary expectations into inflationary wage and price behavoir for any sustained period of time unless someone succeeded in repealing the law of supply and demand. It is only in those situations in which economic entities—whether they be corporations or labor unions—have sufficient market power to at least partially exempt themselves from supply and demand pressures and constraints that inflationary expectations can be readily translated into actual inflationary behavior. This, I believe, is the real source of the strong cost-push inflationary pressures that persisted during 1970 and 1971.

In the name of fairness and sound policy I would be the first to admit that these market imperfections or excessive concentrations of economic power which fuel cost-push inflationary pressures exist on both the business and labor side of the economic equation. But I also think that the latter is the more serious problem and obviously the one most pertinent to our consideration of the amendment to be offered by Mr. MICHEL.

In order to get a fuller appreciation of the role that these wage-push pressures played in frustrating the antiinflation efforts of the original Nixon economic game plan, it is useful to compare wage and unit labor cost patterns during the most recent business cycle and recession with those for previous downturns during the postwar period. In examining this data one striking trend is apparent which makes the 1969–70 cycle unique: in each of the earlier four recessions or downturns, wages and unit labor costs were actually declining as the economy hit the bottom or trough of the recession. During the 1969–70 recession, however, this pattern did not occur: wages and unit labor cost increases did not slow down in response to growing slack in the economy, but, on the contrary, continued to rise unabated right through the low point of the business cycle in the fourth quarter of 1970. This, in my view, was one of the major contributors to the frustration of the Nixon administration's carefully designed demand-management policies.

The table below indicates quarter-to-quarter changes in unemployment, used here as a measure of the overall level of economic activity, and in manufacturing hourly wage and unit labor costs. In the 1948–50 cycle, for instance, wage rates were rising at a rate of 6 percent to 12 percent on an annualized basis during the quarters right before and after the peak of the economic expansion, or put another way, during the period of strongest demand pressures. However, during the four quarters or so prior to the bottom of the recession, as the unemployment rate crept steadily upward, the rate of wage increase slowed down to nearly zero and unit labor costs actually declined quite substantially. This same pattern is generally apparent during each of the other cyclical swings, though the timing varies from cycle to cycle, depending on its steepness. But in every case, except for 1969–70, wage rate increases during the quarters previous to the bottom of the recession are substantially below that rate of increase during the peak period—in most instances nearly zero—and unit labor costs actually tend to decline quite substantially:

[In percent]

Business cycle	Peak demand quarters		Recession quarters (peak to trough)						
	2 quarters before peak	Peak quarter	1st	2d	3d	4th	5th	6th	7th
1948–50:									
Unemployment rate	NA	3.7	3.8	3.8	4.7	5.9	6.7	7.0	
Manufacturing wage change	6.4	9.2	12.0	6.0	0	.4	.4		
Unit labor cost change	9.6	0	9.6	5.2	0	−1.6	−6.4	−4.4 (trough)	
1953–55:									
Unemployment rate	2.7	2.6	2.7	3.7	5.3	5.8	6.0		
Manufacturing wage change	7.2	2.4	4.4	2.4	0	2.0	0		
Unit labor cost change	4.8	1.2	−1.2	13.8	4.8	−4.0	−4.8 (trough)	−8.4	
1957–58:									
Unemployment rate	4.1	3.9	4.1	4.2	4.9	6.3	7.4		
Manufacturing wage change	7.0	2.0	2.0	3.6	3.6	0	3.6		
Unit labor cost change	5.6	3.2	1.2	.4	13.2	14.0	−5.6 (trough)	−10.8	−2.0
1960–62:									
Unemployment rate	5.6	5.1	5.2	5.5	6.3	6.8	7.0		
Manufacturing wage change	9.2	3.6	0	1.6	3.2	0	0		
Unit labor cost change	6.0	−4.8	−.4	2.8	4.8	−9.2	−6.4 (trough)		
1969–70:									
Unemployment rate	3.4	3.4	3.6	3.6	4.2	4.8	5.2	5.8	
Manufacturing wage change	5.2	6.4	7.6	6.0	2.4	6.0	7.2	6.0	
Unit labor cost change	2.4	3.2	4.4	10.4	4.4	2.0	4.8	4.8 (trough)	

Note: The bulge in unit labor costs for the 2d and 3d quarter after the peak during most cycles reflects the fact that production tends to decline more rapidly than payrolls during the early part of the recession. By the 2 or 3 quarters prior to the trough, though, payrolls have been reduced, wage rates have leveled off, and consequently unit labor costs decline sharply. In the 1969–70 period, however, wage rates did not level off and as a consequence unit labor costs continued to rise unabated through the entire recession.

Source: Business Conditions Digest.

THE WORSENING BALANCE OF BARGAINING POWER

Mr. Speaker, in my view, the above data certainly helps to explain the paradox of rising prices in the midst of recession and substantial economic slack; it suggests that a strong and historically unique wage-push inflation may have played an important role in dooming the original Nixon administration policy of demand restraint to failure, and in forcing upon the Nation our current unprecedented experiment in peacetime wage and price control. However, in answering one question, it raises another: namely, what prompted this unique pattern of wage and unit labor cost increases during late 1969–70 recession. Can it really be said that union bargaining power has increased that much relative to management during the past decade?

On the surface this would appear to be a rather dubious proposition. Certainly the unionized sector of the labor force grew only imperceptibly, if at all, during the last decade. Moreover, there have been few developments that I am aware of, such as the emergence of stronger union leadership, or more cohesive and active membership that could somehow be said to account for greater union muscle at the bargaining table.

Nevertheless, a comparison of union and economywide wage increase patterns during this period clearly indicates that it was the union sector that was least responsive to changing demand conditions.

The index of private economy manhour compensation shows at least marginal responsiveness to the decline in demand that occurred during 1969 and 1970; during 1968, the peak year of the expansion, this index increased by 7.6 percent; in 1969, as slack began to set in, the rate of increase was 7.3 percent; and in 1970, when the economy hit bottom, the rate of increase was again slightly lower at 7.3 percent. Obviously one would expect a considerably slower rate of increase in the later years if the economy was truly operating in the classic com-

petitive fashion. However, it should be noted that this index is biased upward by both the spillover effects of union negotiated increase on other rates, and by the fact that the index reflects a combination of both union and nonunion wage patterns. Ideally, one should compare an index for nonunion wage rates with the index for union wage rates rather than the one employed here, but unfortunately this data is not available.

By contrast, the index for first-year union negotiated wage rates moved in just the opposite direction; that is, counter to the expected pattern of lower rates of increase in response to growing slack in the economy. During 1968, the union wage index increased by 7.2 percent; during 1969 by 8.0 percent; and during 1970 when the unemployment rate had reached nearly 6 percent, by 10.0 percent. In the case of the building trades, the trend was even more pronounced: Negotiated rates increased by 6.7 percent in 1967–68, 8.2 percent in 1968–69, and nearly 12 percent in 1969–70. An almost identical pattern prevailed in the case of unionized local transit workers, with the rate of increase similarly rising to nearly 12 percent during the bottom period of the recession. Though wages as a whole were sticky and did not make the relative downward adjustment to a cooling off of demand pressures as should be expected, it is clear from the data presented above that union negotiated rates were the major contributing force to this pattern, and for that reason a strong source of the cost-push inflation that led some to describe the economy as being in a state of "stagflation" during 1970 and early 1971.

While it is impossible to provide any simple, neat explanation for these union wage patterns that run counter to basic laws of a competitive economy, the dramatic growth of union strike activity over the past decade, especially strikes of long duration, is surely one indicator of more aggressive union wage demands and the ability to actually obtain them. The table below indicates the sharp upward trend in man-days lost due to strikes for both all strikes and strikes of 60 days or longer. Since total employment increased by only 18 percent during the decade and union membership by only 12 percent, the 400-percent increase in man-days lost for all strikes and the nearly 500-percent increase for extended strikes must be attributed primarily to more aggressive wage demands and, in my view, an improved position at the bargaining table:

[In thousands]

	Man-days lost due to strikes	
	All strikes	Strikes of 60 days or more
Period:		
1961–63	17,000	6,576
1964–66	23,900	8,500
1967–69	44,662	21,643
1970	66,414	30,921

Source: "Handbook of Labor Statistics" (U.S. Department of Labor).

FOOD STAMPS, UNION WAGE DEMANDS AND ECONOMIC POLICY

Mr. Speaker, if we pull the three trends together that I have discussed thus far—the dramatic increase in food stamp usage by striking workers, the fivefold increase in strikes of long duration, and the cost-push pattern of union wage rates—I think the connection is pretty apparent, although obviously still no simple matter of direct cause and effect. Yet, in my view, these trends indicate that our collective bargaining process has gotten progressively out of balance and as a result we find ourselves in one of the most critical economic crises since the Great Depression.

It is clear from our experience over the last 3 or 4 years that traditional fiscal and monetary policy instruments simply cannot do an effective job of combating inflation in an economy that has accumulated as many structural imperfections, rigidities and concentrations of excessive market power as has ours, and that is consequently plagued by persistent cost-push pressures. Yet I think that anyone who reflects critically on our experience with Government-fostered wage and price controls over the past year would have to admit that this solution is no more promising in the long run. For once you politicize the economic decision-making process, and that is what has occurred, you might as well throw in the towel, jettison the whole delicate process of wage and price adjustment and resource allocation performed by the competitive market, and move toward a permanent system of Government control. In the short run and in emergency situations there is obviously a place for the kind of control program that the President inaugurated last August; but in the long run an economy half-controlled and half-free will yield the worst of both worlds. Since I certainly do not want to see us move in the direction of permanent controls and I am sure this sentiment is shared by the vast majority of my colleagues and the American public, we have no other choice but to get about the work of restoring the competitive dynamics of a market economy that has served this Nation so well in the past. This week we can take an important step in that direction by ending the economically unsound and debilitating practice of providing striking workers with Government subsidies.

To be sure, food stamp and other public welfare subsidies are only one part of the problem of an imbalanced collective bargaining system. On the union side, the fact that members have obtained substantially higher standards of living and the savings and assets that go with it over the past decade has undoubtedly increased their ability to employ the strike weapon to their own advantage, public welfare benefits aside. And on the management side, there have been equally important developments in the opposite direction which have undermined its ability to withstand the natural and necessary contest of economic muscle that occurs over the negotiation of a new contract.

For one thing, the continuing shift in business cost structures away from variable costs toward a higher proportion of fixed costs has reduced management ability to resist excessive wage demands. For example, the ratio of white collar workers who cannot be readily laid off during a strike, to production workers has increased substantially for most of our basic industries. To take one example, production workers accounted for slightly over 82 percent of the labor force in the food processing industry in 1945, but this ratio had declined to 62 percent by 1970. This same pattern is present in many other industries and it means that businesses have considerably larger fixed manpower costs to carry during a strike than previously. As a result, the point at which it is better to accept an inflationary settlement than continue to absorb the strike comes only that much sooner

If you look at corporate financial structures this problem of rising fixed costs in relationship to variable costs is similarly present. In the steel industry, for instance, long-term debt was equal to about 23 percent of net worth in 1960, but had risen to more than 40 percent by 1970. As a consequence, interest charges on long-term debt rose from 12 percent of net income in 1960 to 56 percent in 1970. Yet debt service charges are a cost that must be met even if production, sales, and income have been brought to a halt by a strike. Much the same point is equally valid concerning the long-term shift from labor to capital inputs that has occurred in most industries: plant and equipment must be maintained and depreciation charges continue despite stoppages in productive activity and income flow. Finally, the new international competitive climate of the 1970's means that in a growing number of industries, markets or orders lost during an extended strike may never be regained thereafter.

Thus, while public welfare benefits and rising affluence as well as a host of other factors have strengthened the position of union bargainers on one side of the table, the factors enumerated above had tended to weaken the management position. The result, then, is in some very real sense an increase in union "market power" and with it the cost-push pressure that wreaked so much havoc with our efforts to control inflation by traditional means during the last years of the 1960's.

THE TENUOUS CASE FOR PUBLIC SUBSIDIES FOR STRIKERS

Mr. Speaker, while the evidence presented thus far, both in terms of budgetary impact and consequences for the proper functioning of our economic system, suggests that this question is one of more serious moment than is often supposed, there still remains the familiar litany of justifications for these subsidies that union apologists never tire of repeating. Mr. Leo Perlis, who has been the motor force and chief strategist in the union drive to exploit the public welfare system, recently outlined several reasons why this practice should continue. Frankly, I find his arguments not

very convincing at all, but since they will undoubtedly be used during the debate on the Michel amendment again this year, I want to conclude with a brief consideration of each of the points that he raises:

First, strikers are taxpayers. The argument here is that because strikers contribute to the funding of public welfare programs, including the food stamp program, while they are working, they are entitled to benefits when they are on strike. Yet, if you think about that assertion for just a while it is apparent that a pretty novel concept of government finance is involved; what, for the lack of a better term, might be termed the "cookie jar" theory of public finance; if you contribute from time to time, you have a presumptive right to dig into the jar when the appetite prompts you. Well, that may work well enough in the kitchen but it certainly could not work long when you are dealing with a nation of 100 million taxpayers and a budget of almost $250 billion. The whole point of the process of legislative authorizations and appropriations is to decide how public benefits are to be distributed, who shall be eligible, and under what conditions. In the final analysis, the mere fact of paying taxes into the general fund entitles no one to anything. If it did, the red budget ink we now see would in short notice be turned into a veritable torrent. If unionists believe that a case can be made for providing these subsidies for strikers, let them make the case. But to insist that they are taxpayers does not further the case one iota; it is a nom sequitur of the first order.

Second, we feed criminals, and prisoners of war. Mr. Perlis' followup to that indisputable point of fact is, "Are fellow Americans engaged in industrial warfare entitled to less?" That analogy does not go very far, though, when you remember that we also keep criminals and prisoners of war incarcerated against their will. This is hardly the case during a strike, and though he is pleased to use the term "industrial warfare," that cannot disguise the fact that he is comparing apples and oranges.

Third, the starvation of children. If this is indeed the result of strikes, in the absence of public welfare benefits, then we might better reevaluate our whole industrial relations system. Yet Mr. Perlis and those who bandy this argument about know full well that the food stamp and AFDC–U programs, the major source of public welfare benefits for strikers, were only inaugurated in 1962, and that literally billions of man-days in strikes had occurred just in the 30 years between that date and the enactment of the National Labor Relations Act in 1935. Somehow children did not starve during strikes in those days, and there is even less reason to believe that this would occur now.

The basic point, though, is that in enacting the NLRA we adopted a basic policy legalizing the strike and lockout weapon as one instrument to be employed in the collective bargaining process. When employing these instruments, each side takes short-term risks and must bear immediate costs in the pursuit of a more overriding objective. If we remove these factors, then the system simply cannot work and we will be forced to adopt an entirely different arrangement. Of course, both sides are free to take precautionary measures to bolster their own position during the stoppage: businessmen run up inventories prior to the strike or lockout date, and unions build up strike funds and individuals savings. But this is the prerogative and responsibility of the parties involved, not the obligation of the Government.

Fourth, the minority striker. I never cease to be amazed at the torrent of crocodile tears shed by labor apologists on this argument. If the worker who wants to go back to work but is kept from doing so by a majority of his fellows would be treated as "unfairly" by termination of public welfare benefits to strikers as Mr. Perlis insists, why not get to the bottom of the problem and give him the right to decide whether or not he will join the union in the first place? It is often said that politics makes strange bedfellows, but to find union leaders arguing for the principle of a right-to-work law is a little disconcerting indeed.

Fifth, Government contracts. During the debate last year the point was made a number of times that if workers should not be eligible for public welfare benefits during a strike, then companies should not be allowed to receive Government contract payments either. Though that analogy is for the most part another case of apples and oranges, the fact is, in 99 percent of cases, a company may not receive payments unless the goods or services it contracted for are delivered. If sufficient inventories are not available and delivery cannot be made, then either the contract is terminated or fines are assessed for late delivery, or both. In either case, the company cannot be said to be receiving a public subsidy.

There is only one partial exception to this general rule. In a case where a contractor can establish that his failure to deliver during a strike was due to no fault of his own, then the contract may be terminated by "convenience" rather than by "default." In both cases he loses the contract, though in terminations by "convenience" fines are not levied.

SELF-INSURANCE COULD SAVE THE GOVERNMENT MONEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, the General Accounting Office issued on June 14 a report to the Congress entitled "Survey of the Application of the Government's Policy on Self-Insurance"—B–168106. This is a very interesting and important report which many of my colleagues might want to look at.

According to the GAO, the Federal Government is literally giving away millions of dollars each year to private insurance companies which often assume no risk and provide few services. Huge amounts of money are being thrown down the drain for private insurance plans when the Government could do the job itself without having to pay expensive administrative costs and profits of insurance companies.

Among the programs GAO recommended the Federal Government become a self-insurer for, were the Federal Employees Health Benefit program and the Federal Employees Group Life Insurance program. The GAO report noted that in some cases involving these two insurance areas the Government was actually paying insurance companies for phantom expenses and nonexistent services. Government employees presently pay close to $1 billion per year in premiums for these two insurance programs. I believe it makes no sense at all for a government with a $220 billion annual budget to turn to a private insurance company for a $10,000 life insurance policy for a Government employee. By becoming a self-insurer in these areas, and others, the Federal Government could save tens of millions of dollars each year and Federal employees would pay less for their health and life insurance policies.

While the GAO report does not make a specific estimate of the savings that could be realized if the Federal Government became a self-insurer in certain areas in which it now contracts with insurance companies, I believe the savings could amount to more than $100 million per year. I strongly urge the appropriate Federal agencies to seriously consider the GAO's recommendations.

PROPOSED AMENDMENTS TO DEBT CEILING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, the House is scheduled to begin consideration of H.R. 15390 on Tuesday, June 27, under the closed rule designated by House Resolution 1021. I will seek to modify the rule to permit tax reform amendments to the debt ceiling bill.

The text of the amendment to House Resolution 1021 follows:

Page 2, line 5, change the period to a semicolon and insert: "except amendments consisting of Sections 2 and 3 of H.R. 14830 offered either together or separately, and said amendments shall be in order, any rule of the House to the contrary notwithstanding."

The text of the two tax reform amendments to H.R. 15390 which I will offer if the rule permits follows:

AMENDMENT 1

Page 1, after line 5, insert the following additional section:

REASONABLE ALLOWANCE FOR DEPRECIATION.

(a) REPEAL OF ASSET DEPRECIATION RANGE.—Section 167(m)(1) of the Internal Revenue Code of 1954 (relating to class lives for depreciation allowance) is amended by striking out the following: "The allowance so pre-

scribed may (under regulations prescribed by the Secretary or his delegate) permit a variance from any class life by not more than 20 percent (rounded to the nearest half year) of such life.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only to property—

(1) the construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1972, or

(2) acquired after December 31, 1972, if the original use of the property commences with the taxpayer and commences after such date.

In applying this section in the case of property described in paragraph (1), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1972.

AMENDMENT 2

Page 1, after line 5 and after any amendment heretofore adopted, insert the following additional section:

AMENDMENTS TO MINIMUM TAX FOR TAX PREFERENCES.

(a) Section 56(a) of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended to read as follows:

"(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax equal to 20 percent of the amount (if any) by which the sum of the items of tax preference exceeds $12,000."

(b) Section 56 (b) of such Code (relating to treatment of net operating losses) is amended by striking out "$30,000" and inserting in lieu thereof "$12,000" and by striking out "10 percent" in each place it appears and inserting in lieu thereof "20 percent".

(c) Section 56(c) of such Code (relating to tax carryovers) is hereby repealed.

(d) Section 58 of such Code (relating to rules for application of the minimum tax) is amended by—

(1) striking out "$30,000" in each place it appears and inserting in lieu thereof "$12,000",

(2) striking out "$15,000" in subsection (a) and inserting in lieu thereof "$6,000", and

(3) adding at the end thereof the following new subsection:

"(h) ELECTION NOT TO CLAIM TAX PREFERENCES.—In the case of an item of tax preference which is a deduction from gross income, the taxpayer may elect to waive the deduction of all or part of such item, and the amount so waived shall not be taken into account for purposes of this part. In the case of an item of tax preference described in section 57(a)(9), the taxpayer may elect to treat all or part of any capital gain as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, and the amount treated as such gain shall not be taken into account for purposes of this part. An election under this subsection shall be made only at such time and in such manner as is prescribed in regulations promulgated by the Secretary or his delegate, and the making of such election shall constitute a consent to all terms and conditions as may be set forth in the regulations as to the effect of such election for purposes of this title."

(f) Section 443(d) of such Code (relating to adjustment for minimum tax for tax preference in case of returns for less than 12 months) is amended by striking out "$30,000" and inserting in lieu thereof "$12,000".

(g)(1) The amendments made by this section shall apply only with respect to taxable years beginning after December 31, 1972.

(2) In determining the deferral of tax liability under section 56(b) of the Internal Revenue Code of 1954 for any taxable year beginning before January 1, 1973, the necessary computations involving such taxable year shall be made under the law applicable to such taxable year.

(3) There shall be no tax carryover under section 56(c) or 56(a)(2)(B) of the Internal Revenue Code of 1954 to any taxable year beginning after December 31, 1972.

A YEAR-ROUND BASIS FOR DAYLIGHT SAVING TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I have introduced a bill today which would provide that daylight saving time be observed on a year-round basis. It is my hope that the enactment of this legislation would serve as a deterrent to such crimes as aggravated assault, robbery, and murder, which occur most frequently around 6 p.m. and 7 p.m.

While it is obvious that this legislation would not completely eliminate crime on the streets, it would be a major step toward accomplishing this end. Statistics provided by Superintendent James Conlisk of the Chicago Police Department indicate that in the early evening, the number of police emergency calls is highest. For example, at 6 p.m. the number of emergency calls in Chicago is 21 percent higher in December than in July. At 7 p.m., the difference is 23 percent. Proportionately, the number of police calls is greatest during this period of the day. Therefore, the additional hour of daylight provided by this bill should insure greater safety for commuters.

This legislation would also facilitate the movement of evening rush hour traffic. In Chicago, this would be particularly beneficial for drivers who must contend with often-hazardous driving conditions: icy streets, drifting snow and slippery intersections.

A reevaluation of the time question would admittedly effect some initial inconvenience to time-scheduled industries. Broadcasting, interstate trucking and other common carriers would ultimately benefit from a standardized program of operation. I believe that the expenditures necessary for schedule alteration will be more than justified by greater efficiency of service.

The present system, instituted as part of the Uniform Time Act of 1966, provides for a 6-month period of daylight savings time. This is confusing to a great many persons who must change their clocks in April and again in October. As Superintendent Conlisk's statistics have indicated, an additional hour of daylight is more important in the evening than in the morning.

The spiraling crime rate in our urban areas demands that every possible step be taken to insure the safety of our citizens. This must be our highest priority. This legislation, which was first introduced by my distinguished colleague from California (Mr. HOSMER) and which I reintroduced today, is not a matter of convenience, but one of urgent necessity.

CAPTURED U.S. ARMY MEN WRITE TO U.S. CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, recently a number of American servicemen captured in South Vietnam sent a letter to the Congress of the United States urging it to take action to end the U.S. war of aggression in Vietnam and negotiate the total withdrawal of American troops and the return of the American POW's. Following is the full text of the letter:

To: The Congress of the United States
From: American servicemen captured in S.V.N.

We represent decades of captivity. When President Nixon assumed his office, we nurtured great hopes that he would honor his campaign pledge and his commitment to the American people and terminate this tragic war. It is essential to realize that our statement stems from a profound love of our country and from the interest in its future, it is our contention that the Viet Nam war is a mistake, that national beings rectify mistakes when recognized. This is our fundamental motivation.

For almost four years, we have listened to the political jargon of the age Vietnamization, winding down, withdrawal. Our hopes have been vanquished by disappointment, then dismay, and now alarm.

We have watched with great concern while the heavy costs of the war continue to rise, while the majority of our people consistently oppose it, while the American image continues to be sullied. We have watched with sadness and trepidation while the spiritual and moral fiber of our society degenerates.

Finally, for four years we have looked askance at our captors when they told us that Vietnamization was a failure and that President Nixon has no intention of ever withdrawing from Viet Nam. Now, as the war is being re-escalated in the North and American troops remain in the South, we are impressed with their veracity and their understanding of the character of this war.

Now it is clear that Mr. Nixon, without the sanction of his electorate, is willing to take the most provocative steps to salvage the Vietnamization program. Is he willing to destroy the American P.O.W.'s detained in both North and South Viet Nam? Is he willing to directly challenge public opinion? Is he willing to go to the brink of a larger war and perhaps beyond for an issue that is not vital to the interests of the United States, and which has been resoundingly repudiated by the majority of our people? We are convinced that there is nothing at stake in Viet Nam which could possibly justify the recent irresponsible and provocative measures taken by Mr. Nixon.

We know the Vietnamese people. They are stoic and resolute. They say that they would rather sacrifice all than give up their struggle and they meant it. The last twenty-five years provide eloquent testimony for this proposition. The intense bombings, mining of ports, and blockade will certainly increase their death and suffering—but equally important, it will harden their resolve. They will never give up their cause.

They want the right to decide their own destiny without outside interference. The destruction of Hanoi and Haiphong was predicted years ago by their President Ho Chi Minh in words which now serve as a rallying cry for their whole nation. It will certainly not influence the course of the war, but on the contrary, prolong it and perpetuate the presence of American troops and P.O.W.'s in this land.

As American servicemen, we are ready to die to safeguard our country and our families. But we are not ready to die in order to safeguard an illusion. We are not ready to die for Vietnamization or Nguyen Van Thieu or any other objective that is not supported by our people. We agree with several senators and congressmen when they say that the only practical solution to the Viet Nam problem lies in the Paris negotiations.

We appeal to you, the Congress of the United States, to obey the dictates of conscience and reason and to discharge your political and historical responsibility. Remove this millstone from our country's neck. Dispel this senseless threat which hangs over us and our children. We urge you, in all good faith, to exercise your constitutional power to force the administration to return to Paris to negotiate the complete withdrawal of American troops and the return of the American P.O.W.'s and leave Viet Nam to the Vietnamese.

The time is critical. Please! take effective legislative action. We must choose between an immoral tragic war with catastrophic consequences, and the honorable future of the U.S. The wisdom derived from our history and experience leaves little doubt as to the proper choice.

With great respect and urgency.

LIST OF SIGNATURES

Harold F. Kuhsner, M.D., Captain, O2320775, M.C., U.S. Army, Captured 2 Dec. 1967.

Frank G. Anton, WO-1, 3155469, U.S. Army, Captured 6 Jan. 1968.

Jon Robert Cavaiani, Sgt., [redacted], U.S. Army, Captured 4 June 1971.

John A. Young, Sp/4, RA 16-769-512, U.S. Amy (S.F.), Captured 30 Jan. 1968.

King D. Rayford, Pfc, RA 54593659, U.S. Army, Captured 1 July 1967.

Frederick L. Elbert, Jr., L/Cpl, 2283473, U.S. M.C., Captured 16 Aug. 1968.

John G. Sparks, Pfc, 53755822, U.S. Army, Captured 25 Apr. 1968.

Jose Jesus Anzaldua, Jr., Sgt., 2468970, U.S. M.C., Captured 17 Jan. 1970.

Richard C. Anshus, 1st Lt., O118121, R.A., Inf., Captured 8 Mar. 1971.

David W. Sooter, WO-1, 3153961, U.S. Army, Captured 17 Feb. 1967.

Alfonso Ray Riate, Cpl., 2135759, U.S. M.C., Captured 25 Apr. 1967.

Robert P. Chenoweth, Sp/4, RA 18956756, Captured 8 Feb. 1968.

James A. Daly, Pfc, RA 11815566, U.S. Army, Captured 9 Jan. 1968.

Don A. MacPhail, Pfc, RA 11625921, U.S. Army, Captured 4 Feb. 1969.

Abel L. Kavanaugh, PFC, 2374098 U.S. M.C., Captured 25 Apr. 1968.

SOCIAL SECURITY COVERAGE FOR "SECOND SPOUSES"

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, it has come to my attention that in certain cases a widow could be denied a claim to retirement income under social security because of legal complications, regarding the validity of her marriage; for instance, if it is discovered that her late husband had failed to obtain a legal divorce before remarrying.

Our social security law attempts to overcome inequities which might arise from this by providing that the second spouse can receive benefit payments if the marriage was entered into in good faith without knowledge of the previous marriage. But the law also specifies that the second spouse cannot receive benefits if the first spouse is or has been entitled to a benefit. The effect of this is to deprive some deserving spouses, most of whom are women, of social security benefits to which they thought they were entitled.

Especially those women who marry and do not obtain employment must rely on their husband's earnings to provide both current income and future security. They are thus in an untenable position if this security they had counted on is suddenly withdrawn.

When this happens, she may also find herself responsible for several dependents. I believe that society should provide protection for such a person, who through no fault of her own finds herself cut off from family security she had relied upon and which would have been hers except for an unexpected legal impediment.

I have introduced legislation to correct this inequity. My bill provides that in cases where there is a second spouse, the second spouse is eligible for social security benefits regardless of whether the first spouse receives them also.

Under my proposal, wife's, husband's, widow's, and widower's benefits will be available to spouses or surviving spouses where a marriage was entered into in good faith but in fact, was not legal for some reason. I have provided that the second spouse will not receive more benefits than the first spouse and that no other beneficiaries of the worker's earnings will suffer as a result of this bill.

The latter provision is important because of the family maximum limitation in the social security program. This places an absolute limit on the amount that can be paid on the basis of one worker's earnings regardless of how many beneficiaries there may be. Under my legislation, the benefit of the second spouse would be considered outside of the family maximum. It provides, however, that if the benefits of others are already reduced because of the family maximum limitation, the benefit of the second spouse will be reduced correspondingly.

Mr. Speaker, there are some widows suffering needlessly because our social security system fails to recognize the injustice of withholding benefits from a surviving spouse who thought she was legally married but was not. In such instances, the second widow may have lived with her late husband for years, have children, and assume all the obligations and responsibilities of a mother, only to find that she has been left out in the cold by the social security law.

Our laws should recognize the human need of such spouses by affording them at least the income security they would have had by a legal marriage. That is the purpose of my bill, and I hope it will have the full attention and consideration of my colleagues.

FRENCH NUCLEAR TESTS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, at the United Nations Human Environmental Conference in Stockholm protests against the French atmospheric nuclear tests at Mururoa Atoll in the Pacific are being made by many governments, including New Zealand, Australia, Yugoslavia, and Peru. Other governments like Japan have filed direct protests to the French and demanded the right to compensation for all damage incurred thereby.

The New Zealand Federation of Labor has refused to service all French ships and aircraft coming in or going out of New Zealand as part of a monthlong protest. The Australian Council of Trade Unions has also called for a similar ban.

The Australian Prime Minister, Mr. William McMahon, has protested to French President Mr. Georges Pompidou. In a statement the Prime Minister said, "We have taken every reasonable step to persuade our French friends to cease atmospheric testing."

A call from my office to the French Embassy here in Washington indicates no specific date has yet been set for the test.

In view of the fact that the United States has signed the Test Ban Treaty, I believe it is absolutely essential for the President to join with these concerned citizens and governments of the Pacific to protest this test and to urge that it be canceled.

The dangers from atmospheric testing are well documented. Furthermore, it is not only confined to the immediate locale, but the entire world will be affected.

I hope that my colleagues of the House similarly concerned will join me in seeking the intervention by our Government in this most crucial matter.

The following are news articles which I believe will be of interest to the House:

[From the Fiji Times, June 2, 1972]

JAPAN PROTESTS AT N-TESTS

TOKYO.—The Japanese Foreign Ministry has lodged a protest with France over the planned nuclear tests in the South Pacific.

A Foreign Ministry spokesman issued a statement deploring the tests also.

"At a time in particular when a United Nations human environmental conference is to be held at Stockholm shortly to discuss ways to prevent environmental pollution, the nuclear tests will greatly limit the results that are likely to be obtained from the conference," the statement said. "We, therefore, reserve the right to ask for compensation for any damage or losses incurred as a result of the tests."

[From the Fiji Times, June 6, 1972]

STRONG N-TEST ACTION URGED

CHRISTCHURCH.—New Zealand's Labour Opposition leader, Mr. Norman Kirk, called on the Government yesterday to take "strong and credible steps" to stop France's nuclear tests at Mururoa Atoll in the Pacific. The Opposition leader renewed his request to the Government that it call a conference of foreign ministers from Australia, Japan, Peru, the Philippines, Ecuador, Chile, Western Samoa, Nauru, Tonga, Fiji, the Cook Islands and New Zealand.

Mr. Kirk proposed that a task force of

Government ministers should go to Paris, Washington and Moscow in a bid to stop the tests.

APPEAL

New Zealand's Minister for the Environment, Mr. Duncan MacIntyre, will appeal at the United Nations Conference on the Human Environment in Stockholm for a resolution opposing all nuclear testing.

The New Zealand Government announced on Friday that it would ask France to stop its present test programme until the human environment conference ends.

In Melbourne, the secretary of the Melbourne branch of the Waterside Workers' Federation, Mr. A. E. Bull, said work on French ships would be banned in Melbourne this month.

[From the Fiji Times, June 1, 1972]

N-TEST PROTEST LEADER KICKED OUT OF FRANCE

PARIS.—France has expelled the leader of a Canadian peace group for taking part in an international campaign against French nuclear tests in the Pacific. An Interior Ministry official said Mr. Ben Metcalfe was arrested at Orly Airport on Saturday and escorted on Sunday with his wife to the Franco-Italian border.

The expulsion order was "dated some time back," he said.

Mr. Metcalfe is the chairman of Canada's Greenpeace Foundation.

The ketch Greenpeace III is sailing into the French nuclear test zone as part of an international protest joined by organisations in Fiji, Australia, New Zealand, Peru, Japan and Ecuador.

The foundation is organising an anti-nuclear campaign in France involving protest demonstration and letters to President Georges Pompidou and the French Government.

The tests are expected to comprise two to three blasts, starting later this month.

REFUSED

Meanwhile, the New Zealand Federation of Labour has refused to call off its threatened month-long ban on services to French ships and aircraft in New Zealand.

The ban is due to take effect today.

The Australian Council of Trade Unions also has called for a ban on all French air and sea transport in Australia during June as a protest against the nuclear tests.

The ban could stop all UTA flights into and out of Australia during June. The French airline runs four direct flights a week from Sydney through the Pacific and across the United States to Paris.

REMARKS

A French Government spokesman said in Paris yesterday that no "political blackmail" was intended in remarks by the French Minister of Overseas Territories, Mr. Pierre Messmer, about New Zealand protests.

Mr. Messmer was quoted as saying: "We must not forget that New Zealand is on the asking side. At the time of Britain's entry to the Common Market she came on her knees to beseech us to allow her to go on exporting to Britain."

The spokesman said he felt Mr. Messmer's remarks had been "misinterpreted" and "not well understood."

[From the Fiji Times, June 8, 1972]

FIJI GROUP WELCOMES NZ ATOM TEST MOVE

A proposal that New Zealand could call a conference of Pacific countries to explore ways of acting against French nuclear tests has been welcomed by Fiji's anti-bomb test committee, Atom.

The New Zealand Prime Minister, Mr. John Marshall, said he would consider the proposal, which was made in a petition presented to the New Zealand Government.

An Atom spokesman, Dr. Graham Baines, said the committee hoped the Fiji Prime Minister, Ratu Sir Kamisese Mara, would support the proposal and urge the Australian Government to follow up its earlier statement about the matter.

Australia's Minister for Foreign Affairs, Mr. Nigel Bowen, said in Canberra that his Government was sounding out the possibility of concerted action by South Pacific countries.

The International Union of Food and Allied Workers' Associations has made a protest about nuclear tests in the South Pacific.

UNION LETTER

A statement from the union headquarters in Geneva said a letter had been sent to President Pompidou of France.

It said the tests would seriously affect the environment of the population of the South Pacific.

They would create health risks for the consumers and workers handling fish, meat and dairy products exported to Asia, North America and Europe by countries in the South Pacific region.

The letter said the tests increased political tensions and the possibility of nuclear war, and diverted resources needed for socially useful projects.

The union, which represents 119 organisations in 56 countries, asked the French Government to cancel the series of tests scheduled for this year and to give up any further testing it planned.

JOURNALISTS

A group of Fiji journalists has protested about the tests and sent a letter to the French President requesting cancellation of the present series.

[From the Fiji Times, June 8, 1972]

NG LEADER ADDS TO ANTITEST PROTESTS

Papna-New Guinea's first Chief Minister, Mr. Michael Somare, has joined in the chorus of Pacific protest about French nuclear tests near Tahiti.

Mr Somare said at Nausori that the territory's coaltion Government had not yet discussed the tests, but he personally could understand why Pacific countries were objecting to them.

Fiji is one of the South Pacific countries which have protested to France.

"I would be upset if the tests were conducted near Papua-New Guinea," Mr Somare said. "The people of Papua-New Guinea would be very upset if this happened in our area."

Mr Somare stopped briefly in Fiji on his way home after attending state functions in Western Samoa.

He supported a call for his country to be permitted to join the South Pacific Forum regional reorganisation before it becomes independent.

Fiji's Prime Minister, Ratu Sir Kamisiese Mara, is opposed to Papua-New Guinea becoming a member until it is independent.

Mr Somare said one of his Government's first tasks would be to educate the people politcally so they were aware of what it was trying to do.

A political education division of the Government would be under his own office, he said.

Mr Somare said some members of his Government had received death threats.

Different tribes and groups existed in Papua-New Guinea and not everyone understood the concept of government.

Younger, better-educated people who felt it was all one country had come together to form a coalition.

Threats came because some people did not like the idea of early self-government for the territory.

But now the people concerned were starting to realise this country's own people were running it, Mr. Somare said.

[From the Fiji Times, June 19, 1972]

AUSTRALIAN PROTESTS OVER TESTS GROW

SYDNEY.—A wave of protests against scheduled French nuclear tests continued to swell yesterday with the Australian Writers' Guild accusing France of "arrogant inhumanity."

The chairman of the Victorian branch of the guild, Mr. Monte Miller, said the guild would cable its French counterpart and ask French writers to protest to their Government about the tests.

He said the guild condemned France's "arrogant inhumanity" and added that if the tests went ahead, it would be like "declaring war on the peoples and ecology of the Pacific."

Other groups to protest against the proposed tests this weekend included the Australian Legion of Ex-Servicemen with more than 100,000 members.

ALARMED

The legion said it was alarmed at the tests and rejected assurances they did not constitute a health hazard.

The Union of Australian Women challenged the Australian Prime Minister, Mr William McMahon, his ministers and Opposition members to sail into the testing area.

TOO SOFT

In another move, the French Consul in South Australia announced his resignation after 10 years as French representative in Adelaide.

The consul, Mr Frank Butterfield, said: "I am opposed to nuclear testing."

The Australian Young Liberal Movement attacked the Australian Government for being too soft in its attitude to the blasts.

The British Leader of the Opposition in the House of Lords, Lord Shackleton, told newsmen at Sydney Airport that he thought the tests should be criticised because they would increase radioactivity in the atmosphere.

Lord Shackleton, who was arriving at the start of a week-long visit to Australia, added: "I suppose they picked the least-inhabited part of the world for it.

BALANCE

"I don't know whether they would do it nearer home."

Lord Shackleton said he thought France had decided to join the thermonuclear (hydrogen bomb) league, but added that it was arguable whether the French could affect the balance of nuclear power.

During his visit, Lord Shackleton will meet Australian business and political leaders.

[From the Fiji Times, June 20, 1972]

AUSTRALIAN PM PROTESTS TO FRANCE ON NUCLEAR TESTS

SYDNEY.—The Australian Prime Minister, Mr. William McMahon, said yesterday that he had protested to the French President, Mr Georges Pompidou, about the coming French nuclear bomb tests in the South Pacific.

In Auckland, radio operators said that a French naval vessel was yesterday preparing to tow the protest yacht Greenpeace III out of the nuclear testing zone near Mururoa Atoll, with the series of tests due to start today.

Mr. McMahon said: "Let there be no misunderstanding. I and my Government would like to see the tests abandoned.

"We have taken every reasonable step to persuade our French friends to cease atmospheric testing."

Mr McMahon was speaking at the opening at the Lucas Heights Research Station, near Sydney, of a new critical facility built with the aid of French nuclear engineers.

LETTER

Addressing himself to the French Ambassador, Mr Gabriel Van Laethem, Mr McMahon said: "I have already conveyed personally

to the President of France the views that I have now expressed."

Mr McMahon wrote to President Pompidou soon after his return from a 10-day Asian tour last Thursday.

Australia had already supported a motion opposing the tests at the environment conferences in Stockholm.

But Mr McMahon decided on the direct protest to President Pompidou when he returned home.

STAND

Mr McMahon said Australia had taken a stand against nuclear testing in the atmosphere, outer space and under water when it ratified the 1963 partial nuclear test ban treaty.

Earlier Mr Van Laethem said France's existence might depend on its access to nuclear deterrents.

He said the French Government had spared no effort or expense to reduce hazards to their environment.

About 50 demonstrators protesting against the French tests stood outside the plant during the opening ceremony.

The Auckland reports, from Radio Rarotonga, said that the French authorities had been observing Greenpeace III.

The radio reports said a faint radio message from the yacht early yesterday said that all was well aboard the vessel, which left Auckland last month for the testing area, about 600 miles north of the Cook Islands.

TELEGRAM

The president of the Auckland branch of the Campaign for Nuclear Disarmament, Mr. Richard Northey, said that he had sent a telegram to New Zealand's acting Prime Minister, Mr. Robert Muldoon, asking that New Zealand seek assurances from the French authorities about the safety of Greenpeace III.

[From the Dominion, New Zealand, June 8, 1972]

PACIFIC OPPOSITION TO TESTS TOTAL

A New Zealander telephoned three Pacific countries and telexed a fourth yesterday, and said he found total opposition to the French nuclear tests.

The chairman of the Peace Research Media Project, Mr. Barry Mitcalfe, said only Australia and New Zealand now appeared to be withholding effective protest.

A conference, hosted by the Cook Islands, will be held among Pacific leaders next week at which the nuclear tests will be a main subject.

However, it appeared New Zealand did not know of the conference.

"We could at least send an observer or a Government delegate with power to speak and act on this issue," Mr. Mitcalfe said.

He had telephoned the Premier of the Cook Islands, Mr. Albert Henry; President Allende of Chile, and the Samoan Minister of Works, Mr. Tupoala Efi, and telexed Senator Sanford of Tahiti.

Mr. Henry told him his assembly was meeting at present and in addition to its protest already made through New Zealand, the assembly would make direct representation to the French Government.

President Allende's assistant, Mr. Palma, said Chile had already made strong representations to France, and any official approach to Chile through its ambassador in Canberra would be most sympathetically received.

However, it appeared New Zealand had as yet not taken advantage of this offer, Mr. Mitcalfe said.

Mr. Palma also said Peru had broken off diplomatic relations with France over the tests and was very strongly in opposition.

Mr. Efi told him the Fiji Prime Minister, Ratu Sir Kamasese Mara, had promised his country would take a leading role in any combined protests against the tests, Mr. Mitcalfe said.

Senator Sanford, one of two Tahitians representing the island in France, was "bitterly opposed" to the tests and would welcome New Zealand intervention.

OUTLAWED

Senator Sanford's Reassemblement Democratique Party, was the majority party in Tahiti at the time of the last Pacific tests by France, but it was outlawed after taking a leading part in anti-nuclear demonstrations.

Mr. Mitcalfe urged New Zealand to make an "effective" protest.

This would comprise informing the United Nations the South Pacific region was taking direct action against France, possibly by sending a combined fleet into the test area; and, asking for U.N. support in the same way as it intervened in Korea at the United States' request.

[From the Washington Post, June 25, 1972]

FRENCH DEPUTY PROTESTS TESTS

PAPEETE, TAHITI, June 25.—A member of the French Parliament said today he will fly to New York July 5 to denounce his country's government in the United Nations for holding nuclear tests in the Pacific.

Francis Sanford, who represents the Tahiti Overseas Territories in the National Assembly, announced his plans while French authorities at the Mururoa testing grounds awaited a green light from Paris to launch the new series of nuclear explosions.

Sanford, a Polynesian, recently quit the majority coalition in the French lower house because of his opposition to the imminent resumption of atomic tests at Mururoa and Fantataufa atolls.

[From the New York Times, June 3, 1972]

ATOMIC TESTING BY FRANCE

TO THE EDITOR:

Over the joint protest of the governments of Fiji, Tonga, Western Samoa, the Cook Islands, Nauru, New Zealand and Australia, the French will resume their nuclear testing in the atmosphere at Mururoa in French Polynesia in June.

Just as Americans have shown contempt for the lives and well-being of Micronesians during their own testing of atomic weapons and of Asians in their war against Vietnam, the French plan to expose the peoples of the South Pacific to risks which they dare not impose on their own population.

Some of us must recognize that the traditional Western disregard for the lives of people in Asia and Africa as well as Oceania is destroying us as well as them, and that the only hope is to work against such expressions of racism anywhere in the world.

The "Greenpeace" is now sailing into the testing zone; the chairman of that organization, Ben Metcalfe from British Columbia, is in Rome to seek the blessing of the Pope for efforts to stop the testing. There will be demonstrations at Notre Dame Cathedral in Paris beginning June 1 and at the U.N. conference on the environment beginning June 6 in Stockholm.

We urge people of good will to join them, and to express their objections to President Pompidou.

WALTER and BETTE JOHNSON,
Suva, Fiji, May 25, 1972.

(NOTE.—This letter was also signed by twelve others at the University of the South Pacific.)

NATIONALIZED MEDICINE: "A FASHIONABLE FOLLY"

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, during the extensive public hearings before the Ways and Means Committee last year, many comments were made relative to Great Britain's National Health Service. I believe that my colleagues would be interested in the article by the Honorable J. Enoch Powell, a Member of the British Parliament and former Minister of Health in Great Britain, concerning his experience with medical care which appeared in the April issue of Nation's Business. I include his article in the RECORD:

NATIONALIZED MEDICINE: "A FASHIONABLE FOLLY"

LONDON.—At a time when Congress is considering vast national health plans, the views of a man who has directed a government medical system are significant for their insight.

The Right Hon. J. Enoch Powell, a member of the British Parliament and former Minister of Health, is such a man. Though he warns that the United States and Great Britain are too different for exact comparisons, he offers from his own experience some decided opinions about nationalized health plans.

For one, he says that a quarter century of socialized medicine has not given the British people more health services, more hospitals, or faster or necessarily better medical attention, and that no one should be looking for panaceas in nationalization.

"I happen to believe that the total resources devoted to medical care in Britain would be larger but for the National Health Service," he says. "I believe people would opt for more medical care than the state decides to allocate."

Mr. Powell, a linguist and author, a former university professor, and an outspoken member of his country's Conservative Party, is controversial. He is anathema to liberals and socialists, both in his own country and here. Indeed, he is not universally loved in his own party, least of all by Prime Minister Edward Heath, with whom he has often disagreed.

In part, this is because he opposes many of his party's policies and because he enjoys talking about controversial problems.

In conversations with Nation's Business, Mr. Powell talked about his experiences as Minister of Health, and his views on medical care and other subjects.

FREEZE ON HOSPITALS

He believes strongly that for the first 15 years of socialized medicine in Britain—between 1946 and 1961—nationalization prevented any hospitals from being constructed.

"If there had been no National Health Service," he says, "many hospitals would have been built. Huge sums were in the possession of big charitable trusts after the war ready to be used to build modern hospitals. And the hospitals which were taken over [in the national health scheme] had large reserves and resources. Large reservoirs of charitable intent were ready to be taped. Municipalities which had taken pride in erecting their own hospitals would still have taken pride in erecting them in the 1940s and 1950s.

"But since there was nationalization it was left to the state, and the state said, 'No. No. No. No capital for that.'"

To this day Britain has not caught up with the rate of hospital building of the 1930s.

Furthermore, Mr. Powell declares, "It is certain that British hospitals today are far more obsolete than they would have been but for the National Health Service."

Also, Mr. Powell says, there has been change—for the worse—in doctor-patient relationships. "The British general practitioner always readily gave his care and attention

to the poor patient," he explains. "This is probably less readily given, now.

"If you nationalize medical care, you eliminate the commercial nexus, and therefore also the charitable nexus, and therefore the *noblesse oblige* between doctor and public. The doctor has—not quite—become a salaried servant."

In Britain, the term "English pay" means remuneration in terms of respect. Mr. Powell believes there is less of this for physicians now than there was prior to nationalized medicine.

THE DEMAND IS INDEFINITE

Waiting lists of patients for many types of medical attention have not been shortened because of free medical care, he notes, thus refuting claims by advocates of further nationalization of American medicine.

"You can't take care of everyone. The demand for medical care is infinite," Mr. Powell explains.

Recalling the three-year stint he put in as Minister of Health in the government of Prime Minister Harold Macmillan during the early '60s, he says:

"When I came into office I saw a long waiting list for what we call cold surgery—nonurgent surgery. The list was not growing, so I said the waiting can't be due to a deficiency of resources. It must be a backlog. If it had been due to a deficiency of resources the backlog would be growing.

"So, if you get rid of the backlog, I thought, services would be up-to-date. I said, 'All right, we will clear the backlog up.' Well, we couldn't do that. When I ceased to be Minister of Health the waiting lists were almost to within the same digits, certainly within thousandths, that they were in the first year of the National Health Service."

Mr. Powell learned then, he says, that "there is no way of adjusting infinite demand to limited supply."

He learned, too, that when services are provided "free" by government, discontent is often a side effect. In the case of health service, the people of one area will complain when they hear that the people of another area have a newer government-provided hospital, or a newer treatment, than they do.

One fact that gets slight attention from boosters of nationalized medicine in the United States is that the sale of insurance covering doctors' and hospital services in Britain is increasing. With money collected from insurance companies, an increasing number of Britons are therefore able to pay directly for health services rather than get them "free."

Obviously, they feel they get better attention—and probably quicker service—by paying as private patients.

The British plan includes arrangements whereby a person can "go private" and pay for medical attention, or go "under the scheme," and have the government pay.

However, little private hospital care is available, Mr. Powell says. When he is asked: "Do you yourself use the national health scheme?" he quickly answers: "If I had an illness requiring serious hospital treatment I would insist upon having it 'on' the National Health Service."

Despite its drawbacks, Mr. Powell says there "is not the slightest possibility in the foreseeable future" that the national health plan in England will be abolished.

At the same time, he thinks that, although most doctors now have grown up under the national health scheme, many "would wish for there to be more independent sources of demand for their services."

What about the United States? Would a national health scheme be acceptable here? "Most nations will commit the same follies," Mr. Powell says, "and it looks to me from a distance that any fashionable folly is at least as attractive to Americans as it is to Englishmen."

It is pointed out that several national medical care measures have been before Congress, including an Administration bill and one introduced by Sen. Edward M. Kennedy (D.-Mass.) that calls for what amounts to socialized medicine.

Mr. Powell's comment is that usually "the bad drives out the good." He adds: "I guess you will go to complete socialism—you will go the whole way." In his opinion, there is no happy medium between private and socialized medicine.

His views on a variety of other subjects are forthright:

Inflation. "If you really want to attack it—which I doubt—then you tell the government to stop it. Until I came to the United States for the first time, I thought the phrase, 'Government of the people, by the people, etc,.' was all flummery. I thought that was a load of flannel. But when I got here, I found it was a true description. You all bloody well are 'government' and nobody knows where government starts or stops in the U.S.A. Which makes the question, 'How to stop inflation,' more difficult.

"It would be easy for us in England. We just say to the government, 'Stop doing it.'

"Remember, nobody but government causes inflation because nobody but government maufactures or destroys money—apart from forgers.

"Inflation is caused by government because it is growth of money in a certain relationship to the growth of goods and services offered. The government controls money. Indeed, government is the creator of money. Government says to the people, 'Look, see this, this is money.'

"It's true that you can have inflation which isn't caused by government, but we don't in modern times. So this is rather by way of a footnote."

Economic terms. Such terms as "cost-push" and "demand-pull" irritate Mr. Powell, who has studied, written about and taught economics. He calls them "nonsense."

"There is always an immense quantity of nonsense going about," he says, "and the biggest quantity goes about in my part of the world—in politics—because we in politics are brought to the test of reality with much more delay than those who practice in other fields.

"For example, you would be surprised at the efficiency in a military headquarters as it gets nearer to the enemy. Similarly, I am sure that in a business there is a lot of nonsense. But it gets sorted out. Not so in politics.

"Cost-push and demand-pull—a lot of nonsense. It seems nonsense to say this itself when you think of the oceans of ink that have been expended in writing about them—but the fact that a thing is written about doesn't prove it is sense. On the contrary the more nonsensical it is, the more you can write about it."

Mr. Powell calls the term GNP (gross national product) nonsense as well. "The whole economic theory is not nonsense," he says, "but the GNP, if you treat it as other than an amusing compilation of disparate figures—like adding together cows and horses and teapots and pounds of coffee beans—if you treat it as anything other than that kind of statistical amusement, then it is nonsense."

WORLD MONETARY AND TRADE MATTERS

Declines or increases in shares of world trade do not mean what we think they do, Mr. Powell argues.

"Decline is a statistical trick," he explains. "The consequence of the growth of total world trade is that the share of it which any country has must fall. It happened to Britain, France and Germany, and it is bound to happen to the United States.

"So the first prescription I have to offer is not to worry and don't bother with statistics."

The benefit of all trade, he continues, "is equal and opposite. It is precisely mutual. Therefore, there is an inherent contradiction in the notion of dominance in trade. The more nations there are, and the more international trade there is, the less the proportion carried out by any one nation. This is bound to happen."

Mr. Powell has a deep dislike for pegged currencies. He wants them to float and he deplores recent moves to re-peg currencies. The Western world, he feels, had a great chance to improve the global monetary situation last autumn when President Nixon unpegged the dollar. And he says he would like very much to write the obituary for the International Monetary Fund, which helps control currencies.

He has equally strong feelings against SDR's, the Special Drawing Rights created by nations and the IMF four years ago as an aid to international bookkeeping and debts payment. The drawing rights are commonly called "paper gold."

"SDR's," Mr. Powell says, "are fool's gold. They are a substance which can be lent without being borrowed and invested without being saved."

Labor unions. Mr. Powell declares flatly that "the net effect of labor unions has been to make workers slightly worse off than they otherwise would have been."

Unions, he says, slow the transfer of effort from less to more valuable applications.

"The more this is held up, the worse off we are, compared with what we could be," he adds. "And to the extent that labor unions, by a legalized duress, are able to prevent people from freely seeking their own advantage, they make themselves—as well as nearly everybody else—worse off. They probably don't make the leaders worse off."

Denationalization. Can a country far down the path of socialism change course and pull back to a freer enterprise arrangement without a violent overthrow of government?

Mr. Powell believes it is possible. "It is a thing which can be done gradually," he muses. "You don't have to denationalize all nationalized industries at once. You can take it bit by bit."

But he adds: "You have to say all at once that nationalization is a bad thing. You have to take that step."

Denationalization has come along far enough in Britain under the Conservatives that it is no longer a case of "piercing of an ideological barrier," he says. "Not with the nationalized industries. But with the National Health Service, it might be."

APPROPRIATIONS FOR THE POSTAL SERVICE

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, when the House considered H.R. 15585, being the appropriation bill for the Treasury, the U.S. Postal Service, and the executive offices of the President on Thursday last, I was on the floor when the gentleman from Kansas (Mr. SEBELIUS) indicated that he would oppose the bill because of the $1.4 billion appropriated for the Postal Service. I listened attentively to his remarks, at that time I felt I was in substantial agreement with what he said and because I agreed with his remarks, I joined with him as one of the Members who voted "No" on that appropriation bill.

Mr. Speaker, I have no serious objection to the appropriations contained in that bill for the Treasury, or for the executive offices of the President.

Rather, my vote against this appropriation bill was a protest against the present operating procedures of the Postal Service.

Like the gentleman from Kansas, I was mindful that a point of order would be raised if we were to try to legislate in an appropriation bill. About all that was left for any of us to do was to vote against this appropriation bill and to state our reasons why. We will all have to wait until such time as we can legislate about some of the things that are not right with the Postal Service.

I followed carefully the comments of the gentleman from Kansas when he said that it is almost unbelievable that instead of delivering mail directly from one small town to another, the mail is moved a long distance away to a so-called distribution center, which may be as much as 100 miles away, and then brought back to a neighboring town not over 10 or 15 miles from the point of origin. I do not know how the illustration could be made much better than to say that mail moving from point A goes to point C and then back through point A in order to get to point B. It would be comparable to the manager of a baseball team ordering his shortstop to throw the ball to center field and then for it to be thrown back to the shortstop in order for the shortstop to throw the ball to to first base.

Just about equally as confusing, if we turn to the world of football, would be for the quarterback to turn his back to the line of scrimmage and pass toward the goal that is being defended, in the hopes that the ball would not be intercepted and somewhere back there would be a receiver who would somehow, someway, run to a point where he could lateral to the quarterback who would then finally throw a forward pass downfield to the intended receiver.

Of course, all this would be very confusing to the referee, and if he did not penalize the offensive team for illegal procedure, he would undoubtedly spend the rest of the afternoon shaking his head in bewilderment, just why a quarterback would go through such a confusing procedure on a football field.

Well, that is about the way it is today with a lot of our postal patrons as they look at what is happening to the Postal Service. Like the referee, they go around shaking their heads wondering how confused can things become. I refer, of course, to the cutbacks in rural service, the consolidation of rural routes, and most difficult of all to understand, is the elimination of postmarks from small towns. As it stands now, there is no way that the recipient of a letter knows the point of origin of that letter or very much about it except that it was deposited somewhere in the U.S. Postal Service.

I would hope that many Members of Congress either are or become concerned over the deterioration of the Postal Service in our rural areas. It is not alone a matter of cutbacks, elimination of routes, slower delivery, and departure from the long-established policy of local postmarks but with it all there has been a rate increase raising magazine and newspaper rates nearly 150 percent over the next 5 years. This kind of thing will put out of existence many of our weekly and daily rural newspapers.

At the present time I have no knowledge of what amount the Service intends to save from cutbacks of service in the rural areas in Missouri. I do not know whether it is $150,000 or $200,000.

Notwithstanding if we can rely on the information of the gentleman from Kansas the Postal Service is planning to spend $17.5 million with two advertising agencies to improve the image of the Postal Service. My reaction to this information is that if procedures that are now being followed in the Postal Service are not changed, no amount of money spent for public relations will do very much to improve the image.

No, Mr. Speaker, at all times from the days of Benjamin Franklin, to the present, we have known that the only way rural America can be served is by spending money to give it good mail service. Long, long ago we learned there is no way to deliver the mail on a daily break-even basis. But I had hoped that we had settled long ago on the merit of the proposition that good mail service is the right of every citizen even if it takes a subsidy from taxes imposed on everyone by the Federal Government.

We should all be indebted to our colleagues who have conducted the oversight hearings on postal operations. I do hope they make such recommendations as will insure good postal service in our rural and smalltown areas.

There is no way to amend an appropriation bill that would circumvent the present proposals of the Postal Service that have or will downgrade service in rural and smalltown America. That will have to be done in other legislation.

I am not sure whether $1.4 billion is enough to run the Postal Service for the next fiscal year. Perhaps it is not. But I do know that it may very well be too much until it is fully justified not simply before an Appropriations Committee but also before the House Post Office and Civil Service Committee as to why the quality of service continues to decline. I voted in opposition to H.R. 15585 as a protest of the deterioration of our Postal Services in our rural areas and our small towns.

CONGRESS IS ENTITLED TO A CHANCE AT A FORMAL VOTE ON WHETHER THE COSTLY WEST FRONT EXTENSION PROJECT SHOULD BE CARRIED OUT

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, Members of this House are well aware of the fact that I have long opposed the costly, destructive, and unnecessary project to extend the west front of the Capitol. The last time the House debated and voted on this project was in 1969.

We shall have another chance this week to consider and vote on this project when the conference report on the legislative appropriations bill is before the House, probably early on Wednesday or perhaps Thursday.

In order to acquaint my colleagues in the House with the issues involved in this west front matter and to enlist their support for my long efforts to kill the west front proposal, I recently sent a lengthy "Dear Colleague" to Members of the House.

Under leave to extend my remarks I include this letter for the information of those, both inside and outside the House, who may be interested in this matter and who may not have seen my letter:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 23, 1972.

DEAR COLLEAGUE: Some time next Wednesday, June 28, or shortly thereafter, the conference report on the Legislative Appropriation Bill will come up for consideration. The major item in disagreement has to do with *the controversial extension of the West Front of the Capitol.*

Since this is a matter on which I have been actively concerned since June 1966, I wanted to alert you to the upcoming vote and enlist your support for what I believe to be the most sensible position for a Member of the House to take on this question.

Basically, the issue revolves around Senate Amendment No. 36, on which *the House managers will ask the House to insist on its opposition to this amendment. My position is that the House should recede and concur in the Senate amendment.*

Actually this bill contains no funds for the West Front, because $2 million is still left over from the 1970 Bill for this extension project, which the elite Commission on the Extension of the Capitol ordered last March should be constructed. Strictly speaking this $2 million is *only for "plans" for the West Front extension, but plans for this project have long since been completed.*

What is likely to happen then *if the Senate amendment is not approved* is that this $2 million will be used for preliminary digging, demolition, etc., so that by the time the House is finally presented with an actual construction appropriation request *the work would have gone so far there would be no possible alternative to extension.*

The Senate amendment simply provides that "no funds may be used for the preparation of the final plans or initiation of construction of said [West Front extension] project until specifically approved and appropriated therefor by the Congress."

In other words, the *extension work* ordered in March by the handful of Commission members *could not proceed until Congress itself had voted to approve it.* What could be more reasonable?

Since this whole extension matter has been *under vigorous debate for the past 6 years;* since *the arguments offered in its behalf in 1969 have now been proven completely false;* since *the project involves the expenditure of $60 to $70 million of the taxpayers' money,* primarily for the convenience of some Members of Congress; and since the extension *will cover up the last remaining visible portion of the original historic 1800 Capitol building;* it does seem that this is an important enough matter to deserve to be settled *by a specific vote of both Houses of Congress* and not just by the wishes of a handful of Members, however senior they may be.

In 1969 we were told the reason for extension was that the Capitol was *in imminent danger of collapse.* Because of its unique construction, we were told, the Capitol could only be saved by a costly extension adding roughly 4 acres of new space! We were told it was engineeringly *impossible to repair the Capitol* or prevent its collapse in any other way, and that any attempt to do so *would be far more costly than the extension itself,* then estimated at $45 million.

Finally a compromise solution was agreed to. To check the validity of these sweeping

claims $200,000 was appropriated to hire the nation's most qualified structural engineering firm, Praeger of New York. This firm was directed to determine whether the Capitol was indeed in danger of collapse, whether it could be restored by some method other than extension, and whether this restoration would cost more than extension.

The Praeger report was filed with Congress in December 1970. *It completely demolished all three arguments:* the Capitol was *not* in danger of collapse (as a subsequent bombing attempt dramatically reaffirmed); it could be restored much more simply than by extension; and restoration *would cost less than $15 million.*

Oddly enough, this report *was ignored by the Appropriations Committee and the Commission on the Extension of the Capitol for 15 months. It was never commented on, never challenged, never even discussed.* Then suddenly on March 8, 1971, meeting in secret session, the Commission rejected the report and ordered construction on the extension to begin at once—*without any opportunity for debate or for a record vote of the membership in the light of the very devastating conclusions of the Praeger report.*

Surely if this issue was important enough for us to spend nearly a quarter of a million dollars to engage the most qualified structural engineering firm in the nation, then we ought not to discard their recommendation lightly *on nothing more substantial than the views of one architect (who opposed the extension before he went on the Capitol payroll) and a handful of non-technical Congressmen and Senators.*

Incidentally, the West Front extension will not be like the East Front extension. It will completely destroy the present unique West Front architecture, completely destroy the lovely Olmstead terraces, and replace them both with a cheap imitation of the East Front crammed with all kinds of restaurants and hideaway offices.

By allowing extension to be started without debate or vote we are in fact approving a project that will cost somewhere between $60 and $70 million, in preference to one the Praeger report says would cost only $15 million. Even if we concede that costs have gone up since December 1970, perhaps by $5 or $6 million, *a vote in favor of extension would still mean spending $40 or $50 million more than we need, largely for our own personal convenience.*

But this is not all. *The Senate discussions have disclosed an even more appalling picture.* Holiday Inn motels, for example, cost about $15 a square foot to build. A palatial private residence can be built for $30 a square foot. The Rayburn Building, until now the most expensive structure in existence, cost $50 a square foot. The new FBI building is reported to cost $68 a square foot, a new record high. *But the extension of the West Front will exceed this figure by 5½ times—$368 per square foot!* Is this really the sort of thing we want to do in an election year?

Finally, the argument has been made that extension is essential because Congress needs more space—more committee rooms, more private "hideaway" offices, more restaurant space. *But why do these have to be built in the Capitol when they can be built far more cheaply in some other location, the new Visitors' Center at Union Station, for example?*

You may perhaps not agree with me that approving the extension project is unwise. But I do *hope you will agree with me that a project of this magnitude ought not to be started without at least a specific authorizing vote by Congress as a whole,* taken after full debate and in the light of all the latest available evidence.

I earnestly solicit your support therefore in my effort on Wednesday to defeat the motion to insist on opposing Senate Amendment No. 36, and instead to recede and concur in their very reasonable, moderate, and democratic proposal, which the House Managers, who should be interested in economy, ought to have accepted long ago.

Sincerely yours,

SAMUEL S. STRATTON.

THE QUARTER OF A MILLION DOLLAR STRUCTURAL ENGINEERING REPORT ON THE CONDITION OF THE U.S. CAPITOL—THE PRAEGER REPORT—WHICH SAYS RESTORATION IS FEASIBLE AND IS ALSO CHEAPER THAN EXTENSION

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, the last time that Congress debated the controversial project to extend the west front of the Capitol was in 1969. At that time we were told the reason for extension was that the Capitol was in imminent danger of collapse. Because of its unique construction, we were told, the Capitol could only be saved by a costly extension adding roughly 4 acres of new space. We were told it was engineeringly impossible to repair the Capitol or prevent its collapse in any other way, and that any attempt to do so would be far more costly than the extension itself, then estimated at $45 million.

Finally a compromise solution was agreed to. To check the validity of these sweeping claims $200,000 was appropriated to hire the Nation's most qualified structural engineering firm, Praeger of New York. This firm was directed to determine whether the Capitol was indeed in danger of collapse, whether it could be restored by some method other than extension, and whether this restoration would cost more than extension.

The Praeger report was filed with Congress in December 1970. It completely demolished all three arguments: the Capitol was not in danger of collapse—as a subsequent bombing attempt dramatically reaffirmed; it could be restored much more simply than by extension; restoration would cost less than $15 million.

Oddly enough, this report was ignored by the Appropriations Committee and the Commission on the Extension of the Capitol for 15 months. It was never commented on, never challenged, never even discussed. Then suddenly on March 8, 1971, meeting in secret session, the Commission rejected the report and ordered construction on the extension to begin at once—without any opportunity for debate or for a record vote of the membership in the light of the very devastating conclusions of the Praeger report.

Surely if this issue was important enough for us to spend nearly a quarter of a million dollars to engage the most qualified structural engineering firm in the Nation, then we ought not to discard their recommendation lightly on nothing more substantial than the views of one architect—who opposed the extension before he went on the Capitol payroll—and a handful of nontechnical Congressmen and Senators.

Mr. Speaker, with another vote on this controversial issue now likely to come up on Wednesday or Thursday, it is essential that Members have before them the frank, forthright, professional, and revealing conclusions of this Praeger report.

Under leave to extend my remarks, I include here the full text of that report as it was submitted to Congress in December 1970:

INTRODUCTION

A. BACKGROUND OF REPORT

The United States Capitol (Frontispiece and Figure 1) is a unique structure with strong and direct ties to the foundation of our Republic. Throughout its long history it has been the subject of continued interest and concern. It has been changed extensively and enlarged as new conditions and usages required. It has been the subject of numerous inspections, reports and discussions. Most recent of the reports are those of Moran, Proctor, Mueser & Rutledge published in 1957, made in anticipation of "extention, reconstruction, and replacement of the central portion of the United States Capitol", and the Thompson & Lichtner report of 1964 with a critique by Locraft in 1966.

The Moran, Proctor, Mueser & Rutledge report was primarily a soils investigation, but it included a survey of the physical construction of the walls and an opinion on the lack of evidence of settlement. The Thompson & Lichtner report was a detailed examination of the West Central Front, including test cores of the walls, test pits and soil borings, as well as laboratory tests of materials. The Thompson & Lichtner study resulted in the general conclusion that the "exterior walls of the west central portion of the Capitol are distorted and cracked, and require corrective action for safety and durability." The report recommended that the west central exterior wall be retained "as an interior wall of an extended building" which would provide it with lateral support. Shoring of the west portico and the old terrace screen walls followed publication of that report.

As a result of the deliberations of the Congress concerning the extension of the west central portion of the Capitol, an additional study and report was authorized under Public Law 91–145.

B. OBJECTIVES OF REPORT

Praeger Kavanagh Waterbury was retained to provide data, estimates, schedules, findings, and evaluations as necessary to enable the Commission for Extension of the Capitol to make a special determination with respect to its directive under Public Law 91–145:

"* * * That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

"(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids;

"(4) That the cost of restoration would not exceed $15,000,000; and

"(5) That the time schedule for accomplishing the restoration work will not ex-

ceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further,* That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol."

In order to develop the information necessary to evaluate the feasibility of meeting these conditions a detailed study was made of the recorded history of the construction of the Capitol, structural analyses were prepared and site inspections and tests were made.

THE REPORT

A. Description of Structure

1. Structural System

The Capitol is a vaulted masonry structure with each of the three sections forming the west central front having a different structural arrangement, as indicated in Figures 2 through 6. The North Wing (Senate Side) consists of barrel and groined brick vaults supported on brick and sandstone walls (Figure 7). The Central Wing consists almost entirely of groined vaults supported on brick pilasters, which are presumed to be bonded into rubble-and-sandstone walls (Figure 8). The second and third floors of this wing, which are of brick groined vaulting, were not constructed until 1902 when the Library of Congress moved into its own building. The South Wing (House Side) consists of vaulted construction only at the basement and first floor levels (Figure 9). The upper stories, contiguous to Statuary Hall, are supported on steel beams, except at the corners where there is brick vaulting. A steel trussed arch spans over the "Liberty" statue in Statuary Hall supporting the dome above, and springs from a location about 25 ft. inside the face of the west wall.

A fundamental characteristic of an arch or vault is that it imposes a lateral thrust on the supporting structure. A groined vault is an intersection of barrel thrust at its four corners (Figure 10). Most of the floor construction along the west front wall involves vaulting, but since the thrust from a barrel vault acts away from the curve of the vault, not all adjacent walls are subjected to a lateral force. Along Wall 6 [1] there is no lateral thrust applied to the wall because of the orientation and width of the barrel vault thrusts from reaching it. This is also true of the two floors below the Portico on Wall 4. Wall 2 has no thrust applied to it at the upper stories where floors are supported by steel beams or at the basement and attic where barrel vaults are oriented normal to the wall. The pattern is not the same at each floor level, as can be seen by comparing the plans in Figures 2 to 6, where the directions and relative magnitudes of the maximum horizontal thrust forces are indicated. The critical points occur at the corners.

The foundations are rubble masonry walls with rubble infilling. In some cases they have been given a degree of continuity through the use of inverted arches. To a significant degree, the interior foundation walls adjoining and normal to the exterior walls, participate with the exterior walls in carrying load to the soil below. Walls 1, 2, 6 and 7, and sections of the Walls 3 and 5, have been underpinned in the past.

2. Physical condition

A survey record of the major cracks and deterioration in the West Central Front is presented in Figures 12 through 17. Similar surveys by others, made in 1957 and 1960, and on a regular basis since then, are generally confirmed. All indicate the same cracking pattern with minor changes since 1957.

A review of reports published over the years indicates that evidence of deterioration was observed early in the life of the structure. The walls were painted in 1817 to arrest weathering. A report of dropped keystones was made in 1826, and reference to settlement, fractures and displacements was made in both the Mudd Report (1849) and Meig's Report (1856).

Exterior wall cracks occur typically within a vertical swath roughly located between the window jambs, in every bay. The preponderance of the open cracks is vertical, most of the horizontal cracks being hairline fractures connecting vertical ones. Substantial portions of the entablature, balustrade and second floor band course are spalled or eroded.

The areas most severely flawed are the presently shored screen wall sections at the two old terraces. These walls are a nonstructural veneer over the rubble foundation wall that would otherwise be exposed.

Elements of the portico entablature have failed structurally and are presently shored.

Many of the keystones over first floor windows have dropped, a condition which tends to grow over the years because of thermal expansion combined with wedging action.

B. Investigation

To analyze the structural problems an investigation has been made of the loads imposed on the structure by use and construction as well as the many environmental phenomena to which it is exposed.

1. Loads

Under the terms "loads" all external forces and environmental influences of the behavior and safety of the structure are considered. These include static loads, such as the dead load of the structure itself and the relatively stationary applied load, as well as dynamic loads such as wind, moving occupancy, earthquake and sonic boom. Environmental loads include temperature effects that cause relative movements of structural elements which, if restrained, produce stresses. Environmental loads also include the effects of volume changes due to moisture absorption as well as the consequences of foundation settlements.

(a) Static (Live plus Dead)—Critical bays have been analyzed for dead and live loading through the full height of the building. The results indicate that the walls, as originally built, are stable and the masonry is subjected to compressive stresses of the order of 100 pounds per square inch with a maximum of 236 pounds per square inch. These stresses are relatively low for the materials involved. Horizonal and vertical shear stresses are in the 10 pounds per square inch range. Since the strength of the sandstone averages about 6,000 pounds per square inch and the fieldstone about 14,000 pounds per square inch, compression failure of the stone should not occur. The lime mortar has a compressive strength varying from 100 pounds per square inch to 2000 pounds per square inch and is therefore the critical material. Under the maximum stress indicated it is possible that there has been local failure of the mortar with subsequent redistribution of stress to the stronger materials.

A reasonable criterion for the design of masonry construction is that the section be proportioned so the resultant of the loads remains within the kern of the section so that tensile stresses do not occur. As can be seen in Figure 11, analysis indicates that the resultant is within the kern, but in some cases is close to the boundary.

(b) Wind—The Uniform Building Code [3] prescribes a design wind pressure of 15 pounds per square foot for the height zone from 0 to 30 feet above ground, 20 pounds per square foot for 30 to 49 feet, and 25 pounds per square foot above 50 feet. The Building Officials Conference of America Basic Building Code [3] prescribes 15 pounds per square foot for the height zone from 0 to 50 feet above ground and 20 pounds per square foot above 50 feet. These are generally accepted building codes, and the Uniform Building Code criterion, which is slightly more severe, was adopted as the basis for analysis.

The wind analysis indicates that stresses in the walls are negligible, generally less than 1 pound per square inch.

(c) Earthquake—Earthquakes produce impulse loads which can cause structural damage. Buildings, whose dynamic characteristics produce resonant response to the disturbance are particularly vulnerable.

Washington is in a geographic area which experiences infrequent seismic events of low intensity. The U.S. Coast and Geodetic Survey Seismic Probability Map of the United States places Washington in Zone 1, which is associated with minor damage.

The Earthquake History of the United States, Part I, prepared by the U.S. Coast and Geodetic Survey (1958), shows no major earthquakes in the Washington area, but records minor shocks on: February 4, 1828, March 9, 1828, April 29, 1852, August 31, 1861, January 2, 1885, and April 9, 1918. The only record of shock intensity observed in Washington was measured as 5M.M.[3] in 1918. The Earthquake History summarizes the seismic record as follows: "Although no earthquakes are listed as definitely occurring within the District of Columbia, several shocks of uncertain origin have been felt there."

For the analysis of earthquake effects on buildings in areas where seismographic records are not complete, the lateral force provisions of the Uniform Building Code,[4] which are based on the recommendations of the Structural Engineers Association of California, are widely accepted. These determine separate values of the lateral force for the building itself, and for elements of the building, such as an exterior wall. As applied to the Capitol these values are computed as follows:

(a) For the building:

Total lateral force at the base is 1.25% W, where W is the total dead load.

(b) For the west front bearing wall the lateral force is 5.0% Wp, where Wp is the weight of the wall element.

Criterion (b) controls the magnitude of force to be used on the walls, and an analysis was made of the stresses induced by this lateral force at the exterior and interior faces of a typical bay or of the west wall. Earthquake forces are reversible and therefore additive, acting to augment lateral thrusts from the vaults.

The analysis demonstrates that earthquake stresses are relatively small as compared to dead and live load stresses to the structural integrity of the west wall.

(d) Sonic Boom—Sonic booms is a pressure differential resulting from a shock wave induced, among other things, by aircraft flying at supersonic speeds. It is affected by controllable factors, such as speed, altitude and maneuvers of the aircraft, as well as by non-controllable factors, such as meteorological conditions, topography and ground level air turbulence.

The sonic boom curve is often called an N-wave and its peak pressure intensity, or "overpressure," is the pressure above normal ambient atmospheric pressure. The push-pull characteristics of the N-wave have been related to secondary structural damage to buildings on the flight path, and regulation of flight operations is necessary to limit overpressure from aircraft operating too close to the ground. The intensity of sonic booms at ground level resulting from aircraft at normal operating altitudes is seldom above 1 millibar (2.0 pounds per square foot), and rarely as high as 2.5 millibars (5.0 pounds per square foot). Structural damage caused by sonic booms of these intensities is usually limited to non-structural elements of buildings, and results from the interaction of the

Footnotes at end of article.

impulse-type loading and the resonant frequencies of the affected element. When the duration of loading exceeds the natural period of the structural element, amplification of the static effect of the overpressure result. When the duration time is less than the natural period, smaller amplification may occur.

A simplified approach to the analysis of a structure under dynamic loading utilizes the concept of an equivalent static load which produces the same stresses and strains as would be caused by the dynamic loads. The ratio of the equivalent static load to the dynamic load is called the dynamic amplification factor and depends on the element's stiffness, natural frequency and damping, as well as the type and duration of applied loading. The dynamic amplification factor can be measured by experimental tests, such as those which are part of the National Sonic Boom Evaluation Project undertaken at Edwards Air Force Base. These tests furnish plots of amplification factor versus natural frequency, for each type of loading as related to types of planes at various Mach numbers and altitudes. Characteristic values lie between 2.0 and 3.0.

The fundamental natural frequency of the Capitol is in the order of 1 to 2 cycles per second, while that of the individual wall elements considered as plates is about 48 cycles per second. Though the building as a whole is little affected by dynamic amplification, an amplification factor of 2.0 is assumed. Wall elements are assumed to have a factor of 3.0. Even with these conservative values, and the rare occurrence of a free-field sonic boom intensity of 2.5 millibars (5.0 pounds per square foot), the corresponding lateral pressures of 10 or 15 pounds per square foot are lower than those associated with wind.

The effects of sonic boom associated with planes flying at supersonic speeds and present altitude restrictions will not adversely affect the west central front walls.

2. Foundations analysis

Consideration has been given to the possibility that the observed cracking and displacements of the walls constituting the west front of the Capitol might be due to some foundation inadequacy.

For this purpose borings were made to confirm soils information previously obtained along the west front and to recover soil samples for laboratory test. The soil profile, inferred from the new borings and from those made in 1957, and the laboratory test data, are presented in Appendix A, Section 3.

Failure of a foundation generally may occur in two ways. One is a shear failure of the supporting soil, in which the soil under and around the foundation is ruptured and a relatively sudden collapse ensues.

The second mode of foundation failure is by excessive settlement as the soil supporting the foundation is deformed by the imposed loads. As long as deformations are not excessive, the building accommodates itself to the deformation without serious damage, though some cracking may occur. If the deformations are excessive, wide and long cracks result and the building tends to separate into pieces. The definition of "excessive" settlement is a function of the type of building, the rate of deformation, the degree of uniformity of settlement and other factors.

Fixed numeric values are not applicable. For example, there are buildings in Mexico City which have settled upwards of five feet and remain in sound condition and continue in use. As a rule, designers endeavor to proportion foundations for a building of heavy masonry construction, not occupied by sensitive equipment, so as to limit the settlement to about 2 to 4 inches.[5]

(a) Shear Failure of Soil—The ultimate bearing capacity of the several soil strata supporting the foundations for the west front have been calculated. The principal soil strata are:

(1) A layer of sand and gravel directly underlying the footings, expending about 20 ft. below the lowest footing level and underlain by

(2) a layer of stiff to very stiff red-brown clay, averaging about 40 feet in depth and, in turn, underlain by

(3) a layer of compact sand, approximately 25 feet thick which is underlain by

(4) a hard gray clay, averaging about 30 feet in depth. This stratum is underlain by

(5) a compact sand and silty clay of undetermined depth.

The calculated ultimate bearing capacities of these strata are indicated in the following table, together with the calculated pressures imposed by the foundations. The ratio of the two is the safety factor.

Designers normally proportion a foundation to achieve a factor of safety of from 1.5 to 3 against a bearing capacity failure. Table 1 indicates that a minimum factor of safety of about 2 exists under the present circumstances. The corresponding soil pressure is relatively high, but far less than that required to produce a bearing failure. Further, the computed pressure is conservative since the calculated value represents a maximum condition, occurs only locally and is based on the assumption that there is no contributing support from adjacent interior foundation walls.

TABLE 1.—BEARING CAPACITY VERSUS IMPOSED PRESSURES

Soil stratum	Ultimate bearing capacity (tons per square foot)	Imposed pressure (tons per square foot)	Factor of safety
Sand and gravel	9.7	4.8	2.04
Red-brown clay	17.2	2.5	7
Sand	>10.0	.3	>10
Gray clay	>10.0	.2	>10
Sand	>10.0	.1	>10

Loss of strength of the clay soil due to long term strains is a secondary phenomenon occasionally encountered. However, calculations indicate that the shear stress intensity in the clay soil is too low to produce this effect.

Clearly, the wall has stood for the past 150 years. The computed factors of safety indicate that, barring some grossly changed condition, there is no danger of a bearing failure.

(b) Settlement Failure of Soil—For the soil profile which occurs beneath the foundations of the walls of the west front, settlement would occur in three stages. The first would consist of an almost immediate compression of the sand and gravel strata, followed by a somewhat longer-term (about 20 years), slow, progressive consolidation of the clay strata, conventionally known as primary consolidation. This would be followed by a longer term consolidation of the clay strata, known as secondary consolidation.

An empirical estimate of the compression of the sand and gravel, based upon the resistance to penetration of the sampling device, is in the order of one to two inches. Except for minor additional displacements due to alterations in the building which may have added more load, this displacement took place over one hundred fifty years ago.

The primary consolidation of the clay strata has been calculated from the data provided by laboratory tests. These computations indicate a total settlement of about one and one-half inches and this, too, occurred over one hundred years ago.

Secondary consolidation continues today at a very slow rate and is of limited magnitude: Calculations indicate that a total of about one-half inch has occurred in the past, and that a somewhat smaller amount will occur over the next one hundred fifty years.

It is estimated that the total settlement of the walls of the west front, to date has been about 3 to 4 inches. These settlements are on the high side of normal but they are not unreasonable or alarming. Future movements due to settlement will be very minor.

(c) Field Observations—Because of the complexities of the construction of the Capitol's foundations and the heterogeneity of the soil profile, the application of the theoretical analysis described above has been checked against field conditions, with the following results:

(1) There is no indication that a bearing capacity failure has occurred. This is in consonance with the computations which indicate that there is a substantial margin of safety against such a failure.

(2) It appears that the observed cracks in the walls of the West front are not due to excessive settlement. Evaluation confirms the report by Moran, Proctor, Mueser & Rutledge, dated May 1957, Volume 1, page 81, which indicates that a thorough inspection of the walls of the west front led to the conclusion that cracking did not relate to foundation settlement. The pattern of cracking and the general conditions and deformations are not indicative of a foundation problem. This confirms the computations, which indicate that the existing walls should not have suffered seriously from settlement of the foundation.

(3) Prior to this study a level survey was made which indicated that about ¼-inch of settlement occurred over a period of about 2½ years. This is inconsistent with the calculations, which indicate that whatever settlement of the foundation continues to occur is inconsequentially small. Accordingly, an independent check of the level points utilized by the previous survey was made. This most recent survey indicates that there has been no detectable settlement over the past two years.

3. Causes of damage

(a) Environmental Changes—The structural integrity of a building may be affected each time there is a change in the original structural arrangement or an environmental condition change. The extent to which past changes have caused a present threat to the safety of the structure must be evaluated. Table 4 is a list of such events which deserve special consideration.

The history of the Capitol is one of continuous change. Before it was occupied, faulty construction in the North Wing foundations had to be repaired by Dr. William Thorton, the designer of the Capitol. Parts of the South Wing foundations were torn down and rebuilt under Latrobe's direction. As soon as the South Wing was completed, the North Wing was practically dismantled and reconstructed to accommodate the Supreme Court and Library of Congress, in addition to the Senate. Roof leaks were reported in the North Wing before it was ten years old. A number of arch failures occurred, with subsequent reconstruction.

The British burned the Capitol in 1814, subjecting its materials to severe extremes of temperature. The construction which followed involved a complete structural change from timber to masonry vaulting for all floors, except the roof.

Around 1830, the Bullfinch Terraces were built and the North and South Wings were underpinned. More underpinning was done when the "new" Senate and House Extensions were built in the 1850's. Parts of the Central Wing walls were underpinned to make room for construction of heating furnaces. Underpinning may have resulted in some loss of vertical support with accompanying strain in materials which produces cracks.

The floor of Statuary Hall was once used as a mixing chamber for a hot air heating system, which caused volumetric expansion and contracting of an unusual nature. Hot

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air heating was replaced by steam, gas was installed, followed by electricity and, finally, the building was air-conditioned. In 1874 the first elevator was installed. Each change required new cuts into the structure and consequent readjustment of structural elements; see Plate 3.

In 1851 there was a fire in the Library of Congress, which had been moved from the North Wing to the Central Wing, and in 1898 another fire occurred, following a gas explosion in the North Wing.

When the Library of Congress moved into its own building, two new floors were installed in that Central Wing. About the same time, the timber Lantern Domes over both wings were removed and replaced by steel construction.

The sequence of construction is a significant determinant of differential settlement. The North and South Wings were built about 30 years before the Central Section was completed and the present cast iron dome replaced a wooden dome in 1863, thirty-three years later. As a result, the supporting soil strata under the three parts of the building were subjected to different loading intensities, hence different soil consolidation and settlement patterns. Evidence of articulation at the intersections of the three wings is probably in part due to differential settlement.

The building has adjusted itself to these changes or has been repaired to accommodate them as they occurred. This study indicates there is no observable threat to the structure due to past changes.

(b) Quality of Construction and Materials—In 1795, Dr. Thornton reported poor masonry work on the North Wing. A remedy was applied, but the suspicion has persisted that the Capitol foundations are of inferior quality. The notion was reinforced in 1804 when work on the South Wing had to be reconstructed. Assertions that these walls are merely two minor walls with the area between filled with loose rubble and mortar were contradicted by Dr. Thornton who referred to good bond stones intermingled throughout.[6]

Arch failures during construction were fairly common in those days and Thornton took occasion to remark on Latrobe's poor luck in this field.[7] Several failures were reported in the history of the Capitol's construction, and in each case repairs were made. One may wonder if, based on this history, other arches might be on the verge of failure. This study indicates that such fears are unfounded.

The Capitol in its present form is over 100 years old and most of the vaulting is over 150 years old. During that period the building has been subjected to high winds, shocks of seismic origin, and explosion, and numerous structural incursions to accommodate new facilities.

Wherever it can be seen, the brick vaulting is solid and firm with good mortar bond. There are many examples where vaulting has been cut and remains firm. Bricks exposed at the edge of openings in vaulting made for air-conditioning ducts, are supported solely by mortar bond and are not easily removed (Plate 3). Observed arches and vaulting have adjusted to change or were properly repaired to form a safe and strong structural element.

Interior damage to exterior walls is shown on Figures 16–17 but the evidence of damage is inconclusive because of the high standard of maintenance. Nevertheless, there are signs of water intrusion. Except for rooms H227 and S231, all interior wall cracks are minor, probably limited to the plaster.

In Room H227 a series of vertical cracks appear at a point corresponding to the junction between the South Wing and the Central Wing. Since the Central Wing was abutted to the South Wing, some 20 years after the latter was built, these cracks may be the result of an imperfectly bonded joint.

Some plans of the building in this area suggest that there are flues in the walls and these could be responsible for the damage.

In Room S231 the concentration of expansion and contraction activity which is typical at the corners of a building is evidenced by vertical cracks on the interior surface.

Cores of the upper walls show voided areas which may have resulted from the reported construction technique of infilling the walls with loose batches of stone and mortar. Condensation may keep lime mortar soft and some may leach out, causing voids or enlarging existing ones (see Figure 22). Grouting done under the Exploratory Work conducted as part of this report indicates that the foundation wall cores have an overall void ratio of about 5% and as high as 20% locally.

The void ratio of the upper wall varies from 5% to 10%.

It is suspected that a serious error in construction occurred because masons at the time did not cut and lay exterior sandstone with careful observance to the orientation of the bedding plans of the stone. Sandstone, though porous, will weather well if permitted to drain properly. If the stone is laid without regard to grain, there will be stones in which water will be trapped long enough to freeze and cause surface deterioration. The pattern of deterioration observed is consistent with this possibility since many stones are in good condition. Full confirmation of this theory cannot be obtained unless the entire surfaces of the walls are cleaned of paint and the sandstone is examined.

Painting the surface of stone is a reasonable method of preventing the intrusion of water, but there is a danger that it can become a cause of deterioration by permitting intrusion of water at some points and causing entrapment at others. Painting records are not available, but this aspect of building maintenance apparently was neglected between the years 1830 and 1850, according to Mudd,[8] who states his understanding that the Capitol had not been painted for 17 years.

Painting can have other deleterious effects. Components of the paint may penetrate the pores of the stone and react chemically with it. It will generally stain the stone, and attempts to remove the paint can cause further unsightliness as well as inadvertent removal of stone particles.

While painting has discolored the stone it appears to have provided protection more often than it has caused damage. Sandstone which has been painted has weathered better than much of the nearby marble which is not as old.

(c) Temperature—Most of the cracking and deterioration of the west wall can be explained by the effects of weathering and temperature. Structures adjust to temperature change through volumetric expansion and contraction. This process can be complex, taking account of building configurations, inside-outside temperature differential, the ability of the materials to transmit the imposed forces and the effects of water intrusion followed by expansion when it freezes.

The ways in which a masonry wall can be cracked by temperature changes are depicted in Figure 18, which demonstrates the fundamental action of expansion and contraction. With a rise in temperature, the wall lengthens. When the temperature drops, it tends to shorten. Because masonry is weak in tension it does not recover its original length if there is any restraint to this shortening. Instead, it falls at the section where the least amount of material is available—at door and window openings.

The manner in which this is compounded by structural configuration is demonstrated by Figure 18(b). When two parallel walls are linked by a third wall, the movements just described tend to distort the linking wall and cracks form at the locations shown.

These effects are compounded because of the restraint provided by floors and walls, shown in Figures 18(c) and (d). If the inside temperature is different from the outside, a warping effect results and the structure assumes the shapes indicated in the sketch. Since expansion and contraction occur vertically, as well as horizontally, the actual pattern is complex, but cracks tend to form as shown.

Generally, this effect would not be large enough to cause cracks, but it is continually reversible and becomes a determining factor when additive to one or more of the previously described forces. Once the stone has cracked, the wall does not return to its original position and a natural process of growth sets in. If the crack is filled with dirt, or patching mortar, or if a dropped keystone closes the gap, the wall becomes still longer upon expansion and the crack opens again when contraction occurs.

In the case of the Capitol walls, the described action is compounded by the great thickness of the wall and its 3-layer construction. The inner part of the wall is thermally stable while the exterior is exposed to the temperature extremes. The existence of a void behind the sandstone suggests that the sandstone may have some behavior independent of its backup wall. To the degree, that its internal geometry will permit, the exterior wall responds to temperature, and forms its own expansion joints by cracking in the manner shown in Figures 12–15.

(d) Settlement—Differential settlement of the foundations of a structure produces a characteristic cracking pattern in the supported masonry walls. These usually take one of the forms illustrated in Figure 19:

(1) If settlement acts to tilt or rotate one portion of the wall with respect to another, cracks will develop, as indicated in Figure 19(a), and the size of opening increases as it travels up the wall in vertical cracks or joints.

(2) More commonly, one portion of the wall drops with respect to an adjacent part and the openings occur in horizontal joints (Figure 19(b)).

Close inspection discloses relatively few crack patterns that could be related to foundation behavior. By themselves cracks are not evidence of settlement, and in the case at hand are explainable by weathering and temperature phenomena.

4. Exploratory Program[9]

As part of this study, plans and specifications were prepared for "Exploratory Work In and Adjacent to the West Central Portion of the United States Capitol", and a contract to carry out the work was awarded to Layne-New York Co., Inc. The purpose of the work was to determine the practicality and limitations of some of the restoration methods under consideration and their costs, as well as confirmation of data developed in earlier studies and reports. Determinations were sought for the following specific items:

(a) Drilling and Grouting—The primary purpose of the exploratory program was to determine the practicality and effectiveness of grouting the walls, using different techniques and materials. Underlying this work was the unknown degree to which the walls actually are voided, so an effort was made to determine the void ratio as well as the degree to which voids can be filled.

In 1964 some 63 cores were drilled in the west front wall. These were well distributed, were described and photographed in the Thompson & Lichtner report, and the cores are presently stored in the basement of the Rayburn Building. For the exploratory program. Layne-New York Co., Inc. drilled an additional 45 cores in much greater concen-

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tration in two test areas of wall. Because dry drilling tends to pulverize the core and wet drilling tends to wash out lime mortar and sand, good clean cores are seldom obtained and judgment is required to establish a void ratio. Additional information provided by the drilling process is obtained when there is a sudden change in the drilling pressure or the drill "falls through" a void.

When the wall was grouted, a careful record of the volume injected was kept as another indication of the existence and extent of voids. This record does not detect voids that are not filled, nor is there any way to determine exactly how far the grout traveled in the channels it found. Therefore, the indication is limited. It proves that voids exist, but it cannot prove that they do not exist or the degree to which they are filled.

At Wall A[10] there were 4 inclined grout holes and 14 test holes which were drilled after the grout was injected. In the test holes, a determination of the extent of voids, as compared to the extent of grout in the cores, was made to evaluate both the void ratio and the effectiveness of grouting. Logs of all drilling and grouting were kept, and a profile was recorded for the test cores.[11]

Of the 14 test cores taken in Wall A, 12 contained evidence of grout filled voids. The other 2 contained none, but also showed few voids. If a core contains a void not filled by grout, some conclusion can be drawn about the effectiveness of grouting. However, if there are no voids which might have been filled, no conclusion can be drawn except as to the degree to which it tends to indicate a solid wall.

In Wall B, one vertical grout hole and 8 horizontal grout holes were drilled. The holes were grouted and 18 test cores were taken.

Wall B turned out to be not typical [12] of the rest of the west wall since it did not have the extent of loose rubble in filling discovered in other areas in the 1964 investigation. The masonry units were large and the proportion of joints was, therefore, small. Out of the 18 test cores, 9 contained evidence of grout.

Wall A was grouted with Monomer, Epoxy, Neat Cement and Sand Cement in four different grout holes spaced about 7 feet apart. Altogether over 420 gallons, or 56 cubic feet of material was placed in the wall. This indicated that a considerable volume of voids existed and was filled; and it implied a void ratio of about 10%, if a normal distribution of voids existed around the grout holes. A normal distribution apparently does not exist, however, since over 50% of the total grout was placed in one of 4 holes and it traveled as far as 6 ft. in one direction and 12 ft. in another. Test holes also pierced many areas in which no grout was found and few voids were observed. The inference is that there are large voids, several inches in diameter, located in clusters, rather than a general distribution of fine voids. There are channels or seams through which grout can travel a great distance but these do not necessarily interconnect the larger voids.

The void ratio in the foundation wall, based on examination of the cores, is estimated to be 5% generally and 20% locally.

In Wall B, only cement grouts were used, and about 315 gallons of grout material were placed in the pier. Apparently, the only void in this wall was detected by the driller when the drill "fell through" consistently at about a depth of 2 to 3 feet from the face of the wall. The indicated volume would be equivalent to about a 5% void ratio. A 2½ inch continuous seam would also produce a 5% void ratio. What appeared to be this seam was observed as a ¼ inch crack when the wood paneling was removed to expose the wall near the window jambs.

In Wall B, 1 inch diameter horizontal grout holes, using about 20 pounds per square inch pressure, were as effective as was the larger vertical hole. With both grouting procedures, the conclusion was reached that the wall at this location is very solid. From examination of the 1964 cores, it is estimated that the void ratio for the upper walls is generally less than 10% and most of it is in the vertical plane, immediately behind the sandstone face. These can be best filled by grouting through horizontal or slightly tilted grout holes drilled through the face.

Of the four grouts tested, three proved superior: neat cement, sand cement and epoxy.

Monomer, an acrylic plastic, is a promising material with good laboratory test results, but the test program indicated a lack of field experience with the material, which restricts its applicability in a major structure. While the material soaks into the grouted wall quite effectively, its rate of cure was indeterminate. It also gave off an objectionable penetrating odor that cannot be tolerated in a building which is to be occupied during construction. It also is flammable and has a low flash point in the liquid state.

Sand cement grout was used with two different gradations of sand, was pumped both with and without pressure through 1 inch diameter holes and 3 inch diameter holes. With 3 inch diameter holes and well graded sand, it proved adequate. Since its prime virtue over neat cement grout is economy, it is not suggested for use in the foundation walls, where it would be less likely to seek out and flow through small channels which interconnect the voids. In the upper walls, it is recommended for use in conjunction with epoxy. To avoid damage to pumps and obtain good flow characteristics, the sand gradation must be rigidly adhered to.[13] The best mix for neat cement grout was 1.5:1 [14] and for sand cement grout 1.5:1:2.[15]

Grouts of the suggested mix ratios did not generally bleed through the wall joints. When they did, a self-sealing characteristic was evident. Bleeding quickly stopped and is easily retained by slight obstructions to flow.

Epoxy is very strong in extension, compression and bond. It is also effective in permeating a finely voided material, but relatively expensive. It should be used as an adjunct to sand cement for grouting the upper walls, where good bond is a desirable characteristic. After the wall has been grouted with sand cement, to fill the large void behind the sandstone, a second stage grouting of the same areas with epoxy would result in a strong wall.

Solidification of the wall will affect the thermal properties. Air spaces at voids in the rubble core offer practically no resistance to the transmission of water vapor but are effective insulation against transmission of heat. When the voids are filled with grout the transmission rate of water vapor is decreased and that of heat is increased. The result is a 10% net increase in heat loss or gain for a solidified wall.

Condensation in the wall will not occur during the summer. During the winter there are conditions under which condensation occurs for both the existing wall and a solidified wall. Grouting will not produce much change in this effect (see Figure 22).

(b) Soils and Settlement—Three soil borings were made and one-dimensional consolidation tests were performed on three undisturbed samples. In addition, three unconfined compression tests, and three sets of liquid and plastic limit determinations were made by Woodward-Moorhouse & Associates, Inc. Laboratory results are given in Appendix A, Section 2, and a general discussion is included in Part B2 of this report.

(c) Paint and Paint Removal—Efforts to remove old paint, which has a thickness of 90 to 115 mils, from the surface of the west central front wall were not encouraging. The methylene chloride base remover specified, was at least as effective as other removers which were tried, but none succeeded in producing a completely clean stone surface. Application of a hydro-silica jet, using 600 to 700 pounds per square inch pressure, did remove the remaining paint but it also removed a portion of the stone surface. The jet treatment was too harsh for use on carved stone. On flat areas, it would be effective but would require a follow-up rubbing and sanding to restore the surface to a reasonable plane. The removal of soft decomposed stone forms a sound base for bonding of applied protective coats, so plain water jetting should not be rejected as a removal technique unless extreme erosion occurs.

Several manufacturers and paint consultants were contacted and the consulting service of Mr. Arnold J. Eickhoff was retained. There was general agreement that chemical removal would have limited success. Other techniques suggested include flame, hydro-silica jet followed by sand blast using walnut shells, and mechanical removal using pneumatic tools.

Paint removal resulting in a perfectly clean exposed sandstone does not appear to be practical. Removal to permit inspection of sandstone and effective use of stone preservative can be obtained using conventional hand labor and chemical remover.

Present painting practice requires the use of paint meeting Federal Specification TT–P–102a. This is a paint particularly adapted to exterior use on wood. Use of a stone preservative or conditioner as a base coat for a latex binder paint should be considered. Laboratory tests of paint samples indicate that latex binder paints were used in recent paint applications on the west front wall (see Appendix A, Section 5).

(d) Stone Preservative. — The existing stone is soft and porous. Its life could be effectively extended if it could be hardened and/or waterproofed. Two commercially available products were applied to test portions of the wall and smaller specimens which were sent to the National Bureau of Standards for testing. Their report is included as Section 3 of Appendix A. Complete protection of the stone surfaces should combine caulking of cracks and joints with the plastic material, followed by application of stone preservative and two coats of paint.

(e) Source of Sandstone—As an adjunct to the exploratory work, two field trips were made to the Aquia Creek area in Stafford County, Virginia, from which the original sandstone reportedly had been obtained. One of these trips is documented by Mr. Thomas W. Fluhr, Engineering Geologist, in Appendix B. Old quarries were discovered, but the findings were no more successful than similar efforts undertaken by Latrobe between 1805 and 1819. If good stone is there, it is well beneath the surface and expensive exploratory work would be required to discover it, with no guarantee of results. An even more expensive quarrying operation would then be required to uncover it. That would also be a gamble because it has been stated that blasting has been used in the area for the extraction of gravel. Such blasting may have shattered what otherwise might be acceptable sandstone.

What stone was visible on the surface during these inspections at the quarries had considerable quartz pebbles or was badly decomposed. An area visited on the second trip to the Aquia Creek area was possibly quarried in the 1930's, judging by the vegetation over the cut: see Plate 4. Here the volume cut was relatively small and the quality apparently ran out.

C. Conclusions

The many cracks and surface flaws do not significantly impair the ability of the west central front wall to continue to support the loads imposed on it. There are voids in the walls which do affect its strength.

Materials are of a quality and strength in excess of that required for safety, with the exception of the lime mortar cementing agent which ranges from fair to poor. The

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poor material is generally in the central core of the wall, which can be assumed 50% efficient without causing overstress in the remaining portions of the wall.

Because there have been so many environmental changes during the course of the Capitol's history, there is no way of being certain that the building has all the characteristics of the original structure or those assumed in the computed structural analysis. Therefore a structural restoration program is required. Also, maintenance policy should require that all future installations of mechanical equipment, devices, chases, etc., be preceded by a structural analysis of affected elements.

If the wall voids were filled, exterior cracking would be inhibited by transfer of stress to interior portions of the wall. Generally, however, cracking will continue to occur as the wall adjusts to temperature change. A series of control joints must be provided to insure that these cracks occur at preselected points. Control joints must be caulked with plastic materials, which will stop the intrusion of water. With these measures future cracking should occur at a much reduced rate.

The following are specific conclusions and restoration procedures which apply to the different parts of the building, considered from the standpoints first of structural restoration and preservation.

1. Structural

(a) Soils [16]—Laboratory tests of soils beneath the Capitol indicate that the imposed loads are carried safely with a very small amount of anticipated future settlement.

In the past, settlement has occurred and since the three wings of the Old Capitol were built at different periods of time, there undoubtedly was differential settlement. The cracked vertical joints at the intersections of the three wings may be the results of this effect. Present settlement is negligible.

Neither underpinning of foundation walls nor chemical injection of soils is necessary.

(b) Foundation Walls—Foundation wall masonry is laid in lime mortar bedding of varying strength in a low range. The interiors of the walls were reportedly not laid in regular courses but filled with mortar dropped on the stones. Drilling conducted in the field test program indicates that this condition might exist locally rather than generally.

It is desirable to solidify the interior of the foundation walls to remove discontinuities and provide a relatively monolithic condition. The walls should be pointed. Then grouting can be accomplished with cement grout followed by epoxy. Use of epoxy grout would provide cohesive strength to existing mortar.

Experience in the exploratory program indicates that for foundation walls a first stage cement grout should be injected under pressure. Holes should be 2 to 3 inches in diameter, slightly off vertical, and spaced at about 3 feet on centers. Second stage grouting with epoxy should be in 2 to 3 inch round holes located between the first stage holes. To obtain a positive tie, steel rods would be inserted in the holes immediately upon completion of each grouting operation.

(c) Screen Walls—The screen walls at the lower old terraces are out of line and at some points could buckle despite present shoring. Although this veneer is non-structural it does provide protection against the weather for the rubble foundation wall behind it. Because the protection is important, and because the wall is unsightly, the screen wall should be rebuilt.

Earlier investigations showed that the veneer is generally six inches thick, with a three to four inch air space behind it. Rusted remains of ties were found, indicating that some attempt to bond the veneer to the wall behind it had been made.

To restore the screen wall it should be removed and the stones cleaned and trimmed. Broken stones should be repaired or replaced. Before replacing the screen wall, the rubble wall should be grouted (see Figure 20). Using the original stones, the wall should then be replaced plumb and true with bonding ties located at each course and doweled into the rubble wall and the space between veneer and rubble wall should be filled with cement mortar as each course is laid. The wall should be treated with preservative and painted, in consonance with the main walls.

(d) Terrace Walls—The old terrace walls, located about 20 feet forward of the screen walls, are gravity retained walls founded on stone bases about two feet below the adjacent ground. Cracks in the terrace floor slab indicate that these walls have moved an inch or two forward of their original position.

To restore the walls, they should be dismantled and rebuilt on a concrete footing founded below the frost line. The stones should be repaired, cleaned and treated with preservative.

(e) Upper Wall Repairs [17]—Cracks in the walls are generally due to thermal effects. This has been aggravated by the freezing of intruded water and other environmental effects.

Unless expansion joints are provided, cracking will continue. Studies made to develop an expansion point detail did not succeed in eliminating the possibility that difficulties would be increased rather than relieved. However, cracks can be minimized and progressive growth can be inhibited by solidifying the walls with grout and providing caulked control joints between window heads and sills as indicated on Figure 21, at the locations shown on Figure 3.

To strengthen the wall it should be grouted. This should be done in two stages; an injection of sand cement grout under pressure through 2 inch diameter horizontal holes to fill the largest voids, followed by an injection of sand cement grout under diameter inclined holes. Holes would be spaced at about 3 feet, on a grid, but would be located after paint removal to arrange, to the extent possible, that they occur in stones scheduled for repair.

To tie the wall together and to add strength, ½-inch diameter steel reinforcing rods should be inserted in grout holes immediately upon completion of the grouting operation in each hole. When interior walls about the west wall at pilaster lines, ties should be extended into them (Figure 20).

The building corners are the location of the most severe stone damage. Corners can be stabilized by cross ties, as shown on Figure 20. An alternate method for accomplishing this would require the vacation of corner office space during construction. Under this alternate, existing flooring and sand fill would be removed and a structural slab, tied into the walls, would be poured. This would stiffen the corners and make them strong buttressing elements.

Surface deterioration is due to weathering and freeze-thaw of entrapped moisture. Though unsightly it is of minor structural importance. Some stones are so far eroded that they should be replaced but others, less seriously deteroriated, may be tolerated as an expected sign of age. Future damage by intrusion of moisture or paint can be controlled by the application of a stone preservative and joint sealant, a procedure which should be applied at regular intervals.

Faulty face stone can be removed by saw cutting, line drilling and chipping, then replaced with new stone. Carved stone, unless basically faulty, can be repaired in place. Entablature elements can be removed by cutting and chipping, as shown on Figure 20. To avoid removal of elements above it, and subsequent danger to vaulting below, entablature pieces should only be removed back to the approximate facestone line and replacement pieces installed using reinforcing anchors with epoxy cement.

(f) Portico Repairs—Spanning members in the Portico have failed and must be repaired. The entire balustrade and entablature over the Portico should be removed down to the column capitals.[18] Broken lintels may be pieced together and made strong by using post-tensioning techniques. All members should be cleaned, treated with preservative and replaced with a new reinforced concrete backup well (Figure 21).

Columns and their bases can be replaced by sister elements from the East Face stored stone. East Face members are monolithic and are in better condition than the West Portico columns which are made up of varying length drums. East Face column bases are also in better condition and should replace those in the West Portico.

(g) Window Lintel Repairs—Broken lintels should be removed, repaired using post-tensioning methods, cleaned, treated with preservative and replaced (see Figure 21). Where eroded edges make this impractical, new stone must be used.

(h) Window Keystone Repairs.—Many window keystones have dropped. Old mortar repair material at the top of the stone should be removed by saw cutting and chipping. Adjacent stones should be removed to the extent necessary to gain access to the sides of the keystone (Figure 21). Then the keystone should be jacked into its original position and supported there on steel stubs inserted in the sides. Access holes would then be closed with new stones.

2. Architectural

"Restoration, used architecturally, means putting back as nearly as possible into the form it (a building) held at a particular date or period in time." [19]

The initial construction of the North Wing was completed in 1800, the South Wing in 1808 and both had an exposed sandstone finish until the structure was damaged by fire in 1814. During repairs subsequent to the fire all exposed stonework was painted. The Central (Portico) Wing was not completed until 1829 and it is assumed that the stonework was painted as part of the construction process to match the adjacent wings. The entire west central front has remained painted ever since and has been repainted many times. There may be some question whether true restoration in this case should result in an exposed sandstone surface or a painted surface. Both approaches are treated in the following discussion and are included in the cost estimate as Schemes 1 and 2, for painted sandstone, and exposed sandstone, respectively.

As a practical matter, Scheme 1 seems most attractive. Those portions of stone which were uncovered during the exploratory work proved to be badly stained and a good portion of it was of relatively poor quality. There is the possibility that a greater portion of stone will need replacement than survey of the painted surfaces would indicate, in which case the supply of East Face stone could be insufficient. Scheme 1 is preferable for these reasons and because, in this case, a painted finish seems to most faithfully fulfill accepted standards for restoration.

(a) Scheme 1—Painted Sandstone—If a painted stone surface finish were elected, the color quality of stone used for repairs would not be important. Repair methods would follow procedures outlined below for exposed stone finish, but replacement stone would not have to be Aquia Creek sandstone.[20] Equivalent surface texture could be achieved by prefabricating stones to the required dimensions. Carved stonework elements could be replaced in part by doweling in new parts when deterioration was limited, or a whole block would be used in more severe cases. Details of Figure 20 would apply.

Upon completion of repairs the joints

Footnotes at end of article.

would be sealed and the whole wall surface would be treated with preservative and painted.[21]

(b) Scheme 2—Exposed Sandstone—Paint would be removed from the existing surfaces by chemical and/or mechanical means.

A detailed inspection would then determine what stones are visually and structurally unacceptable. These would be removed by sawing, line drilling, and chipping to a depth of about 6 inches. A "new" stone [22] would then be cut to precise dimensions and inserted in the space on an epoxy mortar base and anchored with ties into the backup wall against epoxy mortar backing. The process would be repeated stone by stone, avoiding the removal of adjacent stones at the same time, or a quantity that would imperil the structural integrity of the wall.

When all faulty stone was replaced, joints would be struck flush and treated with plastics sealant. The entire surface would then be treated with preservative, a treatment which would have to be repeated at about ten-year intervals as standard maintenance.

The stored stone from the East Face (Plate 2) is generally 12" to 24" in depth. Its back portions could, therefore, be cut for face stone inserts, leaving the carved forward portion with ample depth to be used as replacement for deteriorated West Face carved work. That supply would, therefore, provide 3 to 4 times the square footage of wall that its cubage would imply.

Deteriorated balusters would be replaced in whole. Broken cornice elements would be replaced as shown in Figure 20, and the entire top surface of the entablature would be capped with flashing in fashion similar to that used on the Senate and House Buildings.

It is not suggested that stone elements, such as cornice members or column caps, should be replaced simply because a leading edge or some of the decorative carving has eroded. The Capitol is 150 years old and should give an impression of venerable age, not a crisp newness that denies its historical background.

Effective grouting will require relatively close spacing of drill holes vertically and horizontally in the upper walls. This would increase the need for the replacement stone required to obtain an unflawed surface, possibly in excess of that available in the East Face storage piles. For Scheme 2 this would mean either some proportion of artificial replacement stone, or toleration of a pock-marked appearance on a fairly regular grid. Under Scheme 1 this would be of no concern, since patch marks would be painted over.

3. Other restoration methods

Other approaches to restoring the West Wall were considered and abandoned upon evaluation. In particular, the following deserve mention:

(a) Marble Facestones—Thomas U. Walter, Architect of the United States Capitol Extension and designer of the Capitol Dome, described this proposal in 1850: "I may venture further to suggest that it would by no means be impracticable to remove all the facing of the present building and substitute marble, without interfering at all with the stability of the structure. If, therefore, the work is commenced by facing the new part with marble, the day will no doubt come when we shall have a marble Capitol upon which time can work but little change." [23] Procedures would follow a pattern similar to that for Scheme 2, except that replacement would be marble and replacement would be entire. This would be accomplished by using a checkerboard pattern of removal and replacement stone by stone. Upon completion, the building would look exactly like the existing building, except that it would have a marble surface and would look new. Details would be similar to those in Figure 20.

The concept is considered to be reconstruction rather than restoration and, it is estimated that it would cost $31,053,000.

(b) Marble Veneer—To reduce the cost of the preceding scheme an extremely placed marble veneer was evaluated. This concept would involve application directly to the existing surface of the wall following removal of projecting elements. Dimensional problems are produced which violate the principles of restoration, and the additional weight of 5,000 lbs. per foot of wall creates foundation problems. This procedure is judged a poor bargain at a high cost.

(c) Buttress Wall—In this concept a new wall would be constructed in front of and bonded to the existing wall to reinforce it. It would rest on its own foundation and be constructed of reinforced concrete faced with sandstone or marble to replicate the wall behind it.

The technique was set aside because it imposes dimensional changes to the architectural elevations which would not be simple to conceal, because it is neither "restoration" of the structure nor preservation of an historical monument, and because, structurally, an adequate, less expensive solution is available.

(d) Replacement Wall—The existing wall could be dismantled and replaced by a new wall incorporating reinforced concrete construction faced with sandstone or marble to the exact dimensions of the existing building. Again, this would mean the obliteration of the historical monument and replacement by a replica. It would also necessitate abandonment of offices along the wall for an extended period of time.

The most telling objection to this concept, however, is the complicated construction methods and tight control that would be necessary to accomplish the actual construction. A complex shoring system put in place as dismantling proceeded would require an intricate sequence of operations to prevent collapse of the work immediately involved and damage to interior spaces. Complicated construction means expensive construction. This and the hazard justify setting aside the technique.

D. Implementation

1. Structural repairs

If structural repairs are made, they should be carried out as a continuous operation proceeding from Wall 1 to Wall 7,[24] as indicated on the Projected Progress Schedule, Table 2. Walls 1 and 2 would be completed before proceeding to Wall 3, etc., so that the architectural restoration work could follow as soon as structural repair was accomplished, and a regular sequence of progress maintained. Walls 1 and 2 are chosen for initial work because fewer offices are in the South Wing adjacent to the west front wall. This would permit practical methods and procedures to be developed by the contractors and would achieve a smooth running operation before the work proceeded to the busy areas.

It is not anticipated that any rooms would have to be vacated, unless it was decided to adopt the poured slab technique for corner offices as previously described. This technique is unacceptable because its use disqualifies restoration.[25] Economy and certain structurally desirable characteristics accrue to the poured slab method of tying in the corners, but a structurally adequate alternative is available.

Working access to the walls would be via temporary ramps and bridges from a work and storage area in the southwest Capitol lawn (see Figure 1). The public would thus have unobstructed access to the Capitol and its terraces at all times.

2. Architectural restoration

Concurrent with structural repair operations a careful inspection must be conducted to establish the extent of necessary restoration and the proper sequence of operations. All dimensions necessary for shop drawings and models would be made and when structural repairs were finished the stonework operation would begin.

The experience gained by the test removal of paint, performed as part of this study, indicates that it will not be possible to completely remove the paint and paint stain without some damage to the stone. If, however, a degree of removal which results in an acceptable surface can be accomplished, restoration Scheme 2 could be adopted. Contractual agreements for the work could be written to permit a change to Scheme 2 if in the judgment of the responsible authorities the results of cleaning provide an acceptable finish.

3. Work scheduling

It is estimated that, with proper timing and phasing, the work can be accomplished in about three years with no single wall section being scaffolded for more than one year. The Projected Work Schedule, Table 2 indicates the general sequence and timing for the various operations.

The schedule shown is only one of many possible variations. Separate work operations can proceed concurrently and more than one wall can be operated upon at one time. This would be a matter of manpower and coordination; the final contract should include a network schedule. The schedule shown is presented as a reasonable approach.

A lead time of at least 6 months would be required for the preparation of plans and specifications, advertisements, and awarding of contract.

E. COST ESTIMATE

Table 3 is a tabulation of estimated quantities and costs for Schemes 1 and 2, summarized as follows:

Scheme 1—Painted Sandstone $13,700,000.

Scheme 2—Exposed Sandstone $14,500,000.

Included are amounts for replacement of all windows, repair of existing roof slabs and old terrace walls, bird proofing, delays, funds for emergency repairs, and a contingency of 15%. Unit costs include an escalation factor. A liberal amount is included to cover full-sized trial method experiments which will be necessary to establish the best procedures during the early stages of the work, as well as retention of stone artists and experts to measure and make models for special carving and repair work.

The third Commission condition stipulates that "restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids". A cost plus contract with an "upset price" seems more realistic and could be obtained on a competitive basis.

FOOTNOTES

[1] Figures are not reproduced in RECORD.

[2] 1967 Ed., Sec. 7140.

[3] The M.M.= Modified Mercali Scale, is a measure of ground shaking, a value of 5 representing a shock felt by most people, with breakage of dishes, windows and plaster.

[4] Ibid., Sec. 2314.

[5] See *"Design of Foundations for Buildings"*, by S. M. Johnson and T. C. Kavanagh, pages 135 and 136.

[6] Glenn Brown, *"History of the Capitol,"* page 37.

[7] Ibid., pages 42–43.

[8] Mudd Report, (1849), *"Documentary History of the Capitol."*

[9] See Appendix A for field reports, and data developed from this work.

[10] A rubble foundation wall. See Appendix A, Section 6 for contract plans which show exact locations of grout holes and test cores.

[11] Ibid., Section 1.

[12] Including the fact that one of the face stones was granite rather than sandstone.

[13] See Specification, Appendix A, Section 6.

[14] Water: Cement, by volume.

[15] Water: Cement: Sand, by volume.

[16] See Appendix A for computations and soils data.

[17] Damaged areas are shown on Figs. 12–15, and repair details are shown on Figs. 20–21.

[18] In this case, removal of upper elements will not endanger vaulting below.

[19] Orin M. Bullock, Jr., A.I.A., *"The Restoration Manual"*, (1966)

[20] The use of East Face stone is not prevented by the fact that a painted finish is used. Its limited supply is simply removed as a factor.

[21] Painting restores the surface to a condition it enjoyed for 150 years as did the White House, recently restored in similar fashion.

[22] This material can be cut from East Front stone presently stored at two sites: The Capitol Power Plant Yard and Rock Creek Park.

[23] *Documentary History of the Capitol.*

[24] For wall designatons see Fgures 2 to 6.

[25] See page 1 of this report-Commission condition No. 2.

THE POSITION OF THE AMERICAN INSTITUTE OF ARCHITECTS ON THE PROPOSED EXTENSION OF THE WEST FRONT OF THE CAPITOL

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, when this House begins to debate the question of extending the west front of the Capitol we are in the area of architecture. Indeed the architect of the Capitol himself has urged this extension action.

So it is essential that when we debate this issue we have clearly before us the position of the foremost professional association of the architectural profession, the American Institute of Architects, the AIA.

They are against the extension and they have some solid reasons for their position which we would do well to consider when we debate this issue on Wednesday or Thursday.

Incidentally, the new Capitol architect, Mr. George White, is a member of this organization and shared its views prior to the time he went on the congressional payroll. After he was on the payroll, of course, he changed his mind, as the public record will show.

But, Mr. Speaker, here is the report of the AIA as well as an up-to-date statement of their views, which are in clear contrast to the newly-formed point of view of the new architect of the Capitol.

Under leave to extend my remarks, I insert the report of the AIA Task Force on the West Front issue, dated September 1, 1971.

I also include a copy of a published release by the AIA dated June 22, 1972, reaffirming their opposition to the proposed extension project:

REPORT OF THE 1971 AMERICAN INSTITUTE OF ARCHITECTS TASK FORCE ON THE WEST FRONT OF THE U.S. CAPITOL, SEPTEMBER 1, 1971

In response to a request from George M. White, FAIA, Architect of the Capitol . . . "to have The American Institute of Architects review the information and circumstances involved in the proposed extension of the West Front of the United States Capitol", the President of The American Institute of Architects, Robert F. Hastings, FAIA, appointed a review Task Force.

The AIA members appointed by President Hastings to this Task Force were: Milton L. Grigg, FAIA, Chairman; William W. Caudill, FAIA; Leon Chatelain, Jr., FAIA; Francis D. Lethbridge, FAIA; Harry M. Weese, FAIA; and Maurice Payne, AIA, Staff.

They were directed by President Hastings, "to examine AIA's position on the West Front of the Capitol now that the engineering report (the Praeger Report) has been submitted."

The full Task Force met at AIA Headquarters in Washington, D.C. on May 26 and 27, 1971, to review background material previously distributed including the Praeger-Kavanaugh-Waterbury report on "Feasibility and Cost Study for Restoration of the West Central Front of the United States Capitol". Architect White, Assistant Architect of the Capitol Mario E. Campioli, AIA, and Philip L. Roof, Executive Assistant to the Capitol Architect, met for a period of time with the Task Force and were the gracious hosts for a general tour of the Capitol building by the Task Force on the afternoon of May 26th.

Subsequent detailed inspections of the Capitol and informal meetings with the Capitol Architect were held.

TASK FORCE REPORT: RESTORE THE WEST CENTRAL FRONT OF THE U.S. CAPITOL

Having studied and analyzed the report by Praeger-Kavanaugh-Waterbury on "Feasibility and Cost Study—Restoration of the West Central Front—United States Capitol—January 1971", the AIA Task Force is unanimous in endorsement of the method of analysis, the general findings and the conclusions of the report. It offers conclusive evidence to sustain the Institute's resolution for, and belief in the practicality of restoration of the West Front in situ.

It is our opinion that the proposed restoration as recommended by the Praeger Report fulfills the five conditions for restoration as set down by Congress in Public Law 91–145:

1. That the restoration can, without undue hazard, be made safe, sound, durable and beautiful for the foreseeable future.

2. That restoration can be accomplished with no more vacation of the west central space than would be required by any extension plan.

The Praeger Report provides proper methods of restoration. The Task Force recognizes that the work could be done on a competitive, lump sum, fixed price construction bid or bids but we feel that competitive bidding for a fixed profit and overhead with the work being done on a cost basis should be strongly considered in the same way the White House restoration was accomplished.

4. It would be impossible for anyone at this stage of study to guarantee a total restoration cost. However, the Task Force felt that the Praeger Report methods and budget allowed adequate contingency.

5. The Task Force is certain that the restoration work would not exceed the projected time estimated for accomplishing the extension plan.

This Task Force recommends that the present perimeter facades of the Capitol building be declared inviolable and the surrounding grounds, bounded by First Streets, East and West, and Independence and Constitution Avenues, be declared open space, devoid of significant structures protruding above present grade levels. Extant mature tree groupings in these surrounding grounds also should be declared inviolable and sub-surface development be encouraged but confined to areas now either in grass, paving or shubbery.

PREPARE A COMPREHENSIVE PLAN FOR LONG RANGE DEVELOPMENT OF THE PROPERTIES UNDER THE JURISDICTION OF THE ARCHITECT OF THE CAPITOL AND THE SURROUNDING AREAS

The Task Force observed, that the present space usage in the Capitol is crowded, misused, or underused; that many functions now located in the Capitol have questionable need of being there; and some functions are duplicated. The Task Force was made aware of the need for additional space by Members of the House of Representatives, especially space adjacent to the House Chamber.

Present preliminary findings of the Architect of the Capitol, following a space need study of the House of Representatives, would seem to indicate that any proposed future extension of the Capitol will not begin to meet present, least of all projected, space needs.

The Task Force reaffirms the AIA's historic position that Master Planning of the Capitol must be undertaken if impetuous action by the Congress is to be avoided. This planning should include 1) an inventory space utilization of present buildings; 2) an analysis of floor area ration within the confines of the present Capitol area; 3) a study of possible new land acquisition; 4) a study with particular reference to below surface development capability, categories of use, and environmental factors.

Consideration must be given to the displacing of routine services or lower priority functions now occupying space in the Capitol to new locations.

With the realization of the Metro system, the Visitor's Center at Union Station and the emergence of new people-mover systems, all parking should be remoted and the Capitol's surrounding groups cleared of all but official business cars. New systems of shuttles, horizontal elevators and even a Metro branch should be considered. They could provide fast, automatic, safe and frequent service between all of the buildings in the Capitol complex and would make ready proximity a question of time rather than distance.

It is the recommendation of the Task Force that the Architect of the Capitol could and should request the counsel and guidance of leading architects and other design professionals. Since the future of our Capitol is of deep concern to all Americans, their gratuitous participation in the development of a comprehensive plan can be expected.

TASK FORCE OBSERVATIONS ON THE PRAEGER REPORT

Settlement

(1) Soil pressures are such that there is a 2-to-1 factor of safety.

(2) Further settlement can be expected over the next 150 years, but in order of the ½ inch of the past, which occurred at the outset.

(3) There has been no evidence of differential settlement.

Cracking

(1) Thermal movement and frost action over the years, as between the interior rubble wall and the sandstone face, has caused local failure to cut stone creating a natural pattern of vertical cracks from top to bottom approximately 30 feet apart.

This is a natural phenomenon which designed control joints obviate. The report recommends making control joints of the existing pattern of cracks. There is no reporting of settlement cracking nor out-of-plumb walls.

Erosion and spalling

(1) Sandstone weathers well when laid on bed faces for natural drainage of trapped moisture from within the wall. Improper stone cutting in some cases, but more important, the use of oil paint over the years, has trapped moisture and contributed to surface spalling. The effect is superficial and akin to accelerated weathering. Modern paints which allow the wall to breathe obviate this. The aesthetic effect is that of time making its mark. No attempt should be made to deny these minor inroads of time.

(2) Significant deterioration was noted on marble surfaces on the Olmsted terraces—a

condition that would "flash a warning" whenever future consideration is given to wearability of various stone surfaces.

Loose or cracked stones

(1) Certain stones, voussoirs, flat arches, quoins, and cornice members are in need of affixing to the backup masonry. They are visible and can be treated with modern rock bolting techniques and post tensioning.

Wall strength

(1) The facing stone is bonded to the rubble wall with alternate courses, making a physical bond uniting the wall in a series of vertical shafts separated by the aforementioned natural control joints. These walls are over 4 feet thick at the foundations. They are not overstressed, taking 236 p.s.i. maximum loading with the stone itself capable of 6000 in the case of sandstone and 14,000 for rubble fieldstone. The lime mortar is the limiting factor, but there is no reporting of vertical displacement or cracking of interior walls. It is proposed that a grout injection to fill voids in the mortar matrix and bond the exterior wall to the interior would add strength.

After paint removal and patching and further measurements, it may prove that grout injection could be limited to the lowest story or localized or could be eliminated altogether. It is not clear that so-called solidification of the wall is called for, but this task force defers to the judgment of the Praeger report.

(2) On page 10, near the conclusion of the portion of the report on the experimental wall grouting, amplification and clarification would seem desirable. The type of epoxy as a final bonding material is questioned and should be clarified to the extent that description is not found with respect to the viscosity of the material proposed. Elsewhere, it is reported that various formulations seem to be identified. Furthermore, experience elsewhere indicates that ferrous metals and certain epoxy compounds are not mutually compatible and that deterioration may occur in both materials through chemical action; hence, use of iron reinforcing rods should be evaluated.

(3) There is discussion of the thermal effect of solidification of the wall resulting from the infilling of the present cavity. This phenomenon is not discussed in great detail other than to conclude that there is to be predicted a 10% net increase in heat gain or heat loss in the solidified wall. The effect of this change in the internal structure of walls of such comparatively great mass bears closer investigation.

It is probable that it will require an interval of time, perhaps 18 months to 2 years, for the long stabilized thermal and hydro balance within the walls to become re-established, responsive to modifications resulting from the filling of the voids and the possible modification in the reverse permeability or breathing property of the wall.

Moisture

(1) It is difficult to accept the categorical statement that "condensation in the wall will not occur during the summer". The computations on Figure 22 do not appear to indicate a recognition of the lag in change of the ambient humidity and temperature of the internal wall volume and it is possibly questionable whether the conclusions shown thereon are valid without further experimental documentation.

(2) The Praeger Report does not contain a bibliography, therefore the following paper may have been available to the authors. Reference is made to *Consolidation des Monuments D'Architecture par injection dans les Maconneries*, Moscau N. Zvorikine. From this, it is seen that the Russian experiences indicate that the epoxy infilling should not be impermeable to moisture; therefore, the formulation of the material ultimately used should be investigated in light of these reported results.

It was found that the dilution of the epoxy with a solvent helped to provide better penetration and greater adhesion and, at the same time, did not produce a mass incapable of "breathing".

In the same connection, we were informed by Dr. R. M. Organ, Chief, Conservation—Analytical Laboratory, Smithsonian Institution, that Savestone is an excellent material, particularly if the manufacturers are at this time employing the Lewin Sayre patents. Acrylic plastic compounds have elsewhere been found to be very deleterious in these uses and should be avoided.

The Report suggests quite discouraging results from the several experimental methods of removing the old paint from the stone. From other sources, it has been found that the Methylene Chloride paint remover which was used, while not formulated for removal from stone surfaces, actually can be made very effective when combined with a neutral jelly to create an emulsion, keeping the mixture moist for a longer period. (Actually, in the results cited, the coated stone surfaces were covered with aluminum foil to prevent accelerated evaporation). The latter expedient might increase the effectiveness of the gel remover reported.

In this connection, it is somewhat surprising to find that the report does not cover the matter of vapor transmission more positively. It would seem desirable to investigate the advantages of providing a vapor barrier back of the plaster on exterior wall surfaces. It is possible that this will alleviate the tendency for plaster fatigue through thermal and moisture changes as well as more effectively stabilizing the moisture content of the interior of the interior of the wall volume. This vapor barrier, if found to be necessary, could be of the framed-in-place variety, thus avoiding extensive replastering.

(3) Apparently, the authors of the Report have not found conditions to indicate the desirability of horizontal moisture barriers in the base of the walls to offset the capillary action often found in walls of this mass and porous character.

Performance design

(1) The Praeger Report analyzes the structure and loadings of the West Front portion of the Capitol building and proves they are within the parameters of sound practice. The effects of static and dynamic loadings and soil pressures due to dead load, live load, wind and seismic forces, and sonic booms have been given complete attention and analysis.

Painting

(1) The continued use of oil paint in many applications 15 to 105 mils thick has caused accelerated but not severe weathering. Modern breathing paints will obviate this difficulty.

The Capitol is made of three materials: yellowish standstone (original wings), Walter's marble House and Senate extended wings, marble East Front extension and the cast iron dome. White paint on the sandstone and dome is used to unify the ensemble. This has been the style for more than 100 years. The White House is painted stone. London abounds in painted stone. The tradition of painting should continue.

RELEASE FROM AMERICAN INSTITUTE OF ARCHITECTS

The American Institute of Architects supports the provision in the Senate version of the 1973 Legislative Appropriations Act, H.R. 13955, which prohibits the use of funds for the preparation of final plans or for any construction on the West Front of the United States Capitol Building because Congress must first carefully weigh and vote on the issue of preservation. The restoration study of the West Front, as authorized by Public Law 91–145, states conclusively that restoration of the West Front is practical, economical, and desirable.

To proceed with extension of the West Front would be in complete disregard for the heritage of our country and of our national government. Only if this last remaining original facade of the West Front is restored and left visible will the continuum of the history of the United States be evident in our Capitol.

Furthermore, extension would be in expensive disregard of commonsense, long range planning for the future needs of Congress. A halt to piecemeal new construction of this nature must be called, and called now, until such time as comprehensive, long range plan is made to accommodate all the functions and facilities of Congress in the most efficient and effective locations.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. SCHNEEBELI (at the request of Mr. ANDERSON of Illinois), for June 27, 28, 1972, on account of official business.

Mr. BURKE of Florida (at the request of Mr. ANDERSON of Illinois), for today and the balance of the week, on account of illness.

Mr. PEPPER (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. Moss (at the request of Mr. O'NEILL), for Tuesday, June 27, through Friday, June 30, on account of hospitalization for surgery.

Mr. DENT (at the request of Mr. O'NEILL), for the week of June 26, on account of personal loss due to flood damage.

Mr. ALEXANDER (at the request of Mr. O'NEILL), for Monday, June 26, and Tuesday, June 27, on account of official business.

Mr. FREY (at the request of Mr. ANDERSON of Illinois), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ASPINALL and to revise and extend his remarks and include extraneous matter, for 15 minutes, on June 28, 1972.

Mr. STRATTON, for 60 minutes, on June 27; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. CONOVER) and to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 30 minutes, today.

Mr. SHOUP, for 10 minutes, today.

Mr. ANDERSON, of Illinois, for 30 minutes, today.

Mr. CHAMBERLAIN, for 30 minutes, Thursday.

Mr. KEMP, for 5 minutes, today.

(The following Members (at the request of Mr. ASPIN) and to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 5 minutes, today.

Mr. REUSS, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mrs. ABZUG, for 5 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.
Mr. JACOBS, for 60 minutes, on June 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DINGELL and to include extraneous matter, notwithstanding an estimate of 13½ pages and a cost of $1,890.

Mr. EVINS of Tennessee in two instances.

Mr. EVINS of Tennessee to revise and extend his remarks during general debate on H.R. 15586 and include extraneous matter.

Mr. STRATTON notwithstanding the fact that it exceeds two pages of the RECORD and the cost thereof is estimated by the Public Printer to be $945.

Mr. HÉBERT, for all Members to include extraneous material with their remarks today during general debate.

Mr. LEGGETT (at the request of Mr. ASPIN) to revise and extend his remarks and include extraneous matter during general debate on H.R. 15495, military procurement authorization.

Mr. ANDERSON of Tennessee (at the request of Mr. ASPIN) to revise and extend his remarks and include extraneous matter during general debate on H.R. 15495, military procurement authorization.

(The following Members (at the request of Mr. CONOVER) and to include extraneous matter:)

Mr. KEATING in two instances.
Mr. DERWINSKI in two instances.
Mr. ESCH.
Mr. WYATT.
Mr. SPRINGER in three instances.
Mr. SCHERLE in 10 instances.
Mr. GROSS.
Mr. WIDNALL in two instances.
Mr. BROYHILL of Virginia in two instances.
Mr. ANDERSON of Illinois in two instances.
Mr. SMITH of New York.
Mr. VANDER JAGT.
Mr. HUTCHINSON.
Mr. HOSMER in two instances.
Mr. SCHWENGEL.
Mr. KEMP in two instances.
Mr. WYMAN in two instances.
Mr. CONTE.
Mr. HORTON.
Mr. FINDLEY.
Mr. GOLDWATER.
Mr. QUIE.
Mr. KEITH.
Mr. SCHMITZ in five instances.

(The following Members (at the request of Mr. ASPIN) and to include extraneous matter:)

Mrs. HICKS of Massachusetts.
Mr. GRIFFIN.
Mr. REUSS in seven instances.
Mrs. HANSEN of Washington.
Mr. EVINS of Tennessee in two instances.
Mr. HUNGATE.
Mr. CHAPPELL.
Mr. RODINO.
Mr. BRINKLEY.
Mr. VAN DEERLIN.
Mr. SYMINGTON in two instances.
Mr. ANDERSON of Tennessee in five instances.
Mr. TAYLOR.
Mr. BADILLO.
Mr. BINGHAM in three instances.
Mr. WOLFF in two instances.
Mr. WALDIE in two instances.
Mr. DRINAN.
Mr. GETTYS.
Mr. ZABLOCKI in two instances.
Mr. ABOUREZK in five instances.
Mr. CAREY of New York.
Mr. GONZALEZ.
Mr. RARICK in three instances.
Mr. MOORHEAD in five instances.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table, and, under the rule, referred as follows:

S. 1682. An act to amend title 5, United States Code, to establish and govern the Federal Executive Service, and for other purposes; to the Committee on Post Office and Civil Service.

S. 2147. An act for the relief of Marie M. Ridgely; to the Committee on the Judiciary.

S. 2753. An act for the relief of John C. Mayoros; to the Committee on the Judiciary.

S. 2822. An act for the relief of Alberto Rodriguez; to the Committee on the Judiciary.

S. 3419. An act to protect consumers against unreasonable risk of injury from haazrdous products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 3722. An act to provide for the establishment of a Foreign Service grievance procedure; to the Committee on Foreign Affairs.

S.J. Res. 204. Joint resolution to authorize the preparation of a history of public works in the United States; to the Committee on House Administration.

S.J. Res. 221. Joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the Benjamin Franklin National Memorial; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 632. An act for the relief of the village of River Forest, Ill.;

H.R. 3227. An act for the relief of S. Sgt. J. C. Bell. Jr., U.S. Air Force;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 6820. An act for the relief of John W. Shafer, Jr.;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, The Robert E. Lee Memorial;

H.R. 13918. An act to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes;

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions; and

H.J. Res. 812. Joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 72. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On June 22, 1972:

H.R. 1974. An act for the relief of Mrs. Gloria Vazquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz, Aleman Phillips;

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera;

H.R. 4050. An act for the relief of Maria Manuala Amaral;

H.R. 6201. An act for the relief of Lesley Earle Bryan;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7088. An act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes;

H.R. 7641 An act for the relief of Chung Chi Lee; and

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936.

On June 26, 1972:

H.R. 632. An act for the relief of the village of River Forest, Ill.;

H.R. 3227. An act for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 6820. An act for the relief of John W. Shafer, Jr.;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetry, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial;

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H.J. Res. 812. A joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

ADJOURNMENT

Mr. ASPIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 55 minutes p.m.) under its previous order, the House adjourned until tomorrow, Tuesday, June 27, 1972, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2103. A letter from the Acting Assistant Secretary of Agriculture, transmitting the annual report on the orderly liquidation of stocks of agricultural commodities held by the Commodity Credit Corporation and the expansion of markets for surplus agricultural commodities, pursuant to section 201(b) of Public Law 84–540; to the Committee on Agriculture.

2104. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report for the third quarter of fiscal year 1972 on receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, pursuant to section 712 of Public Law 92–204; to the Committee on Appropriations.

2105. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to increase below zone selection authorization of commissioned officers of the Regular Navy and Marine Corps and to authorize below-zone selection of certain other commissioned officers of the Navy and Marine Corps, and for other purposes; to the Committee on Armed Services.

2106. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Naval Reserve, pursuant to 10 U.S.C. 2233 (a) (1); to the Committee on Armed Services.

2107. A letter from the Secretary of Health, Education, and Welfare, transmitting the second annual report on the administration of the black lung benefits program by the Social Security Administration, pursuant to section 426(b) Federal Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

2108. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on that segment of a UH–1H helicopter and engine assembly program with the Republic of China for which the United States proposes in fiscal year 1972 to guarantee $10 million in credit to be obtained from private lending institutions, pursuant to section 42(b) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

2109. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a Presidential determination indicating his intention, subject to the provisions of section 652 of the Foreign Assistance Act of 1961, as amended, to authorize the continuation of military assistance to a recipient country without regard to the provisions of section 505(d) of the act, pursuant to section 614(a) of the act; to the Committee on Foreign Affairs.

2110. A letter from the Assistant Secretary of State for Congressional Relations, transmitting Presidential Determination 72–16, authorizing the grant of military assistance to a country in Asia; to the Committee on Foreign Affairs.

2111. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize the Secretary to phase in motor vehicle safety standards by specified percentages over a period of time, and for other purposes; to the Committee on Interstate and Foreign Commerce.

2112. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled "World Power Data, 1969"; to the Committee on Interstate and Foreign Commerce.

2113. A letter from the General Counsel for the National Council on Radiation Protection and Measurements, transmitting the audit report for the Council for 1971, pursuant to section 14(b) of Public Law 88–376; to the Committee on the Judiciary.

2114. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on planned adjustments in the NASA space flight operations program as authorized by the NASA Authorization Act, 1972 and 1973; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 14896. A bill to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs with an amendment (Rept. No. 92–1170). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1139. An act to amend the Federal Crop Insurance Act, as amended, so as to permit certain persons under 21 years of age to obtain insurance coverage under such act (Rept. No. 92–1171). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1545. An act to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain (Rept. No. 92–1172). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 1234. Joint resolution making continuing appropriations for the fiscal year 1973, and for other purposes (Rept. No. 92–1173). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEED: Committee of Conference. Conference report on H.R. 15585 (Rept. No. 92–1174). Ordered to be printed.

Mr. WHITTEN: Committee on Appropriations. H.R. 15690. A bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1175). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. S. 3715. An act to amend and extend the Defense Production Act of 1950 (Rept. No. 92–1176). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee of conference. Conference report on H.R. 13188 (Rept. No. 92–1177). Ordered to be printed.

Mr. GARMATZ: Committee of conference. Conference report in H.R. 8140 (Rept. No. 92–1178). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

Mrs. ABZUG:

H.R. 15674. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning women, and for other related educational purposes; to the Committee on Education and Labor.

H.R. 15675. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize free or reduced rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

H.R. 15676. A bill to provide for a comprehensive program designed to strengthen the criminal justice system in the United States, to attack urban street crime, to undertake new training programs for law enforcement personnel, to improve the training, care, and rehabilitation of criminal offenders, and for other purposes; to the Committee on Ways and Means.

H.R. 15677. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 15678. A bill to amend the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically handicapped because of such handicap; to the Committee on Education and Labor.

By Mr. BENNETT (for himself, Mr. BOB WILSON, Mr. STRATTON, Mr. KING, Mr. RANDALL, Mr. WHITE, Mr. MOLLOHAN, Mr. SPENCE, Mr. HARRINGTON, and Mr. CONOVER):

H.R. 15679. A bill to amend section 203 of title 37, United States Code to provide additional pay for permanent professors at the U.S. Military Academy, U.S. Naval Academy, U.S. Air Force Academy, and U.S. Coast Guard Academy; to the Committee on Armed Services.

By Mr. CAMP (for himself, Mr. EDMONDSON, and Mr. STEED):

H.R. 15680. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Ponca Indians of Oklahoma and Nebraska in Indian Claims Commission dockets Nos. 322 and 324, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FINDLEY:

H.R. 15681. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mrs. HICKS of Massachusetts:

H.R. 15682. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer supporting a dependent who is mentally retarded; to the Committee on Ways and Means.

By Mr. PRICE of Illinois (for himself and Mr. ANDERSON of Illinois):

H.R. 15683. A bill granting the consent of Congress to the Midwest interstate nuclear compact, and for related purposes; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 15684. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers, police, firemen, and members of an ambulance team or rescue squad; to provide civil remedies for victims of racketeering activities; and for other purposes; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 15685. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. SHOUP (for himself, Mr. McCLURE, and Mr. HANSEN of Idaho):

H.R. 15686. A bill to amend chapter 2 of title 16 of the United States Code (respecting national forest) to provide a share of timber receipts to States for schools and roads; to the Committee on Agriculture.

By Mr. STEIGER of Arizona (for himself, Mr. GROSS, Mr. FISHER, Mr. CRANE, and Mr. QUILLEN):

H.R. 15687. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and Labor.

By Mr. VEYSEY (for himself and Mr. KEATING):

H.R. 15688. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. WINN:

H.R. 15689. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 15690. A bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. MORGAN:

H.R. 15691. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. STEPHENS (for himself, Mr. BARRETT, Mr. GETTYS, Mr. CURLIN, Mr. WILLIAMS, Mrs. HECKLER of Massachusetts, Mr. REES, and Mr. ABOUREZK):

H.R. 15692. A bill to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans; to the Committee on Banking and Currency.

By Mr. THONE:

H.R. 15693. A bill; non-point-source pollution from agricultural, rural, and developing areas; to the Committee on Public Works.

By Mr. MAHON:

H.J. Res. 1234. Joint resolution making continuing appropriations for the fiscal year 1973, and for other purposes; to the Committee on Appropriations.

By Mr. GONZALEZ:

H.J. Res 1235. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development; to the Committee on Banking and Currency.

MEMORIALS

Under clause 4 of rule XXII,

401. The SPEAKER presented a memorial of the Legislature of the State of California, relative to a veterans' hospital for northern California, which was referred to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BOB WILSON presented a bill (H.R. 15694) for the relief of Rene P. Regalot, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SOVIET OFFICIALS VISIT MASSACHUSETTS EXHIBIT

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, we live in a time when the headlines regularly tell us about high-level international meetings and summit conferences. These are important and deserve our support.

But it is equally important that we not overlook the many other contacts that are developing between the major powers, particularly the many efforts by private firms and individuals that help to encourage trade and communications. These, too, are a path to peace and understanding.

I am proud that one of the leading firms in the Ninth Congressional District of Massachusetts, which I have the honor to represent, recently participated in such an exchange. The Computer Identics Corp. of Westwood is a leader in control systems for transportation, manufacturing, and distribution management and provided one of the most exciting exhibits at the recent Transpo 1972. That exhibit attracted the special attention of a visiting Soviet delegation, and I am proud to insert into the RECORD the following press release prepared by the Computer Identics Corp. The release follows:

TOP RUSSIAN TRANSPORTATION OFFICIALS MEET WITH MASSACHUSETTS FIRM

AUTOMATIC CAR IDENTIFICATION (ACI) TECHNOLOGY FOR RAILCAR, PIGGYBACK, AND MARINE CONTAINER CONTROL DRAWS KEEN SOVIET UNION INTEREST

WESTWOOD, MASS.—The Soviet Minister of Railroads, Boris Pavlovich Beschev, and seven of his ranking deputies visited Computer Identics Corporation's exhibit at Transpo '72 to discuss the firm's transportation and distribution control systems.

The distinguished Russian visitors were accompanied by U.S. officials C. Carroll Carter, Department of Transportation, and Alexis Tatistcheff, Department of State. Computer Identics executive John M. Hill, Jr., a veteran in Eastern European marketing, described the firm's technology to the group.

The Minister's delegation is concluding a 12-day tour of the U.S. that began in Washington at Transpo '72 with private meetings with Secretary of Transportation John A. Volpe. A highlight of the Russian's busy tour was a scheduled visit to the Illinois Central Railroad's Intermodal Exchange Facility in Chicago. The facility features the World's first fully instrumented terminal management system, designed and produced by Computer Identics Corp., and contemporary rail/piggyback techniques.

Computer Identics Corporation, Westwood, Mass., is the leading producer of Automatic Car Identification (ACI) systems and advanced optical scanning and control systems for rail, piggyback, marine, manufacturing and distribution application. ACI is the standard Association of American Railroads system used to identify, monitor and control the movement of all railcars in North America. Nearly 2 million vehicles in North America are under ACI control.

PEACEMAKERS

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Monday, June 26, 1972

Mr. HUMPHREY. Mr. President, American involvement in the Vietnam war has been criticized from just about every side of the prism, seemingly with negligible effect on the Nixon administration. All the arguments have been made, but the most telling of all are those which discuss the dynamics of peace in international and human relations.

I have attempted to place the Vietnam discussion in this context. Dr. William E. Smith, minister of the North Broadway United Methodist Church in Columbus, Ohio, delivered a sermon on "How peace can be won; how we can become peacemakers." It is a very eloquent expression of what this country's assignment is now and for the future. Mr. President, for this reason, I commend the May 28 sermon of Dr. Smith to the attention of this body and insert it at this point in the Extension of Remarks.

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

PEACEMAKER

(By Dr. William E. Smith)

I want to speak today on an urgent subject of deep concern to us all: the quest for peace. Our Lord said, "Blessed are the peacemakers, for they shall be called the children of God." Love is the essential ingredient in building human relationships. "Love even your enemies," he said; "pray for those who persecute you." The style of life he advocated is the very antithesis of violence.

Yet we find ourselves involved in a long and tragic war that has recently been escalated with the mining of the harbors in North Vietnam and the bombing of its cities, a war in which over 55,000 Americans and countless Vietnamese have lost their lives, and the end is not in sight. How can peace be won; how can we *become* peacemakers?

This is a painful as well as controversial issue. We have sons who have fought and died in this war. At least one family in our parish has a son, hopefully alive, in a prison camp in North Vietnam. I have only the highest respect for those who out of a keen sense of responsibility to their nation served it with courage and bravery. My heart goes out to those who have lost loved ones in the struggle. Whatever criticism we may make of our involvement in this war in no way detracts from their bravery and personal sacrifice.

Let us also acknowledge at the outset honest differences in point of view. Several years ago a young man, newly commissioned in the

Army ROTC, shared with me his conflicts of conscience. "Not only do I have serious reservations about going to Vietnam because I disapprove of our involvement there," he said, "but what I dread most is that I may have to give orders that will send men to their death." For the record let it be said that he did eventually serve in Vietnam, that he continues to have grave reservations about our involvement there, but because of his very sensitive responsibilities in intelligence, he was not involved in combat. Another young man, also a United Methodist, and West Point graduate after what he called agonizing study and meditation, refused to go to Vietnam. "The war in Vietnam is immoral and unjust," he wrote. "The My Lai incident strongly crystallized my belief. I love my God and my country," he added, "but I love my God first." The conflicts of conscience in these young men are but a mirror of our own. Let us hope that the church, as the community of the reconciled, can provide the context in which these differences can be openly expressed; where honest dissent is not only tolerated but encouraged. Nothing you say can prevent me from loving you, and Thank God, nothing we do can prevent God from loving each of us.

(Christ Jesus) is himself our peace . . . In his own body, flesh and blood has broken down the enmity which stood like a dividing wall . . . For he (came) to create . . . a single new humanity in himself, thereby making peace. Ephesians 2:13–16 (NEB).

We rejoice in the agreements reached in Moscow this week between the United States and the Soviet Union. These are straws in the wind, perhaps, but nevertheless hopeful signs that the two super-powers do, indeed, want peace. Meanwhile the war in Vietnam continues unabated. The level of suffering has intensified. Until the carnage there is ended, the world will not be greatly impressed by paper diplomacy.

If we are to become peacemakers we must ask some very penetrating questions. The first is: What are the ethical guideline, the moral imperatives that make for peace? The church has spoken very clearly on this subject. The recent General Conference of the United Methodist Church approved a statement of social principles which states:

"We believe war is incompatible with the teachings and example of Christ. We therefore reject war as an instrument of national policy and insist that the first moral duty of all nations is to resolve by peaceful means every dispute that arises between or among them; that human values must outweigh military claims as governments determine their priorities; that the militarization of society must be challenged and stopped; and that the manufacture, sale, and deployment of armaments must be reduced and controlled."

In the same Conference, the Bishops' Call to Peace and the Self-Development of Peoples was overwhelmingly approved as a major thrust in which every local United Methodist congregation is urged to participate. Here is a challenge to make peace a matter of high priority.

The statement on the war in Vietnam was understandably more controversial. Broad principles are easily adopted. Agreement on specifics is harder to come by. Nevertheless, the Conference approved this statement which reads in part:

"In spite of the claims that the war is "winding down" it is not. The deadly conflict continues unabated. Sole blame cannot be fixed. Many nations continue to supply Hanoi and the Provisional Revolutionary Government with the materials of war. The United States continues to underwrite the Saigon government and the Army of the Republic of Viet Nam, providing highly technical antipersonnel weaponry, massive air cover and military counsel at virtually every level of command. Very few Americans are dying in Southeast Asia today, but Asian people, our brothers and sisters in God's love, continue to die as before. Once again villages on both sides are being levelled, civilians are being slaughtered and the war is being escalated. This we deplore; our hearts go out to the innocent victims of what seems to be endless, senseless carnage.

"We call upon the United Methodist Church and its members to acknowledge our complicity in the Indochinese War, to repent and seek God's forgiveness.

"We call upon the United Methodist Church and its members to pray and work for peace and the self-development of peoples around the world.

"We call upon the United Methodist Church and its members to exercise our rights and responsibilities as Christian citizens by seeking to influence and change those public policies that, for more than twenty years, have made possible and compounded military and political wrongs in distant lands." [1]

If that statement offends or upsets you, perhaps it should. The fact is, we are involved in this war. It's easy to blame President Johnson or President Nixon in an attempt to get off the hook. But the answer is not that simple. You support the war, whether you believe in it or not, since more than half of the taxes you pay to the United States government is to pay for past, present and future wars.

Here, then, is the position of the church: it is against war in general as a means of resolving conflict, and the Viet Nam War in particular.

Suppose we adopt the "just war" theory to defend our presence in Indo-China. For some will surely say that however tragic the war may be, we entered for honorable reasons. The question which then must be faced is, do those reasons still hold? Has the purpose which we set out to achieve been accomplished? This is our second question.

Presumably we entered Vietnam to save a weak, struggling democracy in the South. Has the war, in fact, liberated the people there? I would submit that the Thieu government is anything but democratic and that the devastation we have wreaked is anything but helpful. Indeed, it may be counterproductive. A veteran of My Lai who refused to take his rifle from his shoulder when unarmed women and children were being slaughtered, has said:

"It seemed everywhere we left, if the enemy wasn't there when we got there, he was there when we left. We seemed to be sort of growing them, planting them like seeds. Wherever we went we sort of bred the enemy. He just came out of nowhere, and it was almost as if we weren't there, there would be none." [2]

In Vietnam, American chemical attacks have ruined more than four million acres of arable land. Mangrove forests and vital croplands have been destroyed. Millions of peasants have been driven from their ancestral homes and graveyards and forcibly resettled in "refugee camps" and "new life hamlets." The peasants, of course, haven't the slightest idea what this war is all about. They do not know the difference between communism and capitalism. Do not talk to them about the sacred value of his property. They have been driven from it. Do not talk to them about Western-style democracy. They have never known it and do not want it. With growing fear and bitterness, they are only trying to stay alive.

The delicate fabric of traditional Vietnamese family relationships, village life, and Buddhist-Confucian values has been ripped to shreds. Cities are gutted with millions of anonymous refugees. Over the last decade Saigon has increased in size more than 500 percent and now has a population density of nearly 13,000 people per square mile. Shoeshine boys, pickpockets, barmaids, pimps, and prostitutes are among the highest paid workers in the land.[3]

We are concerned, and rightly so, about the burdens this war has imposed on Americans. But think of the Indo-Chinese! For twenty-five years they have been engaged in civil wars and have been fighting foreigners. According to some accounts more than a million people have been killed, 90 percent of them civilians. (240,000 civilian casualties in South Vietnam in 1968 alone.) Defenders of our policies talk about the violent inhumanity of communism. They point to instances of Vietcong terrorism. Crude bombs have been thrown into public parks and village leaders have been murdered. There was the Hue massacre during the Tet offensive. But the B–52's and fleets of helicopters are *ours*. The napalm and CS gas are *ours*. The flamethrowers are *ours*. The folding-fin rockets and cluster bombs are *ours*. We have dropped twice the bomb tonnage on Vietnam than all the Allies dropped on all enemy targets during World War II. A specialist, describing the effects of our new and highly technical weaponry, writes: "(these new weapons) are primarily effective against decentralized agricultural populations; they devastate broad areas . . . they are designed to be used against defenseless people; and they demand undisputed air superiority to be effective. Use of the weapons results in the indiscriminate slaughter of civilians and soldiers alike.[4]

I ask you, is this any way to preserve and strengthen democracy—by destroying it?

What is war doing to the United States? For one thing, it has divided us, polarized and created tensions among otherwise peace-loving and patriotic citizens. This has been severely damaging to our spiritual health. The war has also forced us to re-arrange our priorities. Hunger and poverty, the decay of our inner cities, the control of violence, unemployment—these and other urgent problems worsen by the day because so much energy and such a large outpouring of our resources have been channeled into the war. Worst of all we have become a war-oriented society. The book, *American Militarism: 1970* an ougrowth of the Congressional Conference on Military Budget and National Priorities, opens with the words:

"Our country is in danger of becoming a national security state. Since the end of World War II we have spent more than one trillion dollars, or two-thirds of the total expenditure of our federal government, on armaments and armed forces. Today, almost eighty percent of our federal appropriations are allocated to defense and defense-related costs." [5]

Richard Barnet, a former State Department official, is far more pointed when he bluntly insists that "the central activity" of our government is "planning and carrying out wars." [6]

The final question is the most important one. How do we become peacemakers? What can you and I do to change the bloody course on which our nation and the world seems bent on following?

At the turn of the century William James wrote in his classic *Verities of Religious Experience:*

"What we need now to discover in the social realm is the moral equivalent of war: something heroic that will speak to man universally as war does, and yet will be as compatible with their spiritual selves as war has proved to be incompatible."

How can we find a "moral equivalent of war"?

(1) For one thing, we can respond to the "Bishops' Call for Peace and the Self-Development of Peoples". Our Commission on Christian Social Concerns suggests very specific ways:

(a) Use copies of this sermon, the May 26 issue of *Tower Talk*, which contains "The

Bishops' Call for Peace . . .", and supplementary materials provided for group discussion.

(b) Attend the slide presentation of the air war in Indo-China next Sunday, June 4, at 4 o'clock. These slides will make the violence of the war painfully real, and will be followed by discussion. (The meeting will be held in Fellowship Hall).

Vietnam is symptomatic of much larger and complex problems which need to be thought out in global terms. How do racism, economic exploitation, population explosion, the arms race (peace by "balance of terror") affect the prospects for peace I know of no more higher priority than facing these crucial issues head-on. It has been said that if mankind does not end the war, war may end mankind.

(2) We can register our opinion. Politicians, especially in an election year, are very sensitive to what voters think. Last week a private citizen of Weston, Massachusetts paid for a full-page advertisement in the Columbus *Citizen-Journal*. "Our President Needs Your Help," her message began. This at once raised patriotic feelings in the readers' minds. She continued by saying that we must let our president know how we feel.

"Tell him . . . that you think our honor depends on being true to the principles that our founding fathers laid down when they created this great country. And that means we must stop our daily bombing and all other attempts at forcing our will on this devastated country." [7]

You may disagree with Mrs. Worden. If so, then let your challenge be known. The hottest places in hell, we are told, are reserved for those who in the midst of a moral crisis refuse to take a position. The future of our nation and of the world are at stake. You can help shape that future by asserting your beliefs to those who make decisions. If democracy is to live, we must exercise this freedom of expression.

(3) And we can act. On Wednesday of this week astronaut Col. Donn F. Eisele, a native of Columbus, was sworn in as a member of the Peace Corps. What prompted him to leave a very secure post in the space program? He said that as he orbited the earth in Apollo 7 four years ago, he was impressed by "the wholeness and uniqueness of the earth." He added, "It's all we've got. If we don't watch out, we'll end up destroying it." On July 1 he will begin work in Bangkok, Thailand, hoping to reduce the mistrust, fear and frustrations felt by millions of people who are "denied the basics of a decent life." [8]

That's what it means to be a peacemaker—not simply to call for a cease-fire, or even a pull out of Vietnam—but to give ourselves and our resources to the building of a just and humane society throughout the world. "Blessed are the peacemakers." God grant that this may increasingly be our role, and the role of our nation, in this strife-torn world. Amen.

FOOTNOTES

[1] Daily Christian Advocate, Proceedings of the General Conference of the United Methodist Church, Atlanta, Georgia, April 16–28, 1972, p. 241.

[2] *Evergreen*, April, 1971, p. 57.

[3] James Armstrong, *Mission: Middle America*, New York, Abingdon Press, 1971, pp. 102–103.

[4] Quotation by Bishop Armstrong, *Ibid.*, p. 106.

[5] Knoll and McFadden, *American Militarism: 1970*, p. 11.

[6] Richard J. Barnet, *The Economy of Death*, New York, Atheneum, 1969, p. 62.

[7] *The Citizen-Journal*, Columbus, Ohio, May 23, 1972, p. 9.

[8] *Ibid.*, p. C–5.

THE WATERGATE CAPER

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the distinguished columnist Mr. Joseph Kraft had a most interesting column in the Sunday edition of the Washington Post concerning the recent effort to place electronic surveillance on the operations of the Democratic National Committee.

Because of the interest of my colleagues and the American people in this most important subject, I place the column in the RECORD herewith.

The article follows:

[From the Washington Post, June 25, 1972]

THE WATERGATE CAPER

(By Joseph Kraft)

Solid, practical reasons argue that Republican leaders were not directly connected with anything as inept as the recent attempt to enter Democratic headquarters at the Watergate complex. But you don't hear anybody saying that President Nixon and John Mitchell couldn't have been involved because they are too honorable and high-minded, too sensitive to the requirements of decency, fair play and law.

You don't hear that anymore than you hear that Falstaff was thin, and the absence of even an attempt to make the moral case points up the true connection between the Republican chiefs and the Watergate affair. The central fact is that the President and his campaign manager have set a tone that positively encourages dirty work by low-level operators.

The President's record goes back a long way. Every election he has fought since 1946 has featured smear charges, knees in the groin and thumbs in the eye. That includes the 1970 election when he campaigned as President.

Preparations for the 1972 election indicate some change in the old pattern. Mr. Nixon seems to be trying to stand above the battle. Hence the rarity of press conferences and other personal appearances.

But there are still signs of the Old Adam. On Vietnam the White House often implies—and occasionally says flatly—that those who disagree with the President are helping the enemy. So it is a question whether Mr. Nixon can stick to the aloof stance. The more so since he has Mr. Mitchell as campaign manager.

The remarkable thing about Mr. Mitchell is how so intelligent a man could have compiled, in such a brief career as a public figure, so many deep associations in matters involving chicanery and the cutting of corners. The most delicate cases he brought as Attorney General—the charges against Angela Davis, the Berrigan Brothers, the Chicago 7 for conspiracy, and Mayor Joseph Alioto of San Francisco—turn out to have had an astonishing insufficiency of evidence.

His claim of authority to bug domestic subversives without advance judicial approval was unanimously rejected by a Supreme Court dominated by Nixon appointees. The man he chose to head the sensitive criminal division at the Justice Department had to retire after figuring in a gamy Texas scandal involving fraud and bribery.

Even as Mr. Mitchell became campaign manager for 1972, the Republicans refused, in plain contradiction with the spirit of the new law on campaign spending, to divulge the names of big contributors who gave before the statute became applicable. The very name of Mr. Mitchell's outfit—the Committee for Reelection of the President—smacks of deception. It implies that the candidate is not familiar shopworn you-know-who from Whittier, Calif., but some noble, heroic spirit with a permanent claim on the White House.

Inevitably such deeds and misdeeds generate a climate, an atmosphere. The atmosphere in Washington these days is as unmistakable as it was during the last days of Harry Truman.

Then a blind eye was turned to taking gifts and doing favors. Now the special tolerance is of using unethical means for partisan purposes. Bending the law for political advantage is involved.

Probably the gang that tried to break into Democratic headquarters had reasons of its own. The attempts to link them with Mr. Nixon through Charles Colson of the White House staff show association but not guilt. It is hard to believe that there was anything at Democratic National Committee headquarters the Republican wanted badly enough to run the risk of being caught in the act of breaking and entering.

But members of the gang have important Republicans as clients. At some point in arranging the Watergate affair they had to stop and ask themselves what these patrons would think of the caper. Given the climate generated by the President and Mr. Mitchell, they could come to only one conclusion. Namely, that doing the dirty on the Democrats would earn them good marks and high favor.

So there is a connection, albeit indirect, and also a lesson. Unless the President and Mr. Mitchell clean up their own operations, they are going to be made to pay a price. They will find that they cannot get away with keeping the President above the battle. They will see themselves trapped in the miasma of disbelief and suspicion which, after almost four years of the Nixon administration, is thicker than ever.

PEARL S. BUCK, RENOWNED DAUGHTER OF WEST VIRGINIA, REACHES HER 80TH BIRTHDAY—HER LIFE IS AN INSPIRATION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 26, 1972

Mr. RANDOLPH. Mr. President, today we honor a great American, Pearl S. Buck, on her 80th birthday. Last week I called attention to this coming occasion and the accomplishments of Miss Buck. Her achievements have had an impact throughout the world. As a writer of renown, as the only American woman to win the Nobel Prize for literature, as a devoted humanitarian, she has truly left her mark on our civilization.

I supplement my earlier remarks by reemphasizing Miss Buck's association with our State of West Virginia of which she is a native. In 1966, the West Virginia Society of the District of Columbia honored her as its distinguished Daughter of the Year. To demonstrate further the esteem in which we hold her, efforts have been underway for the past 7 years to restore her birthplace, a farm home in the lovely countryside of Pocahontas County.

The Pearl S. Buck Birthplace Foundation formed through the sponsorship of

the West Virginia Federation of Women's Clubs, has purchased the home site and is now actively working on its restoration as a living memorial to this fine lady. This will be a living institution, contributing to the fuller understanding of mankind just as Miss Buck herself has done so much to ennoble the human spirit.

MISSISSIPPI EXPORTS BOOMING

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. GRIFFIN. Mr. Speaker, the demand for Mississippi products in the world marketplace has increased substantially in the past few years. The goods and produce of Mississippi has long been attractive to world traders. With the development of an outstanding State port on the gulf and expanding ports open to international trade on the Mississippi River, trade with the State's producers directly is possible and increasing. This has meant a great deal to the State and has made an important contribution to our overall economy.

I am proud of the success that has been made, and I include in my remarks here a copy of an article from the Natchez Democrat, entitled "Mississippi Exports Booming":

MISSISSIPPI EXPORTS BOOMING

JACKSON.—World trade is making an increasingly important contribution to Mississippi's economy. It has become a vital part of the economic activity generated by manufacturing, farming, mining, fishing, banking and forestry.

The Mississippi Agricultural and Industrial Board reports that according to a survey of exports by states, prepared in 1969 by the U.S. Department of Commerce, the growth rate of Mississippi export trade in manufactures was close to the national average during the sixties. The state's foreign sales of manufactured products rose by one-third between 1966 and 1969 and more than doubled over the decade to reach an estimated value of $181 million in 1969.

Mississippi's principal export was paper and allied products, ranking among the top six in the country. Overseas sales advanced to between $43 and $50 million in 1969, a high for the decade. Recent shipments from the Port of Gulfport, amounting to some $32 million in lumber products, will greatly enhance the already impressive figures in the next USDC study.

Agricultural commodities shipped from the state to foreign destinations were estimated at $158 million in fiscal year 1969–70. On a per-capita basis, Mississippi ranked 11th nationally.

Mississippi farmers have a growing stake in exports of agricultural commodities. In fiscal year 1969–70, 19½ cents of every dollar received in the state from farm marketings came from foreign sales.

Soybeans accounted for the bulk of the states' overall gain. At a value of $48.2 million in 1969–70, these sales abroad had advanced by more than two-thirds in a four year period. Mississippi's staple cotton market accounted for some $46.3 million, placing the state second in the nation as an exporter of this commodity. Cottonseed oil sales accounted for some $7.1 million.

The state's lucrative fishing industry recorded exports valued at $2.5 million in 1969. After a drop brought about by the effect of Hurricane Camille in August of 1969, Mississippi is again a real contender for the foreign seafood market.

Among the variety of products being shipped to all points on the globe are: Bentonite; protein meal; rice; non-electrical machinery; transport equipment; farm machinery and fabricated metal products; livestock, particularly breeding cattle; observatory planetariums and bus bodies.

Mrs. Dorothy Y. Ferguson, manager of marketing for the Mississippi Marketing Council, estimates that 1972 will be a banner year for Mississippi exports, both in manufactured items and agricultural products.

The continuing growth of ports, especially river ports, plays an important part in Mississippi's international trade picture. The state now has four Ports of Entry, with Vicksburg being added to the list of Pascagoula, Gulfport and Greenville.

Exports are a sizable contribution to Mississippi's economy which assumes even greater importance when we consider that exports generate work for at least 12 out of every 100 employees in Mississippi.

THE DISCOVERY HOUSE PROGRAM FOR DRUG ABUSE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. WALDIE. Mr. Speaker, the drug abuse epidemic which has ravished our country is one of our most serious problems affecting all of us in one way or another. Most of our present rehabilitation programs have failed to put the drug abuser into a profitable and usable citizen. In other words, our rehabilitation programs are not working.

The Discovery program of the Contra Costa County Medical Services of Martinez, Calif., has been in existence for only a short time. However, its main goal is the rehabilitation of drug abusers through residential treatment. Employed in the county-wide drug abuse program are: detoxification, pre-therapy, games, encounters, rap sessions, and seminars. There are three cardinal rules in the discovery program. They are:

First. No drugs or alcohol;

Second. No violence or threats of violence, and

Third. Active participation.

There are rap centers in the county which have been very profitable in terms of getting together with the patients and discussing their personal problems or whatever problems they might have. There is a program called ROSA—Relatives of Substance Abusers—which was started with the goal to equip relatives of abusers who have sought or are seeking help with psychological and social tools that will enable them to reach out to other families with the same problem.

At the rap centers, techniques employed which have been very successful are rap sessions, seminar concepts, encounter groups, and sensitivity awareness. The encounter group experience is based on the synanon game—a form of attack therapy.

The type of drug abuse program which is incorporated in the Discovery House program here in Contra Costa County as part of the Contra Costa County Medical Services is the residential drug treatment, incorporated along with the techniques I have previously mentioned. The residential treatment at the Discovery House is the closest one can come to grips with drug abuse and substantly rehabilitate the drug abuser in a positive environment with trained professional people who are genuinely concerned about the drug abuser and his problem.

I feel the Discovery House program for drug abuse should be supported fully by the county, State, and Federal medical services. I congratulate them for their humanitarian work which has brought meaningful change in the lives of many now responsible citizens.

REMARKS OF COL. OLIVER M. HUSSMANN

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. HUNGATE. Mr. Speaker, I would like to call to the attention of my colleagues, the patriotic remarks of Col. Oliver M. Hussmann, recently delivered before the Missouri National Guard Association on the commemoration of their silver anniversary conference in St. Louis, Mo.

The remarks follow:

REMARKS BY COL. OLIVER M. HUSSMANN, PRESIDENT, MONGA

Webster defines a Patriot as "one who loves his country and zealously guards its welfare; especially a defender of popular liberty." This is the kind of patriot I was taught to admire and emulate. The kind who has fought for his country throughout its history. The kind who admits the imperfections of government, but loves his country even more in spite of them.

Today we have a new kind of patriot. The draft dodger who skulks into Canada, Sweden, or any other country that will grant them asylum. Those who trample and spit upon the Flag. Those who bomb and burn our public buildings and academic institutions. Those who condemn our involvement in Viet Nam and publicly esteem our enemies. Those who question every word uttered by our leaders, but willingly accept as the whole truth any and all charges levied against us by our enemies.

There are many in this country who find favor with this new type of patriot. We find these "sob sisters" amongst our clergy, amongst our so-called intellectuals and even amongst our leaders in the Congress and the Senate. They say we should not have become involved in Viet Nam and now because we are so involved, the new type of patriot must be permitted to vent his frustrations as he desires.

The National Guard is made up of men. Men from many walks of life. Men in different stages of maturity. Men of different social antecedents. Men of various religious beliefs. Men with different political convictions. These qualities and characteristics which each individual possesses, must be nurtured, moulded and fused with those of the next man until, as an entity, we can move forward in a concentrated effort toward a common goal. We must resolve to do everything in our power to again convince the people of our country that Webster's definition of a patriot is and always will be correct.

There are too many in this country who

have forgotten that the two ideologies—Democracy and Communism—cannot live side by side except by artful truces and so-called cold wars, neither of which can nurture a real lasting peace. The tentacles of Communism creep insiduously wherever they gain a foothold. Our land, our way of life, our freedom and our liberty, as we know them, are the prizes Communism strives to take from us. Guardsmen must be constantly prepared to fight this threat. We must not permit ourselves to become the weak link in the defense of this great nation.

There is a greater need for the existence of the Guard today than ever before. We must let our fellow citizens know that the enemy wants us to be careless, lazy and uninspired in the desire to defend our country. That he looks upon us with utter contempt when we say we are tired of war. We must make the public realize that America needs its men—soldiers and citizens alike—to work continuously to improve our defensive posture while there is still time. If we wish to maintain for our children the liberty, freedom and safety which we enjoy, we must be prepared to defend these truths to the death. Consider for a moment what life would be like without these privileges we accept so matter-of-factly.

One thing is certain; we have the organization to build such a defense. We have the know-how and the money in this country to develop such a defense. Most important of all, we have US, the National Guard. We can discourage aggression now. All we have to do is feel the urgency, to realize the practicability of being prepared, and to work—work as men dedicated to the principle that the freedom we enjoy shall not perish.

Our silver anniversary is an opportune time to rededicate ourselves to the task at hand, to filling our ranks with true patriots, to teaching, to absorbing lessons learned, to building a defense capable of filling the needs of our people, our community and our country.

Guardsmen have taken such dedicated stands many times in history; always in the cause of freedom and liberty. Our citizen-soldiers, our National Guard, is older than the Nation itself. Dedicated men of the early colonies organized units and trained to defend their settlements long before the Declaration of Independence. Many of our present-day Guard units trace their history directly to these early groups of citizen-soldiers.

We need to review the heritage willed us by those who early stood in the defense of our country. We need to relive the struggles of the past, to see in our minds eye and feel in our hearts the valiant stand they took so this nation might be free. We need to think of those who stood with Washington at Brandywine and Germantown. We need to be reminded of the Guardsmen, militiamen, minutemen, call them what you will, who bled at Bunker Hill. We need to trace their footprints that marked with blood the snows of Valley Forge. We must bend our backs and grasp with freezing fingers the frosted oars with Washington as he crosses the icy Delaware. We must lay seige with him to the heights of Yorktown. We must strive with those who followed Lee, Sherman and Grant. We must feel the fury of the charge at San Juan. We must share with them the blood and sweat of the Philippines and the Mexican Border. Let us follow "Black-Jack" Pershing through the holocaust of WWI. Eisenhower, MacArthur and Patton through the war to end all wars. Let us relive with them Argonne, Chateau Thierry, Corregidor, Normandy and MIG Alley. Finally Korea and Viet Nam. For the first time in history American fighting men find themselves in the unusual position of fighting a battle they cannot win, a war they are not supposed to win. A classic study in frustration.

Is Freedom, Democracy and the American way of life, which was bought at such a tremendous price to be lost to the most deadly enemy that has ever threatened free men? Has the sacrifice they made, been made in vain? Can we not continue the fight, can we not as citizen-soldiers bolster the defenses, man them effectively and surely, against any and all attacks of an enemy? Can we not show a love for our country? A love that surmounts all fears, all weaknesses and dedicates men to preserve with their lives the land they love?

I am not asking that we dedicate ourselves to becoming a nation of warmongers. No, I ask that we dedicate ourselves to work for peace. I firmly believe a strong aggressive, defensive posture is the best offense available to a country whose democratic ideals prevents it from initiating an attack against any enemy unless provoked beyond endurance.

Until we have made our country so impregnable, so invulnerable that an attack would be suicidal, will our enemies keep their distance. Until we have done this, the possibility of America becoming a major battlefield in a new world conflict becomes more apparent with each passing day.

Gentlemen. Now is the time for us to look to our defenses, time to follow the heritage which is ours. The time to demonstrate, once again, to all the world, that democracy is a living thing, transcending all other ways of life, and worth protecting at any cost.

VA DIRECTOR JOE ANDERSON HONORED FOR SERVICE

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. EDMONDSON. Mr. Speaker, probably no other Member of this body is more aware than yourself of the many outstanding abilities of the man who served as your administrative assistant for nearly 3 years, Mr. Joe Anderson.

Since leaving your staff and becoming Muskogee Regional Director of the Veterans' Administration, Joe Anderson has unselfishly dedicated his time and efforts in behalf of the veterans of Oklahoma and our Nation.

I was recently provided with a resolution adopted by the Disabled American Veterans of Oklahoma which indicates the very high regard and appreciation felt for Joe by all veterans in Oklahoma. This recognition of Joe's consistent and tireless efforts, above and beyond the call of duty, demonstrates the outstanding record he has achieved as our Regional Director for the Veterans' Administration, and I include the text of the DAV resolution at this point in the RECORD:

RESOLUTION

Whereas, the Disabled American Veterans of Oklohoma hold many meetings each year at the state, district, and chapter level to inform veterans and their beneficiaries of changes in laws and regulations affecting veterans' programs; and

Whereas, Joe W. Anderson, Director, Veterans Administration Regional Office, Muskogee, Oklahoma, has contributed significantly to the success of these meetings by having himself and/or other members of his staff present to discuss various phases of veterans' programs. Many of the meetings convened on weekends, but participation of the Director and his staff was not reduced on this account, and, now, therefore, be it

Resolved, that the Department Convention, Department of Oklahoma, Disabled American Veterans, held in Lawton, Oklahoma, June 9, 10, and 11, 1972, does hereby express and record its appreciation to Joe W. Anderson and his staff for outstanding service far beyond normal duty requirements to the ex-servicemen of Oklahoma; and, be it further

Resolved, that copies of this resolution be sent to Joe W. Anderson, Director, Veterans Administration Regional Office, Muskogee, Oklahoma; to Donald E. Johnson, Administrator, Veterans Affairs, Veterans Administration Central Office, Washington, D.C., and to the members of the Oklahoma Congressional Delegation.

THE SALT AGREEMENTS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, last Saturday the Washington Post carried an excellent background article by Chalmers Roberts on the strategic arms limitation agreement reached in Moscow. Mr. Roberts notes that the concessions made by both sides involved a mixed nuclear basket of apples and oranges, and the ability to reconcile this mix has produced an agreement which is a sensible and stabilizing step in the direction of curbing the arms race.

In discussing the prospects for SALT II and the use of the proposed Trident submarine and B–1 bomber as bargaining chips, Mr. Roberts says:

A good many in and out of Congress deride the bargaining chip argument. I do not. History teaches that Moscow respects muscle, not weakness. I thought there was validity in years past to the contention that keeping the American ABM program going was a bargaining chip; I think it proved so. The same argument now has validity.

Mr. Roberts concludes that the SALT agreements are very important in themselves, but that they are far more important in terms of a continuing process of attempting to achieve "a more stable and rational relationship." Mr. Speaker, at this point in the RECORD I include the Roberts article and commend it to the reading of my colleagues. The article follows:

JUDGING THE MERITS OF THE SALT AGREEMENT

(By Chalmers M. Roberts)

In judging the merits of the strategic arms limitation (SALT) agreement between the United States and the Soviet Union it is necessary to do two things: first, to appraise the meaning of the anti-ballistic missile (ABM) treaty and the details, including the numbers, of the interim agreement on offensive weapons; second, to judge the twin pacts in the larger context of the changing Washington-Moscow relationship. The two seem to me to be inseparable.

The ABM treaty has the great virtue of so limiting such defensive measures as to remove fears on either side that the other could indulge in a first strike attack. If such an attack could ever be conceivable to any rational leader, it would become so only when he felt that his own weapons and the bulk of his population would be so protected by an elaborate nation-wide ABM system as to make a second or retaliatory strike by the other nation a risk worth taking.

Given the undoubted ability of the offensive to overwhelm the defensive and given

the grave doubts by many experts as to the efficacy of any ABM system, such fears doubtless have been gravely exaggerated in both Washington and Moscow. But that does not detract from the fact that such fears have existed, that they impelled vast expenditures regardless of their validity and that under terms of the SALT treaty on ABMs this should come to a halt if not an end. "Zero ABMs," which means a complete abolition by both sides of any ABMs, would have been better than the two site option agreed upon. But two, at least, is far, far better than unlimited ABMs.

So at least one factor that threatend to destabilize the balance of terror has been cut back to manageable proportions. It seems to me it would make sense for Congress to refuse funds for the building of an ABM around Washington despite the asymmetry that would involve, given the existence of a site now in existence around Moscow. Likewise it would make sense for the Soviets not to build their second site around an offensive missile field. Should Congress so decide, the Moscow decision is most likely to be affected by the Soviet perception of a changing Moscow-Washington relationship.

Now turn to the offensive weapons agreement. It is evident enough that the Nixon Administration paid a stiff price, negotiated at the finale in Moscow, to win Soviet assent to inclusion of a limitation on submarine launched missiles (SLBMs). I think, however, it was a price worth paying.

The United States long has had a triad of strategic weapons systems: ICBMs, SLBMs and long-range bombers. According to the figures presented to the Senate Armed Services Committee by Adm. Thomas H. Moorer, the sum total of the rival triads (one bomber being equated with one missile) will be 2,499 for the Soviets to 2,167 for the United States. Even these figures are not the whole story, however. The total megatonnage in the Soviet arsenal under the agreements is much the larger but the total number of American warheads, due to the American multiples (MIRVs), is far larger than that of the Russians.

In sum, the apples and oranges of nuclear weaponry have been added up to what can fairly be termed rough parity for weapons of one nation that can reach the soil of the other. Even here, it should be noted, some of the American apples have been excluded from the basket: the fighter-bombers based in Western Europe and on carriers, known as forward based systems (FBS). It seems to me the net of all these figures and factors is that the offensive agreement is a good deal for both superpowers.

In reading over all the official American explanations, by the President, Secretaries Laird and Rogers, Adm. Moorer and above all by Henry Kissinger, one is struck by a single theme: it would have been much worse if there had been no agreements reached. It is an uncontroverted fact that, as Sec. Laird kept saying so loudly and so long, the Soviets did have a great momentum going on offensive arms, from the giant SS–9 missiles to submarines. So, as the admiral put it, "we have forestalled a 1977 ratio of about three to two in their favor." I have no doubt he is right because I have no doubt that Moscow would have gone on building, lacking an agreement, to something like that amount of superiority. At some point the United States would have responded with a new program of its own.

The action-reaction phenomenon in strategic arms has been evident for years, for decades in fact. The current Soviet momentum clearly dates from the humilitation Moscow suffered in the 1963 Cuban missile crisis. The American preponderance at that time, in turn, was the result of early Kennedy Administration decisions to build a vastly superior force, rather than to accept some form of parity.

President Nixon was the first chief executive to accept parity as a principle though he sought to soften the blow to American pride by using instead the word "sufficiency." Whether he did so as an intellectual exercise, or whether he did so because he knew the Congress and the country simply would not put up the money for superiority in such costly weapons, is not material. That can be left to the historians. The fact is he did so. And only because he did so is there the agreement now before Congress for approval. Perhaps the best clue to Mr. Nixon's submarine decision was Dr. Kissinger's remark at a Moscow press briefing. Discussing the high price paid for the submarine section of the agreements, Dr. Kissinger remarked that "the United States was in a rather complex position to recommend a submarine deal since we were not building any and the Soviets are building eight or nine a year, which isn't the most brilliant bargaining position I would recommend people find themselves in."

In discussing the agreements, Secretary Laird has said he accepted them only on the premise that the United States will go forward with the multi-billion dollar Trident submarine and the equally costly B–1 bomber and some other programs as well. In essence, this is the old bargaining chip idea now being applied to the SALT II round due to begin this fall. The hope is to reach a permanent treaty covering offensive weapons systems to replace the five-year interim agreement now before Congress.

A good many in and out of Congress deride the bargaining chip argument, I do not. History teaches that Moscow respects muscle, not weakness. I thought there was validity in years past to the contention that keeping the American ABM program going was a bargining chip; I think it proved so. The same argument now has validity. But that is not to say that everything that Sec. Laird and the Joint Chiefs would like is necessary, or even desirable at the speed they request. It seems to me further funding of the Trident project makes sense, in part because it will tend to move the core of the strategic power more to sea where it is least vulnerable. The B–1 is of lesser value, in my view, and should receive only limited funding at this point.

In his remarks at a Moscow dinner for Mr. Nixon, Soviet President Nikolai Podgorny remarked that despite "differences of social systems," there are "objective factors that determine similarity of interests" that influence Soviet-American relations. It was of course such a Kremlin view that permitted the Soviet leaders to let the President come to Moscow at a time he had challenged Soviet interests by mining the harbors of North Vietnam. It was simply one more demonstration of practicality over principle. One could say the same thing about Mr. Nixon's climb down from "superiority" to "sufficiency."

This sort of thing was codified in the declaration of basic principles signed in Moscow by President Nixon and Soviet Communist Party chief Leonid Brezhnev. They said, among other things, that the two nations "will proceed from the common determination that in the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence." Or as Dr. Kissinger put it to members of Congress at the White House: "We are compelled to coexist."

This theme, of course, is not new. Back in 1954 President Eisenhower declared that "since the advent of nuclear weapons, it seems clear that there is no longer any alternative to peace, if there is to be a happy and well world."

Just as many Americans have difficulty accepting parity instead of superiority, so the Russians have difficulty abandoning the secrecy on which they have so long counted, from Stalin through Khrushchev. This is evident in their refusal to give the numbers of their own ICBMs or to agree to a definition of "heavy" missiles and other pertinent terms. In short, the old suspicions of the Cold War are far from gone. It took a long time, on our side, for officials to abandon such terms as "international Communism." It would be useful for Secretaries Rogers and Laird to abandon the phrase "negotiating from a position of strength," which they both used in their testimony to Congress. And it would be useful for the Soviets to abandon some of the jargon of their own ideology such as "the imperialists."

The SALT agreements seem to me to be very important in themselves. But they are far more important if they form part of what Dr. Kissinger has called "vested interests in a continuation of a more formal relationship" between the two nations. We should, as Dr. Kissinger went on to say, "have no illusion" that such will occur or that, if it does, it will be quick and simple. The ideological differences, and the national rivalries too, remain. But there are, as Podgorny said, "objective factors" as well which tend to force each nation to move in the direction of a more stable and rational relationship.

Each side interacts on the other. In the past when the Soviets were weak the Americans sought to exploit that weakness. If America becomes weak, I have no doubt the Soviets will exploit that weakness. The changes therefore must be gradual, not precipitate. To me, the Nixon demand—as specified by Sec. Laird—for massive new arms goes too far. But so, in the other direction, does the budget cutting program of Sen. George McGovern. It is up to Congress, as it approves the SALT agreements, to find the mean between the extremes. If it does, then 1972 could well become a date to remember when hope superceded fear without allowing illusion to supplant rationality.

MONEY FOR EDUCATION

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ABOUREZK. Mr. Speaker, when talking about educational problems, the word "crisis" automatically springs to mind. One year there is a crisis in science education and we are not keeping ahead of the Russians. The next year we discover a reading crisis and that Johnny cannot read. The year after that it is something else. The fact of the matter is, there are crises. But they are symptoms of a much bigger, more pervasive, and continual crisis that has been present in education for some time and has been growing worse and worse. That is the financial crisis.

The real irony of this situation is that in terms of supply and demand, there are almost enough qualified teachers to provide the needed educational services of our society for the first time since World War II. Yet we find that because of cost factors and inflation, school district after school district cannot take advantage of the supply and instead find themselves cutting back in terms of educational services. This means that instead of smaller classes, there are larger ones. Instead of more individualized instruction, there is less. Instead of more time to meet the pupils' needs, the teacher has less.

Then comes the demand to cut back on the frills. I do not believe that special teachers for art, music, drama, indus-

trial arts, and physical education are frills. Yet these are the first to go.

I want to make it clear that I do not believe that the culprit in the increasing cost of education and the cutbacks is teachers' salaries. It is true that teachers' salaries have gone up—but at a pace that is behind and not ahead of other professional workers. This despite the fact that teacher salaries have long been considered notoriously and even scandalously low in our society.

For the most part, one cannot fault the efforts that have been made at the local level to provide adequate funding to meet the educational needs of the community. Since 1966 when the Elementary and Secondary Act went into effect, State and local taxes have supplied an additional $15.7 billion for schools raising the total revenue collected from their own tax sources to $39 billion. Over the same time, funds from the Federal Government have increased from $900 million to $2.9 billion.

It is clear that States and localities cannot continue their massive efforts without help. I recognize that there are many problems with Federal aid to education that must still be worked out. For all of that, the Federal Government remains that last major untapped source of adequate funding to meet the financial crisis about which I have been talking. I was pleased to have been a supporter of the Quality Education Appropriations Amendment to the Office of Education Appropriations bill. This successful amendment added nearly $354 million to key education programs. This is an encouraging step for those of us who believe in a reordering of our national priorities. Education must come higher on our list of national concerns.

IN MEMORIAM—MARTHA TURNER LONG

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. CHAPPELL. Mr. Speaker, I want to join the people of Marion County, Fla., in acknowledging their deep sense of loss at the untimely passing of Martha Turner Long at the young age of 35. Mrs. Long gave 7 years of loyal, efficient, and devoted service as secretary to the Marion County Planning and Zoning Board and its director. By her courteous and polite manner, she brought great credit and recognition to herself, her office, and to Marion County. She was a dedicated wife and mother, held in high esteem by all whose lives she touched. Her exemplary life has contributed to our heritage and traditions and will serve as a goal that we and future generations should strive to attain. I wish to express my sympathy to the family of Martha Turner Long, an ever-faithful servant of the public and a contributor to good government.

A MAN NOBODY KNOWS

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, June 26, 1972

Mr. GRIFFIN. Mr. President, Mr. Stephen T. Spilos, one of Michigan's best known authors and historians, has been writing a series of articles on Detroit people and places.

One of his recent articles concerns Col. Philetus W. Norris, a native of Michigan who served as superintendent of Yellowstone National Park at its inception.

It is particularly appropriate that the article should appear during this National Parks Centennial Year. I ask unanimous consent that the text of the article, published in the Detroit, Mich., Legal Advertiser of Thursday, June 1, 1972, be printed in the RECORD.

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

"A MAN NOBODY KNOWS" WAS ONE OF MICHIGAN'S GREATEST

(By Steve Spilos)

(NOTE.—This is another in a series about Detroit people and places by Steve Spilos, noted historian and award winning author.)

One of the most legendary figures to come out of the west—or the east—is Colonel Philetus W. Norris, Wyoming's "Man from Michigan."

Col. Norris served as superintendent of Yellowstone National Park from 1877 to 1882. He was among the first to induce Congress to provide funds for Yellowstone.

The unusual thing is that he did it with poetry, penned with a stubby pencil by the light of his campfire.

One of his poems, "The Wonder-Land," a name cherished by all Michiganians, carried this appeal to Congress:

"Oh, for wisdom in the councils
Of our nation's great,
To protect these matchless wonders
From a ruthless fate."

Written in 1878, the year Congress made the first appropriation of its kind "to preserve, protect and improve the people's heritage," the poem was printed in P. W. Norris' book, "The Calumet and the Coteau," which he dedicated to his friend and mentor, Morrison R. Waite, Chief Justice of the United States.

This year, in observance of Yellowstone's 100th birthday, President Nixon's National Parks Centennial Commission has planned an outstanding series of commemorative programs.

They would have had a stirring effect on Col. Norris, who is buried in Detroit's Woodmere Cemetery overlooking the Rouge River.

As a result of Yellowstone becoming the first national park in 1872, the national parks system has grown to include more than 280 areas in the nation, including Michigan's Isle Royale, Pictured Rocks and Sleeping Bear Dunes.

Worldwide the Yellowstone idea found ready acceptance and now more than 100 nations have national parks.

H. M. Chittendon, historian of Yellowstone Park, refers to Col. Norris as "one of the unique and picturesque characters in the history of the Park . . . Endowed with extraordinary energy, he entered his new charge with genuine enthusiasm and unbounded faith in its future value to the people."

Col. Norris upheld America's most valued traditions. He explored the west, uncovered a new trail into Yellowstone, cutting off at least 100 miles from the old trek, and excavated Indian burial mounds for the Smithsonion Institution.

He was a practical man, capable of surviving in the wilderness, but cognizant that words and knowledge were the instruments of a cultivated society. His classroom was the wide open spaces—God's imprints upon the ledger of time.

An explorer, scout, cavalry man, land developer, realtor, sanitation expert, subdivider, politician, poet and lover of freedom, he educated himself under the stars from the Montezuma charcoal swamps of New York to the Continental Divide.

He carried books in his knapsack and pocket of his hunting shirt to read by the campfire.

Col. Norris was born in Palmyra, New York, on Aug. 17, 1821, six years prior to the discovery of the entablatures there by Joseph Smith, founder of the Church of Jesus Christ of the Latter-Day Saints.

When he was only eight years old, Norris earned his first dime guiding hunters through the dense moss-draped pine and hemlock forests around the great falls of the Genesee River near Portage, New York.

His grandfather, Deacon John Norris, fought at Bunker Hill. His father, John Norris, Jr., was a pioneer mill-builder and soldier in the War of 1812. From his mother, Azubah Phelps, who was of pure Welsh ancestry, he inherited his love of mountains and of song.

The Norris family arrived in Michigan in time for the Black Hawk War and the first of several severe cholera plagues. The elder Norris became ill, and young Norris helped his mother support a large family of sisters, including twins.

While herding wild ponies on the "blue joint meadows" of Conner Creek, he liked what he saw, and after the Civil War he built the village of Norris on a thirty foot high plateau between the forks of the creek.

His vast drainage project was considered the most advanced in Michigan at the time.

The Wayne County Atlas of 1876 contains a map of Norris, which is now a part of Detroit. One of the buildings was a Deaf and Dumb Asylum, now the Lutheran Institute of the Deaf.

The asylum stood on Railroad Avenue, now Nevada, near Mt. Elliott, the heart of Norris. At the intersection of Mound and Seven Mile Road stood an Indian Mound, and he built a log cabin on it.

P. W. Norris married Jane K. Cottrell of Fayette, Ohio, in 1845, and on their wedding trip, he cleared a road through the woods to Pioneer, Ohio, which was originally settled by Norris.

Philetus and Jane had four children, Edward, Aurelia, Ida and Arthur. Ida is buried in Woodmere next to her father. Arthur, a veterinarian, married Ida Tewksbury of Romeo, Mich. She was a school teacher in Norris where she met Arthur.

Arthur and Ida had seven children, the second, named Ralph Arthur Norris, was a doctor. He in turn married Elizabeth Estelle Gardner, and they had two children, Aurelia Betty Gavin, of Birmingham, and Ida Louise Garn, of Troy, Mich.

Col. P. W. Norris had an outstanding Civil War record. He served as a Union spy and captain of the West Virginia Mountain Scouts. Disguised as an Indian he penetrated Confederate lines, and there was a $5,000 reward on his head.

He was disabled by a severe shoulder and spinal injury caused by the fall of his horse when it was shot under him in a guerrilla fight near Laurel Mountain.

Norris returned to Pioneer and was elected to the Ohio legislature; then assisted in the re-election of B. F. Wade to the U.S. Senate in 1863.

He then became a member of the Sanitary Commission, and was at the front caring for

the wounded in the bloody Spottsylvania campaign, and also served at Kelley's Island, the confederate prison on Lake Erie.

The most unusual chapter of his brilliant career took place when he returned to the Custer battlefield—the year after the news of Custer's defeat at Little Bighorn rocked the nation.

Col. Norris retrieved the bones to his frontier friend, Lonesome Charley Reynolds, Custer's chief scout, and brought them back to Michigan wrapped in a handkerchief. For many years this was a deep mystery until someone read about it in an old issue of Norris' publication, the Norris Suburban.

While engaged in ethnological research for the Smithsonian Institution, Col. Norris died at Rocky Hill, Ky., after a brief illness. He was buried at Elmwood Cemetery in Detroit on Jan. 17, 1885, and a short time later was removed to Woodmere.

In memory of his long life in the wilderness, and his great love of America's most treasured gifts, his grave was covered with a bower of pine needles.

His services to Yellowstone National Park, as well as to the nation, have too long gone unrecognized. It has taken a hundred years for this man who nobody seems to know to gain his rightful place in history.

One of the features of the centennial observances will bring officials from all over the world to Yellowstone this September in attendance at the Second World Conference of National Parks. Their main concern is the challenge facing the national parks in the next 100 years.

With man's spirit prevailing—as it does—Col. P. W. Norris, the "Man from Michigan," will be there.

CHARITABLE OVERKILL

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. VAN DEERLIN. Mr. Speaker, in my office reposes a rather bulky package from my home State. It contains some 9 pounds of charitable solicitations mailed over a 10-month period to a single individual, John F. Ruedi, the widely known golf professional at the Coronado Country Club.

Mr. Ruedi religiously saved each solicitation sent to him from January through October 1971. He explained the net weight would have been substantially higher had he not discarded many of the cover envelopes.

In itemizing the contents I counted 140 individual requests for money from 86 different organizations. One soliciting group, apparently through the indiscriminate use of multiple mailing lists, sent five identical letters.

Included among the solicitations were 17 sets of assorted greeting cards—averaging six cards per set—three key chains, two ball point pens, eight combs, a plastic napkin holder, and numerous decorative stamps and gummed address labels. All of these were unordered.

Unfortunately, this is by no means an isolated example. Millions of Americans are being deluged with similar requests for donations. It is virtually impossible to judge the worth of these causes since information concerning the identity of the solicitor and the percentage of the contribution which will actually benefit the purported cause is hardly ever provided.

In many instances 85 to 90 percent of the donation winds up in the pockets of promoters and advertising agencies. This overhead takes the form of consultant fees, retainers, staff salaries, commissions, mailing expenses, printing costs, and the purchase or rental of mailing lists.

In this period of increased consumer protection; with the advent of truth in lending and regulations concerning packaging and advertising—it only seems fair that the contributor be afforded some degree of protection from unscrupulous solicitors.

I am committed to offering, at the appropriate time, legislation that would provide this protection. Unfortunately, Mr. Ruedi's case, which at first hearing sounds quite extreme, is actually fairly typical, I would imagine. Most of us get this kind of mail, in this kind of quantity, but few of us would take the trouble to catalog it as Mr. Ruedi has done. On sheer volume alone the need for reform seems self-evident.

STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. McKAY. Mr. Speaker, I share the concern voiced by Appropriations Committee Chairman GEORGE MAHON, who said:

The revenue sharing bill recommends a program that separates two inseparables—political responsibility for taxing and responsibility for spending.

I feel that the revenue-sharing bill as passed is a bad bill. The formula used for allocating funds is wasteful in that it sends much of the money where it is not needed. The bill is bad in that it places control of public money outside of the control of officials elected by the people. And, the bill is bad because it spends billions of dollars we do not have.

I felt that bringing the bill before Congress under a closed rule was also an error and was, in fact, in direct violation of the standing rules and traditions of the House of Representatives.

I had hoped for an open rule under which the bill might have been amended to arrive at a more equitable formula for helping those States and cities that have very real needs. As it stands, we have turned loose a river of money running, as Mr. MAHON noted, "a mile wide and an inch deep."

I do think it would be possible to draft revenue-sharing legislation that would meet the needs of our Nation. But, with a deficit of over $30 billion in the present Federal budget, I did not feel the bill the House has passed was sound fiscally or otherwise and I had no alternative but to vote against it.

In light of Congress action, I will not be surprised to see the administration and congressional leaders ask for a tax raise.

THE HIGHER EDUCATION ACT OF 1972

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SCHMITZ. Mr. Speaker, Robert Clark, former president of San Jose State College, now president of the University of Oregon, said:

To keep young people off the job market our society has made the college or university a holding operation for some of our students—a kind of advanced baby sitting enterprise. Higher education should be available to all qualified aspirants who can profit therefrom; but they who do not want higher education should not be coerced to enter—we all believe that society has oversold itself on the value of college education for all youth and undersold the importance and dignity of socially productive and useful work of other forms.

On June 8 the House of Representatives, disregarding strong, bipartisan opposition, including the Republican leadership and—perhaps surprisingly—hundreds of college and university presidents such as Robert Clark, quoted above, approved an $18.5 billion higher education aid bill (S. 659) which was also supposed to help stop busing. The vote was 218 to 180 in favor of the bill.

The inability of this bill to do anything significant to restrict busing was fully explained in my newsletter 2 weeks ago. But its provisions specifically dealing with higher education are just as bad in their own way. It establishes a guaranteed annual income for college students, regardless of their ability or willingness to study, in the form of a "Basic Opportunity Grant" for each student of $1,400 per year from Federal tax funds, minus whatever his family contributes to his education. This is in addition to the enormous subsidy which taxpayers are already giving students by holding down tuition fees at State colleges and universities through the tens and hundreds of millions of dollars of State tax money handed to these institutions each year.

As Democratic Congresswoman EDITH GREEN said during the House Floor debate:

I do not happen to believe that every student attending an institution of higher education is "entitled" as a matter of right to $1,400 of other taxpayers' money. I think any student financial aid supplied by the Federal Government should depend on the academic achievement and the motivation of the student. There are many, many Members in this Chamber who worked their entire way through college and did not have a dime of Federal financial assistance. Those of you who watched the CBS documentary two or three weeks ago, "Higher Education—Who Needs it?", know that we have a surplus of Ph.D.'s and many thousands of college graduates who cannot find a job. To use an economic incentive to try to persuade every student to go to college is following a wrong course of action.

Furthermore, as Congressman EARL RUTH pointed out in the debate, when the money available to students from existing Federal aid programs is added to the $1,400 guaranteed annual student income provided by this bill, a student

could get as much as $7,900 per year from the taxpayers just for enrolling in a college and living away from home. Congressman RUTH asked:

Are we going to start a new practice—college students leaving home to become eligible for Basic Opportunity Grants? This will be happening even in wealthy families.

The bill also provides $685 million more for "educational research, reform, innovation" although the Office of Education already has 50,000 tax-financed contracts for this purpose whose administration and supervision has been described by the General Accounting Office, according to Mrs. GREEN, as "absolute chaos and confusion." And, adding insult to the injury of the betrayal on busing, the bill provides $100 million for planning metropolitan school districts and educational park—massive school consolidations in urban areas which would necessarily involve large-scale busing.

House passage of this bill marks something very close to a final surrender of whatever remained of the independence of our colleges and universities. President Nixon should be urged to veto it.

INSULATING LABELS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. DERWINSKI. Mr. Speaker, the frustration which citizens properly express at the complications which beset them as a result of legislative acts or bureaucratic determination is especially well expressed in an editorial written on June 22 in the Desplaines Valley, Ill., News.

The publication's editor, Harry Sklenar, knows his community well. The points made in the editorial, I believe, are of special significance:

INSULATING LABELS

Poverty is now being segregated by State Governmental officials.

According to the federal government definition of "poverty," the term means that you have an income of $3,500 or less annually and one child. The "poverty" income figure then ranges upward, depending up the additional number of children in the family. Under this classification, your child is entitled to certain things, such as free textbooks, free school supplies, and free summer schooling and bus trips designed to upgrade the cultural level.

However, according to the terms of the $33,865 state grant to Argo-Summit schools, that "poverty" family must live in a "target area," defined as one with a large number of families on ADC and welfare rolls.

Under this further definition of "poverty," a family in this category whose children attend Walsh, Walter, or St. Joseph school cannot register their children in the summer school program simply because they are not living within a "target area."

Thus, in a sense, this segregates and labels the "poverty" child as much as any racial slur. Incidentally, 169 children were found qualified under these guidelines.

This government labeling not only slurs and segregates the child, but labels the neighborhood area, as such labeling really means that the area is comparable to a "slum" or "ghetto."

Such labeling has a relation to property values of the area, for few new residents care to move into a section designated as a "target area," meaning large numbers of low income persons.

The slur also casts a reflection on the majority of persons who have upgraded their property or possess an income level sufficient to raise the median wage level.

Thus, what the slur really says is that if you live on one side of a line, your child is eligible to attend the summer school to improve his reading, and if you live on the opposite side of the line, your child cannot, regardless of what your income level is.

And, in the opinion of this writer, that is as much discrimination as any racial label.

LITHUANIAN RESISTANCE TO FOREIGN DOMINATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. RODINO. Mr. Speaker, the tiny Baltic State of Lithuania has been subjected to foreign invasion and domination for centuries. In 1253, Mindaugas was crowned by Pope Innocent III as king of a united Lithuania. This unification laid the groundwork for an eventual political union with Poland and the general political and cultural extension of the Lithuanian State. This union lasted until 1795, then Lithuania was annexed by imperial Russia. The courageous Lithuanians continually revolted against repressive czarist rule and finally forced the Russians to abandon their policy of assimiliation and acculturation of the Lithuanian people in 1905.

Lithuania has had little freedom in the 20th century. After Russian colonization. the German aggrandizement during the First World War sought to eliminate the sovereignty and identity of this determined Baltic State. During World War II, Lithuania was one of the few countries to experience the brutality of both Hitler and the Soviet Union.

On June 22, 1941, Nazi forces overran Lithuania. The peoples of this nation have never seen real freedom and tranquillity since that day. A victory by the Allies during the war wrested control from the Germans, but ultimate authority went to the Soviets. Rule by the Communists for a quarter of a century has stifled this once vigorous, proud nation, into part of the Soviet orbit in Eastern Europe. Moreover, Soviet-sponsored dictatorship has vitiated all forms of political expression and liberty. But, the Lithuanian people have steadfastly refused to submit to alien rule. They have steered an independent course of action, wherever their energies could be exerted. For example, thousands of Catholic Lithuanians have consciously and vociferously kept their faith, despite the unremitting hostility and disbelief of the Communists.

Many in the West do not realize the magnitude of the struggle waged by the Lithuanian loyalists for 8 years—1944–1952—against the Soviets. The losses incurred by the Lithuanian guerrillas reached 40,000 dead in military actions alone during this period.

On this day more than 30 years ago, the most dehumanizing and persistent oppression began by the Nazis, and more recently by the Soviets. The proud heritage of the Lithuanian people is filled with examples of resistance and determination, regardless of the odds or obstacles in their path. It is because of this courage of conviction and resistance to alien rule, that I wish to commemorate this day and ask all peoples to pause and take account of the great achievements of the Lithuanian people as symbols of independence and freedom throughout the world.

JOB OPPORTUNITIES IN THE FUTURE

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. QUIE. Mr. Speaker, last month I noticed an excellent series in the Evening Star by Sylvia Porter on the prospective job market facing our young people in the decade ahead. These were so interesting, and the facts she developed so important to our understanding of job opportunities ahead, that I am asking unanimous consent to have these articles reprinted. I commend them to you for your interest in apprising your constituents of the facts concerning the need for revamping our educational system to provide career training for the eight out of 10 jobs in the 1980's which will not require a college degree.

Some of the facts Mrs. Porter developed are interesting: For instance, by 1980, two-thirds of our work force will be producing services, not goods; before this decade ends, she says, the glut for teachers will be so big that there may be nearly two applicants for every job in the public school system; there will be, however, bright job opportunities in 2-year colleges, vocational, and technical schools.

The articles follow:

DWINDLING JOBS—1

(By Sylvia Porter)

True or false? . . .

The fastest growth in government jobs in the years ahead will be jobs in federal agencies.

Most workers in the United States are employed by companies producing goods.

In view of the population explosion, the biggest expansion in jobs for teachers will be in elementary and secondary schools.

Increasing automation in the office will reduce the number of jobs for office workers.

Good jobs for high school graduates will shrink dramatically as more employers demand that workers have college degrees.

Jobs in agriculture also will dwindle near to zero because of the mechanization of farm work along with the virtual disappearance of the small farm.

The work force is growing older as the population generally lives longer, and thus more and more key positions are being filled by middle-age and older employes.

If you answered "true" to any of these questions, you were wrong. If you answered "true" to most, you flunked.

Taking the questions one by one:

There will be considerable growth in the numbers of government jobs at all levels—an estimated 33 percent increase during the 1970s. But the growth will be much greater at the state and local levels than at the Federal levels.

More than half of the U.S. work force today is producing services, and goods—services covering the range of medical, teaching, banking, insurance, painting, writing, advising, planning—making us the first service-dominated economy in world history. And by 1980 the overall proportion of our work force in services is expected to expand to two-thirds. More than 85 percent of the new jobs now opening up are in the services. By contrast, manufacturing jobs will increase an average of only 1.3 percent a year during the 1970s.

The fastest expansion in teaching jobs will be at the college (two-year and four-year) level. During this decade the increase in the number of elementary teachers in slated to be a mere 3.3 percent and many would be elementary and secondary school teachers will be forced to find new types of jobs.

Automation in the office has reduced opportunities for certain types of workers—but sharply increased demand for other important categories ranging from business machine operators and copying machine repair people to computer programmers, tape librarians and tape perforator typists. If you are interested in a clerical career, you will find the prospects are brightest for work with office computers or in the operation of office machines.

Sure, there's a great push toward college education, but the biggest numbers of jobs in this country still are going to non-college graduates, including high school drop-outs. There will be tremendous opportunities for mechanics and repairmen, particularly for automobile and airplane mechanics, for business machine and appliance servicemen.

The decline of the small farm has been going on for more than a century, and by 1980 the entire food supply probably will be grown by 3 percent of the labor force. However, many new agricultural occupations are opening up in big "agribusiness" and in the technical-scientific aspects of modern farming.

Finally, instead of growing older, the work force actually is growing steadily younger, with about two of the three new jobs being filled during this decade by Americans aged 24 to 25. A key force behind this trend is today's scarcity of workers in the age range of 30 to 45 (not many babies were being born in the depression 1930s). As a result, corporations and other employers are being compelled to reach into the younger age brackets to find executive and other talent—and this is creating an extraordinary opportunity for many American men and women now in their late 20s.

WHERE ARE THE JOBS?—II

(By Sylvia Porter)

Before this decade ends, the glut for teachers will be so big that there may be nearly two applications for every job in the public school system. Between now and 1980, we may train as many as 4,200,000 new elementary and high school teachers, says the Labor Department, but there will be only 2,300,000 jobs waiting for them.

Even at this early point, large numbers of graduating teachers are being compelled to abandon the field for which they trained so enthusiastically. Even now, the immediate future is clearly glum for the record numbers of college students majoring in education.

Moreover, the trends for elementary and high school teachers will remain grim for a period.

Declining birthrates have been shrinking enrollments, and elementary school enrollments as distant as 1980 are expected to be still below 1968 levels. Also reducing the overall numbers of teachers needed is the growing use, especially in high schools, of a new array of educational hardware—such as instructional television and language laboratories. Another strong trend with important implications for teachers is toward non-resident, non-degree courses—adult education, home-study programs, TV teaching.

OPPORTUNITIES LISTED

But despite this over-all picture, there are bright job opportunities in the teaching fields if you are alert to the chances, willing and able to grab them. For instance:

In two-year colleges—including junior and community colleges, vocational and technical schools: The expected growth in the numbers of openings for teachers in this type of school is more than double the expected growth in four-year colleges. The greatest number of new opportunities will be in public institutions.

In ghettos and poor rural districts: As one illustration of the teacher-training programs, Fordham University has set up a work-study scheme for "teacher advocates" specializing in teaching and helping youngsters in trouble with the law. The teachers, age 21–35, are living in the neighborhoods in which they're teaching, working toward masters' degrees, receiving stipends of $90 a week while they work-study.

In adult education-training-retraining: So impressive is the surge in this field that "andragogy" — the science of teaching adults—is rapidly becoming a new teaching specialty and is being pushed hard by the U.S. Office of Education. About 69 million Americans age 16 and over have less than a 12th-grade education.

In school administration: From preschool through college.

In subjects where teachers remain scarce: Math, for instance, the physical sciences, consumer education. The U.S. Office of Education is funding projects to develop innovative environmental education programs across the country—including new techniques for teacher training in this field.

In teaching the handicapped: The mentally retarded, physically handicapped, socially maladjusted, the delinquent child. Today, fewer than half of the nation's handicapped school-age children get the special educational services they need so desperately.

In early childhood education—including day care centers and kindergartens: Pre-primary school education is one of the biggest of growth industries in this era—and all the sex barriers are down, so opportunities for men and women are equally bright.

In educational research and development: A vitally important new field in which there will be fascinating opportunities as public and private funds pour in to spur research into many fundamental questions. For instance, why can't Johnny read? Why do drop-outs drop out? How can we best prepare the retarded child to lead an independent life? How does poor nutrition affect learning?

A nationwide network of educational research labs is now being built to further this effort—most of the labs in connection with major universities. Demand for well-trained, well-qualified educational research and development specialists must expand.

In the federal teacher corps: If you are a qualified applicant interested in working with children from poor families and in training others to work with such children. You'll get a fairly arduous two-year college internship program with "long hours, low pay and as much frustration as anyone should take."

You can obtain vital guidance on careers in teaching from these key sources: National Center for Information on Careers in Education, 1607 New Hampshire Ave., N.W., Washington, D.C. 20009; National Education Association, 1201 16th St., N.W., Washington, D.C. 20036; U.S. Office of Education, Washington, D.C.

WHERE ARE JOBS?—III

(By Sylvia Porter)

You've surely heard about the layoffs of technicians from coast to coast—particularly in the aerospace industry.

If you've been interested in going into a technical career, you're probably also aware that the federal government has been stepping up efforts to retrain and reroute unemployed engineers, scientists and technicians. And perhaps you know, too, that the National Society of Professional Engineers, along with other engineering societies, has been conducting a market survey to find out how the unemployed can be retrained for jobs in other fields ranging from food processing to finance. The long-range prospects for technicians are favorable. By 1975, more than one million new interesting technical jobs promising good salaries will open in this country, predicts the U.S. Office of Education.

The well-known jobs are for computer and other electronic technicians, electrical, mechanical technicians, draftsmen. Here are other fields, most of which you can learn in two post-high school years or less:

Appliance Service Technicians: Install, maintain and repair appliances.

Architectural and Construction Technicians: Help develop new building techniques and new building materials; design future structures such as astrodomes, spaceships, sea laboratories.

Automotive Technicians: Help design new traffic control systems, smog control devices, automatic automobile guidance systems and new auto safety features.

Chemical Technicians: Work in new fields of chemistry, especially biochemistry; help develop new materials from chemicals, such as new plastics, new foods, new fertilizers.

Electromechanical Technicians: Help design products ranging from new computers to artificial hearts and other artificial organs for humans.

Fire Protection Technicians: Help develop new types of fire-control systems, including systems for supersonic transports, sea labs and other artificial environments.

Health Service Technicians: Assist medical teams on the new frontiers of medicine such as bioengineering techniques to save and prolong life.

Instrumentation Technicians: Help develop new families of instruments to facilitate space exploration; work on pollution control and automated medical devices.

Library Technicians: Work primarily in public school libraries but also in colleges and universities and in business, medical and other specialized libraries to help people with materials; write book descriptions for card catalogues; order books from publishers; operate and maintain audiovisual equipment such as slide projectors and tape recorders.

Metallurgical Technicians: Help develop new miracle metals and alloys for use in construction, machinery, medicine.

Radiologic Technicians and Technologists: Backstop highly trained radiation specialists, especially those working on health and safety aspects of atomic energy plants; monitor and analyze the air, food and water we consume; do research on effects of radiation on plants, animals and people; use X-ray techniques for the detection and treatment of disease.

Sanitation and Environmental Technicians: Help prevent and control air and water pollution; inspect and prevent contamination of food; improve methods for waste disposal.

WHERE WILL THE JOBS BE?—IV: CITY HALL

(By Sylvia Porter)

An astounding 10 million Americans work for state and local governments, while another 2.8 million work for the federal government. "The government"—federal, state and local—has become the nation's biggest single employer in virtually all fields.

About one in four new jobs for men and women opening up in the United States is a government job. In some areas (Wyoming, West Virginia, Washington, D.C.), the ratio is one new government job for one new private sector job.

And although cutbacks in city employment are making headlines the nation over—in New York City alone, payrolls have been cut by 10,000 jobs during the last year—the most dramatic growth by far is taking place in jobs at state and local levels.

More specifically, job opportunities in state and city governments will soar by 40 percent in the 1970–80 period, the Labor Department predicts—double the growth rate for the labor force as a whole. At this moment, estimates the National Civil Service League in Washington, more than 750,000 state-local jobs are opening up annually for people at all levels of educational achievement and across the occupational board.

About a quarter-million of these are openings for professional, administrative and technical (white collar) workers. Hundreds of thousands work in "financial control activities" (taxes) and in protective services (police work and firemen).

"Working for city hall," in short, will be among the biggest categories of increasing job opportunities in the 1970s.

The forces behind the upsurge in state-local government employment are fundamental: the relentless population migrations from rural to suburban and urban areas; the exploding demand for essential public services this trend brings; the ever-greater call for more and better education, housing, health services by all age groups.

With the single exception of jobs for elementary and high school teachers, employment in city and state agencies will climb steadily and sharply.

As for pay scales, they have been spiraling upward—reflecting the movement throughout the country to make pay scales for government workers comparable with those of workers in private enterprise and also the efforts of the American Federation of State, County and Municipal Employes and similar unions to which more than one in three state and local government workers now belong.

In most U.S. cities now, clerical workers earn more than they would at comparable private jobs; so do those in many data-processing jobs. In New York City, an experienced computer operator earns 11 percent more working for the government than he would in private industry; a carpenter or electrician earns 62 percent more working for the city than he would in private industry.

In Boston, an experienced computer systems analyst working for the city earns $1,125 a month; in Chicago, he earns $949. In Boston, a carpenter working for the city earns $666 a month; in Chicago, he earns $1,051. In Boston, the plumber earns $648 a month; in Chicago, $1,077. These are averages for a standard work week, which is only 35 hours in most work categories.

If you are interested in working for your city, call, write or visit the city hall's personnel or civil service office—or call or write the particular agency for which you'd like to work.

Other excellent sources of information include the local school board; city clerks; school or college counselors or placement offices; the state employment service office.

Or inquire through one of the following organizations:

American Institute of Planners, 917 15th St. NW, Washington, D.C. 20005; Federal Environmental Protection Agency, 401 M St. NW, Washington, D.C. 20460, National League of Cities, 1612 K St. NW, Washington, D.C. 20006; National Civil Service League, 1825 K St. NW, Washington, D.C. 20006; International Association of Chiefs of Police, Inc., 11 Firstfield Road, Gaithersburg, Md. 20760; American Public Welfare Association, 1313 E. 60th St., Chicago, Ill., 60637; National Association for Community Development, 1424 16th St., NW, Washington, D.C. 20036.

DOOR-TO-DOOR SALESMANSHIP

(By Sylvia Porter)

How would you like to:

Go into business for yourself;

Earn $15,000 to $40,000 a year;

Set your own time schedules, deadlines, work pace;

And all this "without any experience necessary"?

Door-to-door sales—the "world's smallest independent business"—might answer all these dreams if you like this type of work and if you have what it takes to make a go of it.

Door-to-door selling is this country's oldest method of merchandising. Among familiar products initially introduced to the American public by door-to-door salesmen are the washing machine, silk and nylon stockings, the vacuum cleaner, sewing machine, radio.

Today, 1,500,000 to 2,000,000 are in door-to-door selling—about half of them women. And the numbers continue to grow. Students turn to it to finance tuition costs, teachers and others lean on it to increase their incomes, women move in to supplement the family's income and fill up idle hours.

The whole field of direct selling is expanding, spurred particularly by increasing willingness to pay a premium for the luxury of "shopping at home." The field is also diversifying to a wide range of goods and services. There are now an estimated 2,500 to 3,000 direct selling companies—many of them glamor stocks in recent years—grossing about $4 billion annually, double the volume of only a decade ago.

Should you attempt to go into the direct selling field? Here are some guidelines from the Direct Selling Association, the trade association which recently put together a code of ethics for its members:

Earnings: If you are selling part-time, your earnings in commissions will be about $30 to $50 a week. If you work full time and are lucky, you'll probably average $10,000 to $15,000 a year. If you're in the minority of "born" sales people (or their field supervisors), you may manage $40,000 or more annually.

Women earn at least as much as men do.

Advantages: You're on your own and can set your own work load, time schedules, financial goals. You can get started with virtually no experience, can get in or out of direct sales at any time, normally need no capital to begin with.

Warning: steer clear of any direct sales company that requires you to make a big investment in sales gear before you even hit the road.

Disadvantages: You may not be able to achieve the income you seek unless you are willing and able to spend a considerable amount of time away from home. You may have to carry heavy sample cases on your route. The field has more than its share of hard sellers and unscrupulous dealers of one type or another—some of them illegally representing their wares and others regularly violating the federal truth in lending law.

And always lurking in the background is the prospect of stricter federal laws and regulations to set standards for direct selling and crack down on the abuses which have resisted all the industry's efforts at self-policing.

THE HUMAN COST OF COMMUNISM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. CRANE. Mr. Speaker, those who urge an immediate American withdrawal from Vietnam regardless of the consequences appear not to have given serious consideration to exactly what those consequences would be. If they had it is unlikely that they would advance such a proposition as a serious policy alternative.

There has been a great deal of discussion in this country of indiscretions committed by our own soldiers. In instances where Americans have acted in an inhumane manner, when they have been callous in their treatment of civilians, it is just and proper that we should be critical. Such indiscretions have, however, been the actions of individuals. They have never been the policy of our Government.

Exactly the opposite is true with regard to the campaign of terror practiced by the Vietcong. Sir Robert Thompson recently noted that—

Everyone has heard of Mylai, but who has heard of Caibe, where the Vietcong, after its capture, lingered only to murder the wives and children of all the local militia? Or of the Montagnard village of Dakson, where they moved from hut to hut with flame-throwers incincerating more than 250 villagers, two-thirds of them women and children.

These acts of barbarity, the murder of thousands in Hue, were not accidental. Robert Thompson, the British expert on guerrilla warfare, states that—

These were not aberrations, nor savagery for savagery's sake, nor the work of undisciplined soldiers acting in violation of instructions, but part of a ruthless deliberate policy designed to break a people who would not otherwise bend to their will.

How many would be murdered if the Vietcong were to come to power in South Vietnam today. Robert Thompson writes that—

Four years ago I estimated that it would be several hundred thousands. I now wish to amend that figure to well over one million (out of eighteen million people).

This must not be permitted to happen. Those who would turn their backs upon these brave people who have depended upon the good word of the United States should consider the consequences, not only for the South Vietnamese, but for American honor as well.

I wish to share with my colleagues Sir Robert Thompson's article concerning "The Human Cost of Communism" as it appeared in the New York Times of June 15, 1972:

THE HUMAN COST OF COMMUNISM: "IF THE NORTH TAKES OVER THE SOUTH, WHAT WILL THE BLOODBATH BE?"

(By Robert Thompson)

LONDON.—The present invasion of South Vietnam and the intense fighting of the last few weeks draw attention once again to the human suffering caused, on an almost unprecedented scale, to the Vietnamese people by the continuing war. I am not here considering the battle casualties which, although on each side they have probably reached 500,000, can at least be regarded as "legitimate" in war.

Nor am I considering the refugees who, although their plight may be tragic, are at least still alive.

What should most concern us is the number of civilians who have been killed in both halves of Vietnam, and those who may yet die in the future, as part of the human cost of Communism.

The Western conscience is immediately pricked by an American-committed atrocity, such as Mylai, and by the civilian casualties caused by the bombing of the North (although such casualties are now likely to be far less than during 1965–68 because of the development of the extremely accurate "smart" bomb).

Little or no attention, however, and certainly no equivalent reporting, has been given to similar Vietcong or North Vietnamese atrocities which have occurred on a scale that makes Mylai almost insignificant. These have not occurred because of some aberration, accident or inaccuracy of bombing. They have occurred, both selectively and indiscriminately, as a matter of deliberate policy.

At the time Hanoi complained of six civilian casualties, as a result of the first American raid on the North after the invasion began, she was firing 122-mm. rockets indiscriminately into Saigon and Pnompenh, killing more than ten times that number.

Her Russian 130-mm. guns have pounded Anloc and Quangtri to rubble. They will do the same to Kontum and Hue if they get within range without any consideration whatsoever for the civilian population.

Everyone has heard of Mylai, but who has heard of Caibe where the Vietcong, after its capture, lingered only to murder the wives and children of all the local militia? Or of tho Montagnard village of Dakson, where they moved from hut to hut with flamethrowers incinerating more than 250 villagers, two-thirds of them women and children?

Most people have heard of the massacres at Hue in 1968 where the Vietcong and North Vietnamese, after its capture, executed 5,700 people (as assessed from the mass graves found afterwards) but who knows that in captured documents they gloated over these figures and only complained that they had not killed enough? These were not aberrations, nor savagery for savagery's sake, nor the work of undisciplined soldiers acting in violation of instructions, but part of a ruthless deliberate policy designed to break a people who would not otherwise bend to their will.

The world cannot plead ignorance because it has all been well documented. The evidence has been authoritatively put together in a compendium prepared, surprisingly, for the United States Senate Committee on the Judiciary (the meat was obviously too red for Senator Fulbright and the Foreign Affairs Committee).

There are distressing implications for the future. If the invasion succeeds and the North takes over the South, what will the bloodbath be? Four years ago I estimated that it would be several hundred thousands. I now wish to amend that figure to well over one million (out of eighteen million people).

The critics of the war may claim that the forecasts are exaggerated. But Colonel Tran Van Dac, a North Vietnamese officer who defected after twenty-four years in the Communist party, stated that the Communists, if they win would slaughter up to three million South Vietnamese, and another colonel, Le Xuan Chuyen, who defected after twenty-one years, stated that five million people in South Vietnam were on the Communist "blood debt" list and that 10–15 per cent of these would pay with their lives. When asked in an interview if the possibility of a bloodbath had been exaggerated he replied: "It could not be exaggerated. It will happen."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

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 1,600 American prisoners of war and their families.

How long?

ACCURACY IN MEDIA AND PUBLIC BROADCASTING

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SPRINGER. Mr. Speaker, when our committee had hearings on appropriations for public broadcasting, I raised the serious question with reference to Sander Vanocur.

I place here in the RECORD a complaint by Accuracy in Media, Inc. to William B. Ray, Complaints and Compliance Division, Broadcast Bureau, Federal Communications Commission, Washington, D.C. The letter explains itself. I trust Mr. Vanocur realizes that he has not violated just the regulation of the FCC with reference to fairness, he has violated the law. In the Public Broadcasting Act of 1967, there appear these words:

All matters of controversy must be presented in balance and perspective.

I am sending a copy of what is contained in this RECORD to the Federal Communications Commission for action as a violation of the law. I am also sending a copy of this to Mr. Frank Pace, the chairman of the board of directors of the Corporation for Public Broadcasting as well as to John Macy, president of CPB, and asking what action they intend to take in this matter.

I think everyone in the Congress realizes the wording I quoted above from the law was put in with a very definite purpose, to to be sure that all matters of controversy were presented in balance and perspective. I intend to see that this is enforced, as I happen to be one of the authors of the act. At the time the act was written, those who were here in Washington seeking such legislation, came into my office and requested that language to be in the act and and supported my amendment in the committee to place those words in the act.

Accuracy in Media is a nonprofit organization here in Washington which had or has had on its national advisory board Dean Acheson, Murray Baron, Ambassador Elbridge Durbow, Dr. William Yandell Elliott, Eugene Lyons, Morris L. Ernst, Dr. Charles Burton Marshall, Rear Adm. William C. Mott, USN, retired, and Edgar Ansel Mowrer. This gives you some idea of the impartiality of Accuracy in Media. I have watched it and it has done a pretty fair job of trying to bring some balance to the media and is to be commended for those efforts.

The letter follows:

ACCURACY IN MEDIA INC.,
Washington, D.C., June 19, 1972.

Mr. WILLIAM B. RAY,
Complaints and Compliance Div., Broadcast Bureau, FCC, Washington, D.C.

DEAR MR. RAY: On April 26, 1972, WETA and other stations throughout the country broadcast a program produced by NPACT and distributed by the Public Broadcasting Service entitled "Special Report: The President on Vietnam."

This program consisted of a statement by President Nixon taking about 16 minutes and a commentary by four individuals, including the moderator, Mr. Sander Vanocur, who were generally critical of the President. The commentary took the balance of the hour.

In introducing the commentators, Mr. Vanocur said:

Since the White House announcement of the President's address, we of NPACT went to work trying to arrange a politically balanced panel of individuals to discuss the issues raised by the President. Well, our panel tonight is not balanced. There's no spokesman for the administration. And this is not our doing.

Mr. Vanocur went on to explain that they had tried to get someone from Congress or the White House to speak for the administration, but they had not been successful. He had succeeded in lining up two journalists and Mr. Richard Barnet of the Institute for Policy Studies, all of whom were known to be critics of the President.

Accuracy in Media, Inc. wishes to file a complaint against NPACT and PBS for violation of Section 396 (g) (1) (a) of the Public Broadcasting Act with respect to this program. This act requires that all programs and series of programs be produced with strict adherence to objectivity and balance. Mr. Vanocur told his audience that NPACT had not obtained a balanced panel to discuss the President's address, and this was demonstrated to be true by the discussion that ensued.

We have pointed this out to NPACT, stating our belief that the program violated both the Public Broadcasting Act and the Fairness Doctrine. Counsel for NPACT replied that the program was balanced since it included a 16 minute talk by the President, and this was supposed to balance the 44 minutes given to his critics. Also, NPACT argued that the Fairness Doctrine did not require balance for this particular program, and counsel cited a number of other programs produced by NPACT that had been better balanced on the subject of Vietnam.

Finally, NPACT tells us that the panelists were selected not for their political viewpoints, but for their knowledge and expertise. He said that the statement by Mr. Vanocur was not meant to imply that the panelists held views necessarily opposed to the Administration.

We find NPACT's response unsatisfactory. It fails to deal at all with our complaint of violation of Section 396, and we wish to make this the main basis of our complaint to the Commission.

It seems clear to us that Mr. Vanocur knew full well that his panelists represented views that were critical of the Administration and that this was why he made his introductory remark of explanation. We reject the idea that the program was balanced because it included the full statement by the President.

We said this in our reply to NPACT:

"You suggest that giving the President 16 minutes of air time in an hour segment met the requirements of balance. We disagree. If a newspaper such as The New York Times were to publish the President's talk and then quote only unfavorable reactions to it, it would be condemned by all for blatant one-sided and biased reporting. You contend that this is precisely the way in which a broadcaster can achieve balance. It is exceedingly strange that what would be regarded as extreme one-sidedness in a newspaper should be regarded as the epitome of balance in a television broadcast.

"The simple fact is that the President of the United States was not a mere participant in your program. He delivered an important newsworthy address. Had he denied you the right to televise it (possibly on the ground that he knew you would use his 16 minute talk to justify a 44 minute attack on his policies), you would have been indignant. You decided to put on a commentary, pre-

sumably to "discuss the issues raised by the President," as Mr. Vanocur said. We may assume that you regarded these as controversial issues of public importance. Mr. Vanocur knew that under the Fairness Doctrine and under Section 396(g)(1)(a) of the Public Broadcasting Act a licensee is obliged to present all sides when he airs discussions of controversial issues of public importance. Certainly the views of those citizens who support the President of the United States have as much right to be heard as those who oppose him. Licensees are obliged to air the significant views of those in the community they serve. If a large part of the community wishes to express or hear expressed views that support the President of the United States, the licensee has a positive obligation to seek out persons capable of articulating those views and putting them on the air. One of the objects of this exercise is to gauge the reaction of the public to what the President has said. If a licensee is so selective that he airs only the views of the President's critics then he really misinforms his audience, creating the impression that no support for the Administration exists."

We do not believe that the excuse that a member of Congress or an official of the Administration was not available excuses NPACT from its obligation to provide a balanced panel. No member of the panel was from Congress and there was no official representative of the opposition party. NPACT found two journalists and a scholar. Surely it would have been possible to find a journalist or a scholar who would have taken a view more sympathetic to that of the President. There is no evidence that NPACT made any effort to find such a person.

We note that this is not the first time that NPACT has produced a panel comprised wholly or predominantly of Administration critics to discuss a presidential address.

We ask that you find NPACT and PBS in violation of Section 396(g)(1)(a) of the Public Broadcasting Act. We ask that they be instructed to produce a program on the subject of Administration policy in Vietnam that will rectify the lack of balance in the April 26, 1972 program and that they be advised to avoid production of similarly unbalanced programs in the future.

Sincerely yours,

ABRAHAM H. KALISH,
Executive Secretary.

DOROTHY ROACH OF AUSTIN, TEX.

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. PICKLE. Mr. Speaker, every office on this Hill knows the value of that employee who "knows the ropes"—and the same holds true for offices at every level of government.

In Austin, Tex., Dorothy Roach was that employee since 1968. With experience in many fields of government, Miss Roach has been called the "real" mayor of Austin on more than one occasion. Serving as Administrative Secretary for the Austin City Council, Miss Roach repeatedly was called upon by city officials to lend her expertise to the benefit of the city.

A few days ago, however, Miss Roach passed away at the early age of 54, and she left a gap which will not be easy to fill. I join with the city of Austin in mourning her passing and in praising her good wishes.

Mr. Speaker, I insert in the RECORD an article from the Austin Statesman about Miss Roach.

The article follows:

MUNICIPAL SECRETARY DIES AT 54

Dorothy Roach, administrative secretary for the Austin City Council, was found dead at her home Monday morning.

Administrative aide Chuck Space found Miss Roach when he went to her home after she did not report to work. Time or cause of death had not been determined Monday morning.

Miss Roach, 54, had been with the city since March 1968.

Mayor Roy Butler said she "was a loyal and devoted municipal employe and of immeasurable assistance to the entire city council.

"Since this council took office more than a year ago, she has spent long hours attending to council affairs as an administrative secretary," said Butler. "On many occasions, we would have been lost without her expert and dedicated help."

Before joining the city staff, Miss Roach worked for the U.S. Department of State in Washington, D.C.; had been a legal secretary for former Sen. Ralph Yarborough, and had been employed by a construction company.

She was a native of Lipan and attended public schools in Mineral Wells, Adams Business College in Mineral Wells and Texas Wesleyan College in Fort Worth.

Funeral will be at 4 p.m. Wednesday in the Weed-Corley Funeral Home.

She is survived by a brother, George M. Roach of Austin.

PORT VUE TEACHER HONORED AFTER 45 YEARS OF SERVICE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. GAYDOS. Mr. Speaker, in the course of a lifetime you meet many people and, if you are fortunate, you may meet a few who, regardless of position or wealth, stand head and shoulders above the crowd. You find your life has been enriched merely by knowing them. I have been so fortunate. I have met such people and one of them is a warm, gracious lady who has touched the lives and won the hearts of untold thousands in my 20th Congressional District of Pennsylvania.

She is Miss Thelma Smith, a schoolteacher who is retiring after devoting 45 years of her life to teaching children, molding their future and, thereby, molding the future of their community. Recently Miss Smith was honored at a testimonial dinner and I was privileged to join with more than 200 of her friends, associates, and former students in paying tribute to this wonderful woman. As one of them observed that night: "Miss Smith is not a name to us, she is legend."

Indeed she is. The years she spent working with students went far beyond the confines of the classroom. She did more than just drum the "three R's" of education into the minds of young children. Her interest in students and their activities knew no bounds. In fact, during World War II, she assumed the duties of a head football coach and not only turned out winning teams but also developed two All-Americans.

This remarkable lady lived by a simple motto which won for her the love, respect, and admiration of all who came in contact with her. "What you are is God's gift to you," she would say. "What you become is your gift to God."

Mr. Speaker, I would like to insert into the RECORD a newspaper account of the testimonial dinner, written by Eleanor Kratzer of the Daily News. It will acquaint my colleagues with a unique individual, one who practiced what she preached—Miss Thelma Smith, of Port Vue, Pa.

The article follows:

PORT VUE TEACHER HONORED AFTER 45 YEARS OF SERVICE

"What you are is God's gift to you. What you become is your gift to God."

That was the message inscribed on a small piece of paper which Miss Thelma Smith placed on the desk of one of her pupils, James Trovato, when he was a student in her class in the Romine Ave. school in Port Vue, now the Port Vue Elementary School.

Last night, Mr. Trovato served as the toastmaster at a testimonial banquet honoring Miss Smith in the ballroom of the Youghiogheny Country Club.

More than 200 residents of Port Vue and friends from other neighboring areas were there to pay tribute to the teacher who is retiring after 45 years of service in the Borough School. Their presence was evidence of their belief that Miss Smith had lived by those few words and has produced a handsome gift to God that is reflected in the love of her hundreds of pupils and associates through the years.

Opening the program, Mr. Trovato said, "We are honoring one of the finest people I know in the field of education. She was always ready to lend a helping hand and has reached out and touched everyone here in some way."

As the tributes were presented by associates, former students and community leaders, there was a warmth and sincerity in their words that could have stemmed only from a deep love and respect for the honoree.

Peter Gallo, the South Allegheny School Board president, described Miss Smith as a dedicated leader and added, "Miss Smith is not a name to us, she is a legend."

Vincent McKeeta, superintendent of the school district, explained his common bond with Miss Smith—"We are both ex-coaches. She gave the school in which she was head teacher a home environment and having her there made administrative tasks easier."

As president, Robert Erkel said that "the Borough Council wondered at first what the cold arm of Government could do to recognize and honor such a warm person." The answer was a resolution which he read, commending Miss Smith for her self-sacrifice, loyalty and devotion during 45 years of teaching the borough's children and for her successful efforts to mold future citizens of the community.

Congressman Joseph Gaydos extended greetings from Washington, D.C., noting that "she has earned the undying gratitude of the community and its leaders through her faithful service. She is an example of what a school teacher should be at a time when children spend more time with their teachers than with their parents. She is a quality teacher whom those just entering the profession might well emulate." He added that the event will have a place in the Congressional Record.

A friend of her high school days, Stella Keenan, recalled early experiences with Miss Smith.

Former Port Vue Mayor A. Jacobyansky recalled two all-American football players who were on teams Miss Smith coached. He reiterated figures cited by Mr. Erkel indicating that the Port Vue-Liberty rate is the

lowest in the County, stating "You don't prevent crime by arresting people but by training children. The record demonstrates that South Allegheny has done a better job of training than most school districts, largely through the services of fine dedicated teachers like Miss Smith."

Dannie Giger, Junior High School principal, recalled associations with Miss Smith and added "your retirement will be a great loss to the school district and an even greater loss to Port Vue for you have been outstanding in the classroom, in recreation and in the PSEA."

Two players on Miss Smith's teams, John Waskowich and George Bubanic remembered incidents during their experiences with the coach. A retired teacher, Mrs. Bess Van Fosson, spoke as a friend and for PSEA, suggesting that Miss Smith look upon retirement as graduation to another way of life.

James Blaha, vice president of South Allegheny School Board commented "I pass this way but once and I was fortunate enough to become acquainted with Miss Smith and privileged to have her as a teacher. In a class of 30, it was as though she had only one student when help was needed. She may retire from the classroom but she will never retire from the hearts of her students and the families in the community.

Mrs. Lois Alworth remembered the Meladeers, a group of junior high girls who asked Miss Smith to be their leader and advisor as they sponsored socials and other activities and went on trips to a cottage at Maple Grove.

Mrs. Charles Gibson, chairman of the planning committee, extended the welcome and introduced Mr. Trovato, noting that he has been an educator and is now director of a federally-funded agency in Allegheny County, PEP. The invocation was offered by the school nurse, Mrs. Carl J. Fritz.

Introduced as other committee members were Mrs. LeRoy Sutton who presented the gift to Miss Smith; Mrs. Lester Schneider and Mrs. Jacobyansky. All are members of the Port Vue Women's Club which took the initiative in planning the event, assisted by other groups in the community.

Borough and school personnel were introduced, along with Miss Smith's family and some of her athletes. Paula Mihalko and Bonnie Campbell presented the honoree with a book containing pictures of her students, today and yesteryear.

In her response, Miss Smith commended the teachers and personnel serving in her building and she accorded special recognition to Ethel Hoak Stanley who, she said, was most helpful as she embarked on her career as a teacher in Port Vue 45 years ago. She also expressed gratitude to those responsible for the banquet and to those who attended.

IMPORTS UNDERMINE AMERICAN INDUSTRY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. EVINS of Tennessee. Mr. Speaker, we have heard many reports and complaints recently concerning foreign imports and their impact on the economy of the United States.

In this connection Mr. Nat Goldfinger, research director of the AFL–CIO, provides an interesting insight into the impact of these imports on employment. In an article in the Washington Post Sunday, Mr. Goldfinger reports that:

The deterioration of the American position in international trade resulted in the net loss of about 900,000 job opportunities from 1966 to 1971.

Because of the interest of my colleagues and the American people in this most important matter, I place the article in the RECORD herewith.

The article follows:

[From the Washington Post, June 25, 1972]

IMPORTS UNDERMINE AMERICAN INDUSTRY

(By Nat Goldfinger)

(NOTE.—Hobart Rowen, assistant managing editor for business and finance, is on vacation. The following article by Nat Goldfinger, research director of the AFL–CIO, is the last in a series of guest columns. Rowen will resume "Economic Impact" next Sunday.)

The American economy is in trouble at home and abroad. The deterioration of the American position in international trade resulted in the net loss of about 900,000 job opportunities from 1966 to 1971. The situation is worsening at present. The industrial base of the American economy is being undermined and narrowed.

Merchandise imports were $2.9 billion greater than exports in 1971, according to the Commerce Departments official accounting—the first reported trade deficit since 1893. This deficit jumped to a yearly rate of $6.5 billion in the January-March quarter of 1972. Many more jobs are being wiped out by the rising tide of imports than are involved in exports.

Between 1965 and 1970, there was a loss of 122,500 jobs in radio, TV and electronic component production, according to the industry association. Scores of thousands of additional jobs have been wiped out in a rapidly spreading number of industries. Communities throughout the country are adversely affected.

Estimates indicate that, last year, imports of autos were about 20 per cent of the U.S. market, TV receivers more than 30 per cent, radios and tape recorders more than 90 per cent, sewing machines and calculating machines nearly 60 per cent, cassettees 100 per cent and baseball mitts about 90 per cent. Similarly, large proportions of U.S. production of other industries are being displaced—typewriters and shirts, industrial equipment and knit goods, pianos and steel, tires and work clothes, shoes, textiles and glassware.

This process, which displaces U.S. production and employment, often results in very little, if any, price benefit to the consumer, who is also a wage or salary earner. Imports are sold at the American price or close to it. So the economy loses a growing part of its productive base, workers lose their jobs, while the benefits go to profits. Moreover, the recent devaluation of the American dollar—which was loudly advertised as the solution to these problems—has actually contributed to the continuing inflation that plagues the American people. And the U.S. position in the world economy continues to get worse.

This deterioration has been accelerating in the past decade. Imports of manufactured products more than quadrupled between 1960 and 1971—from $6.9 billion to $30.4 billion. In the January-March quarter of 1972, manufactured imports were up to a yearly rate of $35.9 billion. Moreover, in 1960, such imports were only about half the level of manufactured exports; by the first quarter of this year, the United States imported a greater volume of manufactured goods than it exported. The major causes of this deterioration are the following:

In the world of the 1970s, nations manage their economies. Other countries have direct and indirect subsidies for their exports plus direct and indirect barriers to imports. The result is that foreign products surge into the huge American market, while U.S. exports are often blocked or their expansion is retarded.

The export of American technology has been reducing or eliminating America's technology and productivity leadership in many industries and product lines. U.S. firms have transferred American technology and know-how to their foreign subsidiary plants. And there have been additional technology transfers through patent agreements and licensing arrangements of U.S. firms with foreign companies.

As a result, foreign plants, operating with American technology, probably are nearly as efficient as similar factories in the U.S. But employment costs frequently are 50 to 90 per cent lower, and there may be the additional advantages of lower taxes and operating in markets protected by foreign governments.

Sharply rising investments of U.S. companies in foreign subsidiaries have been key factors in the export of American technology and the loss of American jobs. Direct investments of U.S. firms in foreign facilities shot up from $3.8 billion in 1960 to about $15 billion in 1971. The book value of such investments in foreign facilities rose from almost $32 billion in 1960 to more than $78 billion in 1971.

Although an estimated 25,000 foreign affiliates are controlled by about 3,500 U.S. corporations, the bulk of these foreign operations is highly concentrated among the corporate giants. Prof. Peggy Musgrave of Northeastern University reports that in 1966, "Over 80 per cent of taxable income which U.S. corporations received from foreign sources . . . went to 430 corporations with assets size in excess of $250 million."

The Chase Manhattan Bank's newsletter reported last year that "foreign sales of U.S. affiliates in manufacturing alone totalled almost $60 billion in 1968 and are estimated at between $70 and $75 billion in 1970." That is more than twice the volume of exports of manufactured goods from the U.S.

The mushrooming growth of multinational corporations, most of them U.S.-based, is a new factor in the accelerating deterioration of the American position in the world economy.

A U.S.-based multinational corporation can produce components in widely separated plants in Korea, Taiwan and the U.S., assemble the product in Mexico and sell the item in the U.S. at American prices, possibly with an American-brand name. Or the item is produced and sold in foreign markets, in competition with U.S.-made products.

U.S. Rep. James Burke and Sen. Vance Hartke have introduced the Foreign Trade and Investment Act of 1972, which is aimed specifically at dealing with these basic causes of America's deteriorating position in the world economy.

The bill, for example, would remove the tax subsidies and other incentives that encourage U.S. companies to establish foreign subsidiary operations. It would provide government regulation of the export of American technology and capital. It would also set up a "sliding door" limitation on most imports, related to the level of American production—annual import quotas, based on the number of items imported into the U.S. in 1965–1969, as a percentage of U.S. output. In that way, imports would be permitted to increase as U.S. production rises.

The Burke-Hartke bill's restraints on imports and on the outflows of technology and capital are tailored to meet America's needs in a world of managed national economies and multinational corporations. The bill represents a practical way of dealing with a serious economic and social problem.

WHAT THE FLAG MEANS TO ME

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, Arlington-Fairfax Lodge No.

2188 of the Benevolent and Protective Order of Elks, of which I am a member, recently conducted an essay contest on the subject "What the Flag Means to Me." The contest was under the direction of Donald G. Kennedy, esteemed leading knight, and over 500 seventh and eighth grade pupils in the two counties participated.

The judges were Herman C. Anderson, past president of the Virginia State Elks Association and two of our past exalted rulers, Lester S. Blaylock and Kenneth M. Webber. They were greatly impressed by the high quality of the essays submitted and found that the task of choosing the winners was both time consuming and highly rewarding.

U.S. savings bonds were presented by Douglas Hedrick, exalted ruler, to the two winning contestants, Guy Ferguson, of Annandale, and Traci L. Kuntzelman, of Arlington. Honorable mention awards were made to David Alexander, of Springfield, and Susan Weinburg, of Arlington.

I feel that the Members will be interested in reading the essays of the two winners. The sentiments expressed reflect credit on them as well as on their parents and teachers:

WHAT THE AMERICAN FLAG MEANS TO ME

(By Guy Ferguson)

The American Flag means to me the symbol of a proud people and its Nation. It stands for freedom, truth, honor and prestige; but most of all it symbolizes faith for the faithful, hope for the hopeful and truth for the truthful. Americans should stand up for their flag and what it stands for, because if Americans did not stand up for their flag, then there would be no America.

WHAT THE AMERICAN FLAG MEANS TO ME

(By Traci Lee Kuntzelman)

"Liberty and justice for all."

These words, very familiar to all Americans are in a sense exactly what "Old Glory" stands for. Along with these words, others should be added. Words, like freedom, power, peace, glory, honesty, integrity, help, compassion and most of all hope. Hope not only for American citizens, but hope for all mankind. The hope that peace, love and freedom will reign over the world.

ATLANTIC UNION ENDORSED

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. FINDLEY. Mr. Speaker, I commend to the attention of my colleagues in the House an excellent editorial in the Cincinnati Enquirer endorsing the Atlantic Union resolution, House Joint Resolution 900. The Enquirer wisely points out that the resolution deserves the consideration of the Congress before adjournment. The editorial stresses the fact that this resolution, when introduced in the Senate on March 17, 1972, was sponsored by nine of the 16 members of the Senate Foreign Relations Committee, including Senate Majority Leader MIKE MANSFIELD, as well as HUGH SCOTT.

Sponsorship of the resolution has grown every year and the Enquirer concludes that this year "the resolution may well get the active floor consideration it deserves." I certainly hope that will be the case. In this body it has been approved by the Committee on Foreign Affairs and will seen be before the Rules Committee.

Text of editorial follows:

TOWARD ATLANTIC UNITY

From the time Congress began considering the Atlantic Union resolution in 1949 (when its prime sponsor was Tennessee's Sen. Estes Kefauver), its sponsorship has grown year by year both in size and influence. Hence, when it was presented to the Senate for consideration March 17, its sponsors included not only the Senate's two party leaders, Hugh Scott (R-Pa.) and Mike Mansfield (D-Mont.), but also nine of the 16 members of the Senate Foreign Relations Committee. That circumstance, combined with the fact that the resolution was approved, 22–9, by the House Foreign Affairs Committee, suggests that the resolution may well get the active floor consideration it deserves.

The resolution's goal is to create a delegation of 18 eminent Americans to organize and participate in a convention of the North Atlantic Treaty Organization's (NATO) members to "explore the possibility" of agreement on:

A declaration that their common goal is the transformation of the NATO alliance into a more effective unity based on federal principles.

A timetable for the transition by stages to this goal.

A commission to facilitate advancement toward such stages.

Any plan upon which such a NATO conference would agree would, of course, be subject to the approval in accordance with the constitutionally prescribed procedures in each of the signatory nations.

The Atlantic Union resolution had its origins several years before the beginning of World War II. Clarence K. Streit, a League of Nations correspondent for the New York Times, was gravely disturbed by the manner in which the Western allies were dissipating their vastly superior military and economic power in the face of the Axis threat. He proposed, as a remedy, the application of the same principles that underlay the establishment of the United States as a federal union in 1789.

The threats that beset the free world have changed considerably since Mr. Streit's book "Union Now" appeared. Yet the considerations it enunciated are as compelling today as they were in the 1930s.

The Atlantic Union resolution deserves the thorough-going debate its sponsors seek.

NATURE AS A POLLUTER

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SCHWENGEL. Mr. Speaker, the current public concern over pollution is encouraging. What a pity it is that it had to come this late, when the problems have become almost overwhelming. We all owe a debt of gratitude to the concerned individuals who were farsighted and concerned enough to alert us to the spoiling of our environment while there was still a chance to save it.

The public's awareness and knowledge of pollution problems is still pitifully inadequate. Many groups are calling for the enactment and enforcement of laws to curb pollution, but they are aware of only the most obvious sources of pollution. Sewers and industries discharge their wastes into our air and water, causing what is called point-source pollution. Point-source pollution is easily recognizable, and we are taking steps to clean up this problem.

Few people realize, however, how little good these steps will really do. Legislation aimed at point-source pollution is capable of handling only 7 percent of the total problem. Nonpoint source pollution causes an estimated 700 times as much sheer pollution as all the sewers in our country. Erosion is at the root of the total problem. This is the means by which our streams are being clogged with chemicals, wastes, and the silt which was once valuable topsoil.

Erosion is a natural process. Nature herself, by sending spring floods, wind, and summer rains, is slowly eating away our valuable, fertile farmland and depositing it where it is at best worthless and at worst a lamentable pollutant of our once sparkling lakes and streams.

Many people in the legislature today are anxious to solve the problem of erosion, and are eager to point fingers, looking for someone to blame. The easy thing to do is to blame the farmer. However, as with so many quick and easy answers, blaming the farmer is not only wrong, but is blinding us to the real nature of the problem.

These disturbing problems behoove us to take a positive approach—one that may not be easy, but that is thoughtful and which comes from understanding rather than belligerence.

Streams that drain our lands have always carried sizable quantities of sediment. These sediments are derived from erosion in upland areas, and from cyclic erosion in gullies and drainageway channels. Special erosion problems flare up, especially in the spring, when heavy rains cause landslides, flood scour, and sheet erosion. These types of erosion can cause catastrophic damage and are nearly impossible for local landowners to prevent. These erosion problems, while occurring at irregular intervals, can cause lasting damage and deterioration of the environment. Sediment released can cause permanent damage to the shape of stream channels, and organic sediment—not necessarily soil derived—often does more harm to acquatic environments than inorganic sediment.

The bill I have introduced, H.R. 15596, will clear up the administrative logjams that in past years have stymied local landowners and Department of Agriculture officials in their efforts to build sound watershed programs. Lack of coordination has resulted in wasted funds and the abandonment of many well-planned programs. My bill authorizes the Secretary of Agriculture to make binding agreements for up to 10 years with people in all levels of the program, from local landowners to Federal officials. These agreements will include specific requirements to insure that needed steps are taken to make the programs work, from beginning to end. I sincerely hope that this bill will receive immediate and serious consideration by everyone who is anxious to save our imperiled environment.

GORDON CANFIELD

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. WIDNALL. Mr. Speaker, last Friday, in Paterson, N.J., it would seem that the heavens had opened as a tropical storm swept across that area. However, when it would seem no person would or could be out under such conditions, Mrs. Widnall and I joined a large number of the citizenry of that area as they paid their last respects to one loved and respected by all. Highly elected officials and citizens who had been served by Gordon Canfield were present to say a final thanks for the many, many things he did for one and all.

The Paterson News editorial of June 21 so eloquently expresses the deep feelings of all toward our former colleague and why so many were in attendance at his final rites.

The editorial follows:

[From the Paterson (N.J.) News, June 21, 1972]

GORDON CANFIELD

Inherently warm and friendly, Gordon Canfield did not by accident set a record for years of service in his congressional district. Even his loyalty and steadfastness as a Republican could not wean from him an almost incredible devotion of thousands of Democrats who crossed party lines to support him and re-elect him term after term.

Gordon Canfield stood high in the councils of federal government. His work for the party could have won him the title Mr. Republican but as representative of the Eighth District in Congress, in his civic endeavors and his friendships he was oblivious to party lines.

He probably had performed personal services for more people in Passaic County than any other man before or since. Consequently he was supported by Democrats and Republicans alike to such an extent that he inevitably ran far ahead of his ticket. He got votes for his running mates, and one year he was the only Republican to survive a Democratic landslide.

Gordon Canfield loved his work, he was happiest moving among his constituents and even out of Congress. After 10 terms and 20 years as congressman and years before that as secretary to Rep. George N. Seger, he was in the forefront in civic endeavor despite failing health.

Over the years honors were heaped upon him at home and in Washington and he was "Gordon" to presidents, national leaders and hundreds of Representatives and Senators.

It was an experience to walk down a Paterson street with him because every step seemed to be marked with a Canfield wave and hello. All this may have taxed a person of less patience but to him it was love of his fellows.

His voice was heard and his influence felt in civil rights, national defense, the missile program, narcotic control, NATO, health and welfare and he had the honorary title of Father of the Coast Guard.

In one campaign he was called critically "the man who only did little things for little people." This boomeranged and won him added loyalty from the thousands for whom Canfield went to bat in Washington bureaucracy. He cut through miles of red tape for constituents with problems.

The News family and a wide multitude share the sorrow of his loyal wife and helpmate, Dorothy, his sons, Carl and Allan, and the rest of his devoted family.

His death Tuesday at his home in Hawthorne marks the end of a distinguished career but his memory will be fresh for many years.

GOP—THE REAL PARTY OF CHANGE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SPRINGER. Mr. Speaker, Mr. David Broder, in the following article in the Washington Post of June 13, 1972, takes a look at the scorecard of major legislation passed by Congress this session and comes up with some embarrassing questions for the Congress. This analysis, by the national political reporter of the Post, a newspaper with few, if any, pro-administration leanings, underscores the problems facing Mr. Nixon's opponents in the coming election campaign.

The article follows:

A FALLOW CONGRESS

(By David S. Broder)

To return from the Democratic presidential primary trial to Washington and the Democratic-controlled Congress is to move from a world of glittering rhetoric to one of petty, paralyzed reality.

While George McGovern, Hubert Humphrey and the rest have been out on the road promising wondrous changes in the offing, their colleagues have been back here—doing what?

Well, the scorecard of major legislation passed by this second session of the 92nd Congress includes two laws that will affect people's lives directly and two other reform measures that may have considerable indirect effect.

Last week, Congress sent the President a massive program of aid to higher education, with a provision included to slow school busing orders. Earlier, it added enforcement powers to the Equal Employment Opportunity Commission. Both those laws will be felt in people's lives.

There's also a public benefit in the stricter campaign financing law, which Congress finally passed last January, a carryover from the previous year, though not many votes will see the advantage in concrete terms. And there may be benefits down the road, if the Equal Rights Amendment for women, which Congress approved, is ratified by the states.

But that about exhausts the lists of significant legislation passed this year. It's a meager catalogue, compared to the needs of the country or the promises Democratic presidential contenders have been making on behalf of their party.

It may be that Richard M. Nixon will overlook this Democratic "credibility gap," but don't bet on it.

For three years, the President has had before the Congress serious proposals on revenue-sharing with states and cities, and reform of the welfare system. For two years, he has had equally significant proposals on reorganization of the federal executive branch and expansion of health insurance protection.

All of these are matters of urgent, national priority. They have been acknowledged as matters of major concern by the Democratic presidential candidates, who—in all the areas except federal reorganization—have offered counter-proposals of their own going well beyond what the President has suggested.

Yet in all these years, the Democrats will go into convention, less than a month from now, with a record of congressional inaction.

To date, the Democratic Congress has neither given the President a final up-or-down vote on his own proposals in these four vital areas nor developed and passed alternative programs of its own.

If there is a justification for this abdication of political responsibility, it does not come readily to mind. And the Democratic convention orators and platform writers will have to be more devious than usual to divert the public's attention from the yawning chasm between their promises and their party's poor record of performance.

It is true, of course, that divided government—with responsibility for the executive branch in the hands of one party and legislative branch in control of the other—is an open invitation to paralysis and irresponsibility. But the Democrats cannot avoid blame by claiming negligence on the part of the President in meeting his domestic responsibility.

The President has made serious proposals in all these areas. He has not threatened to veto the Democratic alternatives, for, indeed, no alternatives have come close to passage.

In any fair accounting for the paralysis on the domestic front, the Democrats who control the Congress must take the lion's share of the blame.

The truth is that while the Democrats have talked change in this campaign to the point that their likely nominee, McGovern, is accused by some of his fellow-partisans of being "too radical," the reality of the party's legislative record is one of pitifully little progress.

Contrasted with the openings Mr. Nixon has made in the areas of foreign policy where he does not have to wait for Congress to come plodding along, there is real question as to which party can honestly claim to be the party of change.

Where is the Democrats' domestic equivalent of the Nixon "Open Door" China policy? Where is there a law passed by the Democratic Congress in the past four years that rivals in significance the Strategic Arms Treaty Mr. Nixon negotiated in Moscow?

These are questions the voters will be asking, when the rhetoric of the presidential campaign is measured against the record.

STRICTER GUN CONTROL LAWS NEEDED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. WOLFF. Mr. Speaker, as my colleagues in this body are aware, I have taken the floor on many occasions to urge the enactment of stricter gun control laws. It seems clear to me that we could significantly reduce violent crimes if we made it more difficult to obtain guns.

A recent editorial broadcast on radio station WOR in New York City expresses the need for stronger laws and I include it at this point in the RECORD so that my colleagues may be aware of this viewpoint.

The editorial follows:

EDITORIAL

Speaking for WOR AM, Station Vice President and General Manager, Robert S. Smith.

America needs tough gun control legislation.

It is needed to protect men like John Kennedy, Martin Luther King, Robert Kennedy, and George Wallace. It is needed to protect the 21,000 Americans killed by guns every year.

A United States Senate subcommittee recently voted to bar the sale of snub-nosed pistols; pistols like the one that seriously wounded Alabama Governor Wallace last week. The bill is already running into opposition from the powerful gun lobby. That lobby must not again win the fight against tough gun control laws.

Every American owes it to the families of those 21,000 Americans killed by guns every year to fight for tough gun controls. Every American should fight for the passage of the subcommittee bill banning the sale of hand guns. Every American should fight for laws banning the sale of parts used to make homemade guns, the so-called "Saturday night specials." Every American should fight for laws requiring the registration of the 25-million owners of hand-guns in this country.

Tough gun control legislation is urgently needed. Tell your Congressman, Senators, and the President to ignore the special-interest gun lobby. Tell them tough gun control legislation is needed now.

FEDERAL STUDENT ASSISTANCE PROGRAMS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ESCH. Mr. Speaker, I would like to insert the following remarks for the benefit of the many high school seniors in my district who have recently graduated and are faced with a number of important decisions.

There are a number of Federal student assistance programs which will provide loans or grants for students to acquire a college education. These are administered through each individual school and interested students should contact the admissions director of the school which they plan to attend.

The Congress last week approved major legislation which would expand the financing available to every student to a maximum of $1,400. The goal of this legislation is to insure that no deserving student who is interested in furthering his education will be denied further schooling for lack of funds. The President has not yet signed this bill into law, but is expected to do so in the near future. While the funds will not be available during the fall semester, it seems likely that they will be available next spring. This program will also be administered through the individual school and one should consult the admission authorities.

Opportunities are not limited to those who want to complete 4 years of academic training. The scientific and technological revolution is creating career opportunities in hundreds of different fields. It is estimated that there will be more than 1 million new job opportunities in technical fields by 1975.

Training for these technical positions generally do not take a college education—and may be completed in 1 to 2 years. Three kinds of schools have programs for technicians.

HOW TO BECOME A TECHICIAN

You can qualify for some technical positions with just 1 year of study after high school. Most take 2 years. Some require a degree that is called an AAS—associate in applied science.

Three kinds of schools have programs for technicians.

First. Technical institutes. These give intensive courses concentrating almost entirely on what you will need to know in your career. Since technicians must understand why things work as well as how they work, technical institutes give some courses on scientific theory and mathematics. But these are held to a minimum.

Second. Junior and community colleges offer programs similar to a technical institute's, but with more emphasis on theory—and also some courses in liberal arts. If you decide to continue your education and get a 4-year degree, you can often transfer credits you earn to most 4-year colleges, but for technical institutes, as well.

Third. Area vocational — technical schools. The subjects they teach are geared to work available in the area where the school is located. Area school's have 1-year as well as 2-year programs. They also offer some courses on the high school level and some adult education courses. Admission requirements are liberal.

All three types of schools are primarily for high school graduates. If you are not a graduate, do not worry. Most of these schools can help you arrange to complete your high school education. Special work in high school science and mathematics also helps. If you are still in school, check with your counselor.

HOW TO FIND OUT ABOUT TECHNICAL SCHOOLS NEAR YOU

There are four places you can write for nationwide directories of accredited schools that offer technical education. These directories cover most or all of the fields described in this booklet:

Engineers' Council for Professional Development Guidance, 345 East 47th Street, New York, N.Y. 10017.

National Association of Trade and Technical Schools, 1601 18th Street, N.W., Washington, D.C. 20009.

Accrediting Commission for Business Schools, United Business Schools Association, 1730 M Street, N.W., Washington, D.C. 20036.

Occupational Education Project, American Association of Junior Colleges, One DuPont Circle, Washington, D.C. 20036.

You can also study to be a technician at home. For a list of accredited home-study schools, write:

National Home-Study Council, 1601 18th Street, N.W., Washington, D.C. 20009.

For information on State or community schools, and ratings of the schools in your area, see your high school counselor. Since he knows your abilities and interests, he can also help you pick the field to specialize in.

The local office of your State Employment Service keeps up on the technical schools near your home. They can help you pick your special field through vocational testing.

There may be community organizations with youth-counseling services, as well.

If you want more detailed information about any of the following areas of specialization, here is where to write:

Library and Information Science: Library Education Division, American Library Association, 50 East Huron Street, Chicago, Illinois 60611.

Chemical: American Chemical Society, 1155 16th Street, N.W., Washington, D.C. 20036.

Health Service: National Health Council, Health Careers Program, 1740 Broadway, New York, N.Y. 10019.

Electronic Data Processing: American Federation of Information, Processing Societies, 201 Summit Avenue, Montvale, N.J. 07645.

LIGHT THE FIRST CANDLE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. GROSS. Mr. Speaker, a Washington newsletter entitled "Post-Age," whose editor is Arthur M. Brandel, has written a brief review of the first year of operations of the U.S. Postal Service.

It is a succinct, well-written piece and I offer it for printing in the CONGRESSIONAL RECORD at this point:

LIGHT THE FIRST CANDLE

It hardly seems possible that it is only a year! July 1 is the official anniversary of the establishment of the United States Postal Service.

Despite the talk of continuity, the Service already is working on its second Postmaster General, E. T. (Ted) Klassen. He is under enormous pressure and it is hard to say how long he will be willing to continue. Now 63, he already had retired once from business when he left the presidency of American Can.

The first PMG, Winton M. "Red" Blount, who engineered the removal of the Postal Service from the wing of Congress, now is busily trying to get into Congress himself as the Republican candidate for the Senate from Alabama.

It is proper to take stock of that one year. Rates have risen. That was inevitable. It was a pretty good ride for many, many years. In some respects, USPS resembles many cities. The modern buildings emerge, giving a veneer, to the appearance of improvement to the community. Yet as one moves about, one finds the slums remain, deteriorating further, the municipal services are no better, the apathy is just as obvious. One comes away with the realization: it really is a growing slum rather than a vital city.

While postal executives strive valiantly to turn things around, morale is low, improvements in working conditions are slow and the lack of esprit de corps is all too evident from the man who delivers your mail to the postmaster in charge of your local post office.

By Klassen's own testimony 80% to 85% of USPS costs are labor-related. The issue of employee relations is integral. Union recognition was one of the first actions undertaken by the new Service. However, union leadership really is untested. For years the leaders were lobbyists, not union leaders as in private enterprise.

Under the old system, pay boosts and working conditions were problems solved by Congress. Workers and their union leaders were beholden to Congress. They contributed to campaign funds. There was a political atmosphere that permeated the Post Office throughout the nation.

Then came postal reform. Labor officials had new responsibilities. They were put into the position of leading rather than lobbying. Limitations still remain, however. The right to strike is denied, but that may be changed in the next few years as the mounting demands reach Congress.

It is ironic that two years ago the publishing industry was gung ho for postal reform. The idea that a corporation would be created which would get the post office into a business-like atmosphere was exciting. They may

have visualized the carpets and soft lighting of the executive suite. They did not foresee the problems of making ends meet. They are finding that the creature they helped create is too much.

It will be a test of the caliber of the organization and the men who are directing it, to determine if USPS can withstand the pressure.

Perhaps beyond all matters affecting mail users—the issue of rates, service, etc.—is the basic approach of postal executives to their responsibilities. To what extent it is true in other parts of the country, it is still too early to tell but it is true in Washington that the attitude of the new executives is virtually identical with that of all big business: We tell you what we think you should know.

To many in Washington, this is awkward. USPS is not a private corporation. One official described it as an independent executive agency.

Where are we after a year? Fact is, most of the new men with their business background have had little previous experience with the Washington syndrome. They may have broad experience in manufacturing, marketing, finance, labor relations, etc., but Washington is a different world.

It is quite difficult for sophisticated and accomplished businessmen to understand that members of Congress, for instance, are just as successful in their chosen careers, as the most successful head of a major conglomerate. The ability to be reelected for ten or twelve years is a tough way to make a living, but is spells success by any standards. It signifies power. That is something that newcomers must learn to respect.

It is a tough league these businessmen have entered. Indeed, they are no longer businessmen. They are public servants. They are creatures of a new bureaucracy permeated by an old.

The USPS has a long way to go—if indeed it can get there. While everyone is pulling for the success of this experiment in postal service, the question is: Will there be time?

SUMMARY OF NEED FOR TRIDENT (ULMS) SUBMARINES

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ANDERSON of Tennessee. Mr. Speaker, I am in total agreement with the Committee on Armed Services relative to an immediate substantial start on the Trident program. Because of my strong feelings in this matter, I believe it important to summarize in some specific detail the basis for my views:

SUMMARY

The Trident (formerly ULMS) program is not a crash program. It is an urgent, but orderly program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities.

By the time the first Trident submarine can be delivered in the late 1970's the first Polaris submarines will be nearly 20 years old, and with no potential for significant improvement. These submarines have been operated hard, with two crews, to allow them to be on station a high fraction of the time. They were built to specifications based on a 20 year life and their machinery is wearing out. It is unreasonable to expect them all to operate more than about 20 years without having some major breakdowns.

The Trident submarines will be quieter and incorporate the latest technology to improve their survivability. These improvements can only be incorporated in new design submarines; they cannot be backfitted in Polaris submarines.

Our Polaris/Poseidon submarines are limited in their patrol area by the range of their missiles. This forces them to operate in close range to foreign shores, thus bringing them within range of Soviet shore based aircraft. This limited patrol area simplifies the Soviet antisubmarine problem by allowing them to concentrate their sea and air forces in a much smaller area. The Soviets have been investing heavily in antisubmarine warfare research and development, and have built and continue to build improved nuclear attack submarines—one of their best ASW weapons. They have invested large resources in ASW surface ships. Also, indications are the Soviets are attempting to establish an area antisubmarine surveillance system presumably aimed at locating our Polaris/Poseidon submarines.

The first generation Trident missile will have a range of almost twice the range of the 2500 mile Poseidon missile. This initial Trident missile can be backfitted in the 31 Poseidon submarines and will provide a several fold increase in ocean operating area available to our ballistic missile submarines compared to the shorter range Poseidon missile.

The Trident submarines will have missile tubes which will provide growth potential for even longer range missiles. With this longer range missile, which will fit only in the Trident submarines, the ocean operating area available to our Trident submarines will again be increased several fold over the areas of the first generation Trident missile.

The Trident missiles will permit basing our ballistic missile submarines in U.S. ports. This will eliminate dependence on foreign basing.

The Soviets are continuing to expand rapidly their own ballistic missile submarine program. They now have in operation about 30 nuclear and diesel ballistic missile submarines of older classes and 25 of the new Yankee Class which can fire a 1300 mile range missile. In the past year they started work on their 42nd Yankee submarine, and they are now substantially expanding their submarine building facilities. They already have the largest and most modern submarine building yards in the world which gives them several times the nuclear submarine construction capacity possessed by the United States.

The Soviets have tested a missile with a range at least twice that of the present 1300 mile missile. This new missile will give their submarines the capability to strike us from points only a few days from Soviet bases. In a sense, the Soviets are already building their equivalent to our Trident missile. These developments increase the threat to our land-based strategic forces and increase the reliance we must place on our sea-based strategic deterrent.

The Soviets have a more modern ballistic missile fleet than we do. They are building more missile launching submarines today, whereas we funded our last Polaris construction in FY 1964, and finished it in 1967.

The Interim Agreement on Strategic Offensive Arms signed in Moscow on May 26, 1972 allows the Soviets to continue building ballistic missile submarines up to a total of 950 ballistic missile launchers on submarines and up to a total of 950 ballistic missile launchers on submarines and up to 62 modern ballistic missile submarines. This will allow the Soviets to continue building ballistic missile submarines at a rate of about 7 per year during the 5 year term of the interim agreement. Even under the President's recommended FY 1973 budget for the Trident program the first Trident submarine will not become operational during the 5 year term of the Interim Agreement. Therefore, it is essential that the United States proceed now with Trident submarines as proposed by the President.

Modern complex defense systems take many years to design, develop, and produce. Trident has already been in the research and development stages for three years. The system has been carefully evaluated during this period and the Navy is now ready to move into detailed design and construction of the submarine.

In developing a new missile the long lead time is in research and development with a relatively short production span of 1½ to 2 years required to build the missiles themselves. In contrast, the production span time on nuclear components is up to 5 years under the most favorable conditions. The Navy and Atomic Energy Commission have already done the propulsion plant development work necessary to define what is needed to order the long lead nuclear propulsion plant components. Delivery of the nuclear propulsion machinery will control the construction schedules for the Trident submarines. It is therefore necessary to start production of this machinery while the missile work is still in the research and development stage.

For this reason, there is $361 million of Shipbuilding and Conversion, Navy (SCN) funds in the FY 1973 budget request to start work on the first four submarines. Of this amount, $194 million is for ship design, long lead nuclear propulsion components, and hull steel procurement for the lead ship. The remainder, $167 million is for long lead components for three additional ships.

It will be impossible to build the lead and follow ships on the shortened schedule proposed by the Administration if the Navy does not get the long lead machinery on order. In other words, by ordering this long lead machinery in FY 1973 the option will be kept open to authorize the lead Trident submarine in FY 1974 and follow submarines in FY 1975. However, going ahead with the procurement of the long lead nuclear propulsion machinery for the ships in FY 1973 does not commit Congress to any specific submarine building schedules. The construction schedules for these ships can be settled later, based on events as they occur.

If the nuclear machinery were delayed by lack of long lead funding, the submarines themselves would be delayed; the propulsion machinery costs would increase, and the delay in the submarine schedules would cause the total cost of the submarines to escalate. Further it is important to have a sizeable buy of Trident nuclear propulsion plant components in FY 1973 in order to get the best manufacturers to make commitments to set up production lines for this machinery and to benefit from the economics of a sizeable procurement.

The Navy estimates that if the long lead component funds of $167 million for the follow Trident submarines were deferred from FY 1973 to FY 1974 these submarines would be delayed a year. Their cost would also increase by $90 million, due mainly to inflation and to disruption of an orderly program resulting from the delay in ordering machinery. There would also be an increase of $10 million in the cost of the lead ship due to loss of the economies of the planned larger procurement. If the $194 million advance procurement funds for the lead ship were also deferred to FY 1974, the lead ship would be delayed a year and its cost would increase further.

Because of the importance of this submarine program, it's prudent to build a land prototype of the nuclear plant so that a facility will be available for demonstrating the reactor technology without involving an operational submarine. Admiral Rickover has used this approach successfully in the development of many nuclear propulsion plants over the past quarter century starting with the Nautilus. It is a main reason why the United States has not had major technical difficulties, the ships have operated safely, and the cost overruns have been minimal. $56 million is included in the FY 1973 Atomic Energy Commission budget to get started on the land prototype. The Other Procure-

ment, Navy (OPN) budget request includes $23.5 million in FY 1973 for engine room equipment so this prototype can be used for Navy crew training.

COL. L. THAXTON HANSON HONORED

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. GOLDWATER. Mr. Speaker, recently, in Los Angeles, a group of people decided to honor a man who has shown, beyond the shadow of a doubt, that there is honor and fulfillment in serving our country.

Col. L. Thaxton Hanson, the man they honored, retired from the Army earlier this month. His career has proven what one man can do, if he has the incentive and foresight.

He was commissioned June 18, 1942, as a second lieutenant of cavalry. In July of the same year he joined the 6th Cavalry Group—mechanized—trained with that unit and when the 6th Cavalry was deployed later on to the European Theater of Operations, it became part of Gen. George S. Patton's glorious 3d Army. The unit participated in five different campaigns and was awarded the coveted Presidential Citation, with Captain Hanson in command of Troop C, 6th Cavalry Reconnaissance Squadron. After cessation of hostilities, in January 1946, he was assigned as Assistant Professor of Military Science and Tactics at the University of Illinois, ROTC, Urbana, Ill.

After release from active duty, Major Hanson continued to serve his country as a Reserve officer, joined the 21st Armored Division, USAR and subsequently accepted a mobilization designation assignment with the G3 Office, Chief of Army Field Forces, Fort Monroe, Va. In that capacity, he was recalled to active duty during the Korean conflict in May 1951. After his release from active duty, he moved to California in October 1952. He remained active in the Army Reserve and went on various short tours of duty at Headquarters, 6th U.S. Army, Presidio of San Francisco. From 1955 on he was associated with U.S. Army Reserve School, both, as a student and instructor, first in Santa Monica and later on at Fort MacArthur. During that time he was promoted to lieutenant colonel in 1960 and to colonel in June 1967. He was instrumental in planning for and putting into effect the National Security Management Course under the auspices of the Industrial College of the Armed Forces, Fort McNair, Washington, D.C. Since summer 1971, he was assigned as Director of Higher Education with the 6220th USAR School, Fort MacArthur, Calif.

His awards and decorations include the Bronze Star with Oakleaf Cluster, the Meritorious Service Medal, the Purple Heart, the American Theater Medal, the European Theater Medal, the World War II Victory Medal, the Army of Occupation Medal, the National Defense Medal and the Reserve Forces Medal.

He is a member of the Reserve Officers Association, the Association of the U.S. Army, where Colonel Hanson is presently serving as the first vice president of the Greater Los Angeles chapter after spearheading the annual Army ball as its general chairman during 2 consecutive years. He is also a member of the U.S. Armor Association, the American Legion and the Military Order of the World Wars. Colonel Hanson represents the very best of what is "American" and I salute him.

PRISON FARE—AN EVALUATION

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. BADILLO. Mr. Speaker, while the whole Nation was shocked at the tragic loss of life at Attica last fall I, as a member of the observers' committee, found particularly disturbing the fact that the list of requests drawn up by the prisoners dealt with basic rights guaranteed by the constitution but unquestionably denied to inmates of our so-called correctional institutions.

High on most prisoners' grievance list is prison food. Inmates of our prisons are served meals that are all but inedible, and are served them under unsanitary and demeaning conditions. Many explanations are usually advanced for this state of affairs, including financial restrictions, the size of the population to be served, and so forth. None of these explanations, however, can really stand up. At the heart of the difficulty is, in my opinion, a reluctance of our society to respect the human rights of individuals whom it considers "criminals."

I would like to call the attention of my colleagues to a very perceptive article that appeared in the June 21 issue of the New York Times. The article examines the quality of meals served at three prisons, the Brooklyn House of Detention for Men, the State Correctional Facility at Attica, and the Federal Correctional Institution at Danbury, Conn.

Conditions at Danbury bear out the fact that our prisons do not have to remain the degrading and hopeless "storehouses" that they are now. For the benefit of my colleagues. I insert here the text of the Times article:

A FOOD CRITIC APPRAISES MEALS AT THREE PRISONS

Prison food has always had a bad name. Countless crime movies have shown stripe-clad inmates banging metal cups and refusing to eat the swill served up by hostile and incompetent kitchen staffs. But the bloody riot at Attica last fall focused public attention on real food in a real prison. Forty-three men died as a result of that insurrection—and food was a major inmate grievance.

To assess just how bad—or good—prison fare actually is, Raymond A. Sokolov, the food editor of The New York Times, ate the main meal of the day at three prisons: the Brooklyn House of Detention for Men, the State Correctional Facility at Attica, and the Federal Correctional Institution at Danbury, Conn. He also observed the prison kitchens at work, interviewed the chefs and wardens, and talked to inmates over lunch and dinner.

Despite the fact that all three prisons have the same effective food budgets of $1 a day a man, the results on an inmate's tray ranged from inedible to remarkably good. What follows is Mr. Sokolov's detailed report on these meals behind bars.

RECIPE FOR APATHY AT BROOKLYN'S JAIL

Touring the third floor cooking area at the Brooklyn House, as it is known, one is surrounded by broken and failing machinery. Ovens no longer produce even heat after almost two decades of constant use. The coffee urns have been out of commission for two years, so coffee is brewed in a steam kettle. Doors have fallen off nearly half the steam compartments.

"It would cost us $250,000 to refurbish this kitchen," said Gus W. Levy, director of food services for the city's Department of Correction. "Requests are submitted constantly."

Staffing the kitchen is also a problem. There is a high turnover of civilian chefs, most of whom have retired from cooking careers elsewhere. These men direct a crew of 40 sentenced inmates who are rarely available for more than a few months and seem to learn little about food preparation and to care less.

"I just cook to get through my time," one of them said during a cigarette break.

On the other hand, the lessons to be learned in the Brooklyn House's kitchen at a pay rate of 20 cents an hour probably have little application to cooking elsewhere. Methods are primitive, to say the least.

For a mutton stew with tomatoes, turnips, onions, carrots, dry peas, potatoes and seasoning, the inmate cooks learn how to pour six-pound nine-ounce cans of vegetables into steam kettles. Spilled vegetables on the floor showed that this technique had not been mastered by some of the men. Others strained a mixture of water and uncooked flour into the stew to thicken the sauce.

In another part of the kitchen, a sheet of corn bread came out of an oven scorched over most of its length. And then it was 4:30 P.M., time to load up the electrically heated rolling carts and send them up to the cellblocks.

The carts are new and were purchased in answer to criticism by inmates that food was cold by the time it got to them. In theory, the carts are plugged into a socket in the serving area on each floor after a brief elevator ride from the kitchen. This did not happen during the meal witnessed on the fourth floor of the Brookyln House earlier this month. The carts came to rest in a former dormitory area that still had a toilet in the corner. A tray covered the top of the toilet.

SPOONING A MEAL

Other trays were loaded by sentenced prisoners and carried to the detained prisoners (those awaiting trial) in their cells and dormitories. Each metal tray had several recessed compartments that were filled with four slices of floppy white bread from the Rikers Island bakery, an ample portion of mutton stew, one square of corn bread, beet and onion salad and metal mugs of cocoa.

In one eight-man dormitory that also had an open toilet in full view, food did arrive reasonably hot, but the inmates did little more than pick at their food with soup spoons sitting up on their cots.

The department does not permit knives and forks for security reasons. Everything has to be eaten with spoons, which are collected and counted after the meal.

Lack of cutlery, however, was not what made eating the mutton stew difficult for the men in the fourth-floor dormitory. The stew had very little meat in it, stringy gray meat at that, and the taste of glutinous, floury gravy and undercooked carrots predominated.

Since all the men in that room were enduring a seven-day methadone detoxification program, their appetites may have been

adversely affected by drugs in their systems. The cocoa had been heavily sweetened to entice them, as addicts crave sugar. In any case, they were unanimous in objecting to the meal.

"I FORCE MYSELF"

"On the outside, I eat well," said William Treadwell, 23 years old, who complained that prison authorities were giving him drastically less methadone than he had been permitted in a street maintenance program. "My mother fixes me steak or chicken every day. Here I have to force myself to eat so I won't starve. This stuff doesn't suit my appetite."

Actually, the Department of Correction has moved more vigorously than either state or Federal agencies toward accommodating the menu preferences of black and other minority inmates. Because of pressure from Black Muslims, who cannot eat pork for religious reasons, only 10 out of 90 meals now include pork or pork products. A year ago almost half the meals in city prisons had some pork in them.

Several menus, moreover, offer dishes especially aimed at the black or Southern palate—collard greens, jam-balaya and tuna Creole. And last Yom Kippur Eve, the agency authorized a special meal for Jewish inmates that centered around chicken barley soup and roast chicken. The Board of Rabbis also provided bottled gefilte fish on that occasion.

These concessions do little, however, to upgrade the basic kitchen operation. That would take capital improvements and a more stable staff; in other words, an appropriation of public funds.

As Brooklyn's warden in command, James S. Monroe, put it: "If you have any criticisms, remember this is your prison."

AT ATTICA, THE BREAD IS A SAVING GRACE

"I don't expect these men to be happy," said William Dickinson, head of programing at the State Correctional Facility at Attica. "Even if you had gourmet meals in here, they wouldn't like them. Any time you curtail a man's freedom, it's that way."

Mr. Dickinson, natty in pink shirt with white collar, was eating his first meal in Attica's mess halls and may know a "gourmet" meal when he sees one. But prisoners on all sides of him went to the heart of the matter. The baked beans had not been cooked long enough. They were starchy and raw and tough.

Several of the convicts in that maximum security prison chorused their displeasure, in spite of the guards with clubs standing over them and the man in the sealed metal booth ready to blanket the vast, cloistered mess hall in tear gas at the first sign of a disturbance.

One of the major grievances in the Attica riot was the prevalence of pork in the prison diet. Pork is still the major grievance inside the stark gray walls of this community of felons east of Buffalo.

Although pork now appears on official menus only twice a month and the Attica swineherd is being phased out, Black Muslims in the North Mess Hall refused to eat the frankfurters and everything else except gingerbread served to them at a recent main meal. They insist that the prison is passing off ground meat and frankfurters with pork in them as all-beef products.

CHARGES DENIED

"The only way I'd eat food they'd mixed up is if a Muslin cooked it, and I knew he cooked it," said Sanford X, of Niagara Falls, who sat motionless throughout the noon meal. He is serving a sentence for grand larceny.

Back in the Attica kitchen, Angelo Cicotti, the food manager, denied the Muslims' charges, and had food order forms to prove it.

"I think it's taken something away from our cooking," Mr. Cicotti said, as guards' clubs rapped sharply on the tile walls of the kitchen announcing that cooking must stop for a head count. "Wouldn't you use ham in pea soup? We're doing this for a minority, not more than 125."

The pork ban, however, is the state's sole nod toward any special food preference among inmates. Though the prison population at Attica now numbers 576 blacks out of 1,210 inmates (the total is almost half what it was at the time of the riot), menus include no "soul food" entries, not even very simple substitutions such as collard greens instead of spinach.

Mr. Cicotti, who takes great pride in his recipe for spaghetti sauce, would not comment on this.

ONE HIGH SPOT

Mr. Cicotti presides over a kitchen staff of 35 inmates who are paid from 25 cents to $1 an hour. Most of them are white, and this racial imbalance was behind a criticism frequently heard in the mess hall.

"You got a few farmers out there," said Harry Vega, 28, who was convicted of first-degree manslaughter.

"Let the souls do the cooking," added another black inmate.

To an outside observer, the lunch at Attica, despite its underseasoned, hard baked beans and waterly mustard that resembled none available in civilian life, did have one high spot.

The Attica bakery produced a crusty white bread of taste and substance, a bread that was better than almost anything available in ordinary supermarkets. The gingerbread, too, was moist and full of flavor.

One sign of the bakery's excellence is that Attica's new superintendent, Ernest L. Montanye, who eats lunch at home, takes some prison bread along with him.

The rest of the kitchen at Attica was in better repair than the kitchen at the Brooklyn House of Detention. But Mr. Cicotti said his ovens didn't heat evenly either and that he needed new compartment steamers.

But none of this was sufficient to explain why the beans had not been cooked long enough. Or why the sauce of molasses and brown sugar that went with them was so attenuated and scant.

The cafeteria tables are not provided with salt and pepper. And, though the food manager asserted that inmates were permitted to use forks and knives, only spoons were available for the frankfurter lunch, one for each man. No prisoner could leave the locked mess hall without turning in his spoon to a guard at the door.

This routine is of a piece with other routines in food service at Attica that set it off from civilian life. The menus are another.

Breakfast invariably consists of cereal, milk, sugar, bread, coffee and, on some days, fresh fruit or a cinnamon bun. The main meal, at lunchtime, often has no dessert, and never has a first course. Evening meals are even simpler. During one week catchup and crackers appeared twice on supper menus as a side dish in addition to bread. On a third night, by way of variety, there was mustard and crackers.

"The monotony gets you after a few years," said Frank Bloeth, who has served time on a homicide charge in several prisons, works as a clerk in the Attica kitchen and is temporary chairman of the Inmate Liaison Committee, a newly formed group that represents the prison population. "The food is never bad here to begin with. It's 10 times better than any city jail."

FOOD NOT AN ISSUE AT DANBURY PRISON

"The popsicle prison" is what one inmate called the Federal Correctional Institution at Danbury. And compared to Attica or the Brooklyn House of Detention, it is a soft deal. Guards wear no uniforms and do not constantly intrude on life. In nice weather, the men can see visitors on a hill outside the prison. And the food strikes almost everyone as reasonably good.

"Food is not an issue here," said a silver-haired Catholic antiwar activist who was jailed for destroying draft board records. (The United States Bureau of Prisons would not allow any Danbury inmates to be quoted by name.)

By no means do all inmates agree with him. And during the work stoppage that disrupted Danbury's relaxed routine in early March, food was specifically an issue, on a sophisticated plane. Striking prisoners demanded better communication with the kitchen.

They seem to be getting it. Henry L. McKinnis, the food service administrator, arrived only a few days before the strike from another Federal prison, but he has already started grilling some kinds of meat right on the service line. And, in a small way, he has begun doing what other prison kitchens consider impossible—offering a choice of main dishes at one meal.

"Last Friday," said the small, enthusiastic 52-year-old administrator, "the Muslims didn't want fried eggs. Now I'm boiling eggs for them. The rules aren't so strict."

Mr. McKinnis was referring to regulations printed in the "Food Service Manual" of the Bureau of Prisons. The manual instructs all institutions in the Federal system to "maintain a Navy-Marine card recipe file" (an official collection of quantity recipes). Mr. McKinnis professed to use the Navy cards in all his cooking, but insisted that the hundreds of recipes available do not straitjacket an individual cook's special talents.

"Even with the cards," he said, "an Italian person can still fix Italian food."

Inmates who have worked in the Danbury kitchen dispute this and complain that there is no room there for a cook to express himself or feel pride of workmanship.

"I wanted to make veal parmigiana the right way," said one prisoner who had worked as a chef at a Howard Johnson's near the Justice Department in Washington, "but I had to do it their way. Now I work as an orderly in the education program. Morale in the kitchen would be better if the men weren't told so much what to do. A dude likes to say, 'Those are my potatoes.' "

KITCHEN HELP UNPAID

Another former cook, with 10 years' professional experience, now works in Danbury's cable factory, which produces cable for the Government for everything from telephones to missiles. Men who make cable (and those who work in the prison's glove industry are paid 21 cents to 51 cents an hour. Kitchen work is not salaried, and only half those on the permanent kitchen staff receive meritorious service awards of from $10 to $25 a month.

Even so, many of the inmates who do cook at Danbury, according to Mr. McKinnis, have worked as cooks on the outside. If their initiative is stifled by the Prison's Bureau's insistence on standardization, at least they have an impressive battery of institutional cooking equipment to work with.

The Danbury kitchen has a big new mixer, a new vegetable chopper, two fryolators, a new tilting fry kettle the size of a bridge table, two enormous ovens, steam tables, a doughnut machine, a bun divider and molder, and a dough sheeter for pie doughs. The equipment all works.

Security measures in the kitchen are minimal. Knives, however, are kept in a locked cabinet. Yeast is closely guarded in a padlocked metal box to prevent its use in the concoction of "prison jack," which is inmate's slang for moonshine. The bakery supervisor has the only key to the box. He personally incorporates yeast into dough and keeps a tally sheet of how much is used.

Security is also unobtrusive in the dining room. Tables seat four. Chairs are movable. Knives, forks and spoons are available and are not counted after the meal. There are china cups. A liberal quotation from Goethe covers one wall. And the room even has a certain intellectual hum to it.

A PALATABLE MEAL

In one corner, a group of young draft resisters, who demonstrated against the war inside the prison recently by climbing a water tower, were discussing the ideological ramifications of war-related work in the cable factory with the Rev. Philip Berrigan, 48, the Josephite priest convicted for antiwar civil disobedience.

The meal itself did not seem like a prison meal. The tomato rice soup was quite palatable. Grilled pork steaks came one to a customer; they were thin and on the dry side, but tasty. Vegetables came three ways: buttered green beans (canned), carrot and raisin salad, and a first-rate tossed salad with a nicely seasoned French (oil and vinegar) dressing. Long slices of "homestyle" bread were not up to the Attica standard but good enough—crusty, fresh and resilient—to be served in a restaurant. Dessert was fruit jello.

Danbury's food is, of course, open to criticism. The former sauce chef at Anthony's Pier 4 in Boston, now an inmate cook at Danbury, feels strongly that reheating meats dries them out. Mr. McKinnis said he would do better on a bigger budget. The fact that he has good equipment and the will to improve already puts him ahead of his counterparts at Brooklyn and Attica. He also seems anxious to please his clientele. And his cooks know their craft. For whole minutes at a time at Danbury you don't remember you're in jail.

LET US KEEP THE TAX REFORM DEBATE HONEST: FACT AND MYTH ABOUT OIL INDUSTRY TAXATION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I have never been an apologist for the oil industry, nor do I intend to become one. However, I think that tax reform is extremely serious business and the least that we can do is present the facts as accurately as possible. One of the most amazing factual errors emerging from the general debate on tax reform concerns the amount of Federal income tax paid by the major oil companies, expressed as a percent of their total net income before taxes.

On October 27, 1971, Senator PROXMIRE entered into the RECORD data pertaining to the amount of taxes paid by the oil companies. His statement, which has been repeatedly quoted since, contains very misleading factual information. He states:

. . . The major oil companies paid a record high amount in Federal income taxes in 1970: 8.7 percent.

This statement is purposely misleading. The Federal income tax figure of 8.7 percent represents the proportion of Federal income taxes paid as a percentage of worldwide net income. If worldwide net income is used as a base figure, then it is only proper to include worldwide income taxes paid in computing the actual effective rate of taxation. This figure, is calculated by combining foreign and U.S. income taxes and expressing them as percentage of total worldwide net income. The resulting figure, 36.5 percent, is 4½ times larger than that cited by the Senator from Wisconsin.

To compute the petroleum industry's effective rate of U.S. income taxation, one would have to compare their U.S. income taxes to U.S. net income only—not worldwide net income. When this is computed, the resulting rate of U.S. income taxation for 1970 was 21.78 percent. While this is still lower than the average for all American corporations (36.7 percent), it is again two and one-half times larger than the figure which Senator PROXMIRE quoted in the RECORD.

A better test of tax burden upon corporations is to compute the total taxes paid as a percentage of gross revenues. The rationale for this procedure is that oil companies pay many special taxes, such as severance taxes, State production taxes, U.S. property taxes, and franchise taxes, that other types of more conventional businesses are not subject to. Computed on this basis, the domestic petroleum industry pays 6 percent of its gross revenue in taxes, as compared to 5.5 percent for mining and manufacturing industrial, and a 5-percent average for all business corporations in the United States. Another fair comparison of the oil industry to other manufacturing, in light of the many claims of windfall profits in the oil industry, is the aftertax rate of return on net assets. During the last 10 years, the petroleum industry's rate of return was less than the average for all manufacturing industries in 7 of those years.

While I certainly think the oil depletion allowance and the intangible drilling expenses writeoff should be thoroughly reviewed, I do think that we should look into these matters objectively and with an open mind. Purposeful misconstruction of the facts will not aid in our quest for sound public policies in this critical area.

SOUND OF SINGING YOUTH

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. TAYLOR. Mr. Speaker, first may I say on behalf of myself and my constituents that I appreciated your presence and timely remarks at the opening of the performance on the House steps today by the "Sound of Singing Youth."

I know that you and the others present will agree that this talented group of some 100 young people from the Hendersonville, N.C., area are rising Americans of whom we can be proud and in whom our faith will be justified.

Their love for God and country filled the air as they sang in the magnificent setting of the Capitol's gleaming marble with its American flag waving over them approvingly.

"This Is My Country," rang their voices and there was no doubt of it. These young North Carolinians were singing patriotic songs because they believe there is much good and right in America. They stood as living proof of it.

The group, supported by its own 12-piece rock band, was organized a year ago by the First Baptist Church of Hendersonville, although the members of the group represent many different churches and denominations in the area.

Their appearance in Washington marked the completion of a 2,000-mile bus tour as North Carolina Gov. Bob Scott's good will ambassadors.

Mr. Speaker, we are grateful to you and your efficient office staff for making it possible for this outstanding group to appear on the steps of their Nation's Capitol.

And to the "Sound of Singing Youth," we are grateful to you for reminding us that America is a great place to live.

GRADUATION WISDOM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. BINGHAM. Mr. Speaker, I am happy to insert at this point in the RECORD the text of a most interesting and thoughtful commencement address delivered by the distinguished director of the Washington Workshops Foundation, Mr. Leo S. Tonkin.

The address was delivered at the annual exercises held at Aquinas High School in the Bronx, N.Y.

The following is the text of the address:

GRADUATION WISDOM

Your Excellency, Bishop Ahern, Reverend Clergy, Sisters, and Faculty, Parents, Friends, Graduates-to-Be.

This evening finds me occupying a position that I approach with some unease. The graduation speaker most regularly finds himself huffing and puffing about this and that, sending parents into watch-watching and students into a confirmed opinion that a generation gap exists afterall. Graduation speeches either bore you to death, or lull you to sleep with a stream of vocabulary that means very little other than to the stentorian charmer who's making the remarks.

I sympathize with all of you at this moment, but it's my fate as well as yours that this show must go on. If you can put aside visions of the parties later tonight just for a short while, I promise not to be very long.

Perhaps the irony and vacuity of many graduation speeches was really driven home to me a few weeks ago when I picked up a newspaper and read excerpts of two graduation talks in the same city, on the same day, at virtually the same time and, incidentally, here in New York. Both speeches were given by two of the most noted and gifted educators in the country today. As one gentleman remarked, the younger generation is far better qualified for the world of business and government than ever before. The other fine gentleman was heard to say that never before have Americans been as poorly educated as now.

Well, I can't very well improve upon this confusing contradiction—nor shall I try. For I have nothing very academic or cosmic or mind-bending to say to you this evening. All I have to share are some feelings and emotions of my own, and that seem to be shared by many hundreds of young people that I have met in Washington or in my frequent travels to high school and college campuses across the country.

At first instance, whenever I stand before a graduating class such as this evening, I think back to those historic and splendid words that appear emblazoned upon the archives of

the United States. There, the words simply and nobly proclaim, "what is past is prologue." In contemporary language, the carpenters singing group beautifully summarize this sentiment in their hit song We've Only Just Begun. And that indeed might be the spirit of this evening.

You have a life ahead of you, a life with new challenges along the way, new travails and new failures, but also with new accomplishments and rewards, and new friends to be gained and older affections sustained. Throughout this journey, *change* will be your constant companion. As the world experiences flux and more change than ever before—so too will each of your lives be buffeted and fashioned by the winds of change.

Young Americans, perhaps more than the rest of our society, seem to welcome this process of change and they embrace the concept that holds no brief for the status quo. I for one applaud your efforts and idealism, that mandates a society enflamed by a new humanism responsive to the needs of our contemporary world.

All too often I am in contact with many who feel that youthful dynamism is of passing and amorphous quality, or is fraught with a negative activism that suggests little else but a tearing apart and a ripping away of the fabric of society. But this is not the case at all. Your involvement *is* real, and *does* contain within it the seeds for a vastly better tomorrow.

It rejects the negative activism of the 60's and in its place inserts a pragmatic understanding of how and why effective efforts within the system can effectuate many of the goals and objectives sought by every American.

The searchings of youth are in all of us, but it is the young, as yet unencumbered by many of the commitments of older years, and unfettered by the conventions of yesterday, who seek new answers and new compassions from each other and the world beyond. In spite of the ever-present sour voices and those who seek to sear and rupture, young people are aware that new imperatives must fill the legislative halls of the Nation, and the reasoning of yesterday must no longer be applied to the problems of today.

In a sense, young and old alike are at last seeking new answers and new trust from a political system that has often protected the demagogue or the purveyor of half truths and empty rhetoric. In every sense, a political rennaissance confronts the Nation, one that seeks out truth and honest opinion, and that rests upon compassion and understanding for the needs and the personal dignity and aspirations of each American.

Now granted it's no easy task to live a vibrant life, day by day, in today's America, filled with the passions and turmoils of our time. But let me suggest a few attitudes that might help to put it together, while leavening your expectations, and softening your approach to the realities of this world.

First: Understand that progress is a reality, and that good people do exist. Seek out the things around you that are happening that are good, and acknowledge them to yourselves and to others. Then go on and discover where new progress is needed and new solutions are to be found. Make a sincere and conscious effort to look for things in people that are good, look at each friend and individual around you as you might hope that Christ would look at you—seeking not reasons to hate, but to love and to understand and to forgive.

You might remember as you set about the tasks of life, and enter a world with no small amount of despair and disappointment, that the traveler who enters the forest in order to reach the other side goes a long way when it continues to become darker and darker. And yet each step the traveler takes, if it is true and well intentioned, is a step closer to the goal and the brightness of the other side.

Secondly—as you live your lives and take positions on things and try to influence others around you, remember the words of the great German philosopher, Goethe, as he said a century and a half ago, "There is nothing more frightful than ignorance in action." This is the motto of our own student seminars in Washington, and suggests that each time you are confronted by a question or an issue—think it through as thoroughly as possible, seek out the facts and the reasoning of other people, juxtaposing this information in turn to your own judgment and common sense. Then my friends, you will be no one's pawns, but on the contrary your own formidable selves, as you act and move about the work of your lives.

Thirdly—learn to laugh at yourselves, and to understand the sagacity and beauty of a sense of humor. I don't mean to suggest that the problems you encounter are frivolous and specious, but, since all of us are only human, we are fallible and make mistakes and if we are going to avoid the lethal error of locking ourselves into those mistakes out of pride or ignorance, then we must be able to say time and again—how foolish of me, how ridiculous could I be. Laughter can heal; a smile can unite—and when turned inward it can help to nurture that beautiful and much needed quality of humility.

This brings me to the fourth and final observation I should like to share—one that concerns your interrelationships with people all about you. Indeed, the most simple and yet most profound quality that all of us have within yourselves is the gift of love: and I can only admonish you this evening to feel the vibrance and fire of love throughout your lives—and give of it unstintingly to others. For love is perhaps the only thing you will ever lose by not giving it away.

Love is one of those ethereal words that often defies explanation and even understanding; forever remaining an emotion or a feeling of the heart. But love has its roots and its causes, and all of us know the wondrous beauty that springs forth from a heart touched by love.

Our patron saint, Thomas Aquinas, puts the thought most succinctly when he says that "Goodness in the object, when perceived, is the fundamental cause of all love."

What a true and noble course this suggests for all our lives. For it leads onto the grandest road—a road in search of love, and in turn a life full of meaning and hope. It suggests that we might well be consumed by our search for goodness in others, as well as in ourselves. For all around us there is the capacity to love and the natural and wonderful desire to be loved. Within the very nature of this ethic of love lies the future hope of man and his destiny as he meets his God.

However short or long a life each of you will be granted, let it be filled with the vibrance and the energy of love. In a world filled with stress and toil—as well as the simple miracle of a bird's morning song—the essence of human affection and tenderness and love can change our lives and our world as no other force known to man.

And even aside from the world at large, in your own hearts, with love and friendship as your lifetime guides, you will experience a joy of spirit and a continuum of happiness in the simple but grandiloquent process of living—a joy and a happiness that will sustain you in the face of the inevitable loves that will be lost, and friendships that will recede into memory.

"When a man becomes dear to me," so said Emerson, "I have touched the goal of fortune," and the scriptures tell us that "He who hath found a faithful friend, hath found a treasure."

So let your lives be a search for such real treasure—sincere, honest, and ennobling friendship—and along your way, share the most meaningful thing you have to give—your love as a human being. From this very commingling of friendship, goodness, and love—your lives will touch the very reasons for your creation.

As you can see, I've shared with you this evening only a few simple thoughts that, along the way, might dispel a tear of loneliness, heal a broken heart, or enkindle a new conviction in the essential goodness of your world. Tonight is indeed a beginning—for you and in a broader sense for each of us who have gathered here to acknowledge this milestone in your lives. Ernest Hemingway perhaps summarized this spirit best of all when he said, "We are living in the morning of an epoch, and in the fog of the early dawn, men walk confused and see strange sights. But the fog will melt under the rays of the sun which has created it."

And the world of truth will be seen to be solid and lovely again.

All the glory of life,
All the romance of living,
All the deep and true joys of the world,
All the splendor and all the mystery
Are within our reach.

THE SUPREME COURT PICKS AND CHOOSES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. DERWINSKI. Mr. Speaker, the Calumet Index, a local community newspaper, has been serving the far southside of Chicago for over 78 years.

This publication is known for its hard-hitting editorials. Typical of Index editorials is the very concise commentary of Wednesday, June 21, concerning some recent Supreme Court decisions:

THE SUPREME COURT PICKS AND CHOOSES

If the "fix" isn't in how else can you explain the United States Supreme Court's recent decision that baseball's "reserve clause" is constitutional because, "it is an inconsistency and illogic of long standing that is to be remedied by the Congress and not by this Court."?

Two years ago the voters of Illinois overwhelmingly endorsed the retention of capital punishment. A year ago the electorate of California did the same. In the meantime, the voters in dozens of other states have voiced the same demand. Yet the Supreme Court has seen fit to overrule this vast majority on the grounds that capital punishment is "cruel and unusual". Of course it is cruel and unusual. That is what makes it effective. It is a fit and suitable punishment for those who commit a foul, cruel and unusual crime.

But these arguments mean nothing to the Supreme Court and so the likes of Sirhan Sirhan and Richard Speck live on while their victims and families endure this "cruel and unusual" punishment.

Despite the long history of capital punishment, the Court stopped it overnight. But the privilege of the baseball moguls, though much more recent in origin, is protected and allowed to continue until, in the words of the Court itself—"it is to be remedied by the Congress and not this Court."

If leaving this baseball decision to Congress is good enough for some 2 dozen well-heeled sports moguls, certainly it should be good enough for millions of citizens whose decision, duly noted at the polls, has been totally ignored by the United States Supreme Court.