American hog producers do," said Bradshaw. "We are prepared to help them with this problem, and we also plan to give them a list of names and addresses of leading Illinois hog breeders where they can buy top breeding stock."

SALES ARE NOT PARAMOUNT

Ropp cautioned that the results of the mission should not be judged solely on the amount of immediate sales contracts it may negotiate. One of the main purposes, he said, is to "acquaint the Russian people with the fact that we do have high quality merchandise in agricultural products and can deliver a long-lasting supply to meet their requirements."

Other mission members include Harold Kuehn, Du Quoin, president of the American Soybean Association; Robert Gilmore, De Kalb, a director of the National Livestock Feeders Association; Dwight Davis, director of foreign trade for the Illinois Agricultural Association, Bloomington; John P. Doherty, vice president of operations for Illinois Grain Corporation, an I. A. A. marketing affiliate; Prof. Richard Feltner, head of the University of Illinois department of agricultural economics; George Bicknell, executive vice president of Farmers' Export Co., Kansas City, Mo.; Ken Hartweg of Funk Seeds International, Inc., Bloomington; Jim Stewart, De Kalb, Inc., Statesville, N.C., poultry division of De Kalb Ag Research, Inc., De Kalb, Ill.; James F. Seeley, assistant to Ogilvie in the state's Washington office; Robert Osborn, export officer in the Illinois trade office in Brussells, Belgium; and James C. Tippett, I. A. A. news service director.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 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 1,757 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Monday, September 25, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Jesus said:

I am the light of the world; he that followeth me shall not walk in darkness, but shall have the light of life.—John 8: 12.

O God, our Father, in whose spirit we live and move and have our being, we thank Thee for the arrival of a new day and for the awakening of mind that comes to us as we respond to the summons to be truehearted and wholehearted, faithful and loyal in our service to our country.

By the power of Thy spirit permeating our personalities help us to conquer all pettiness, all bitterness, all unworthy desires, and all unkind attitudes. Strengthen us to put first that which is first—Thy kingdom of justice, truth, and love. From the summit of this high endeavor, may we enter more fully into the life of our Nation and our world.

Lead us, our Father, in the paths of peace;
Without Thy guiding hand we go astray,
And doubts appall and sorrows still increase;
Lead us through Christ, the true and living way.

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. 9032. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket No. 91, and for other purposes;

H.R. 9135. An act to amend the act of August 19, 1964, to remove the limitation on the maximum number of members of the board of trustees of the Pacific Tropical Botanical Garden;

H.R. 10486. An act to make the basic pay of the master chief petty officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other armed forces, and for other purposes;

H.R. 13697. An act to amend the provisions of title 14, United States Code, relating to the flag officer structure of the Coast Guard, and for other purposes; and

H.J. Res. 807. Joint resolution authorizing the President to proclaim the second full week in October of 1972 as "National Legal Secretaries' Court Observance Week."

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. 14424. An act to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes;

H.R. 14891. An act to amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of regular forces; and

H.J. Res. 1263. Joint resolution authorizing the President to proclaim October 30, 1972, as "National Sokol U.S.A. Day."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3337) entitled "An act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6797) entitled "An act to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316–A, 317, 145, 193, and 318."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7742) entitled "An act to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8694) entitled "An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10243) entitled "An act to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10858) entitled "An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes."

The message also announced that the Senate had passed bills and joint and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 164. An act to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums;

S. 244. An act to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife and outdoor recreation agencies;

S. 555. An act to authorize the establishment of an older worker community service program;

S. 718. An act to create a catalog of Federal assistance programs, and for other purposes;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

S. 2280. An act to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such Act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances;

S. 2300. An act for the relief of J. B. Riddle.

S. 2567. An act to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes;

S. 3327. An act to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes;

S. 3716. An act to amend the Public Health Service Act to provide for continued assistance for health facilities, health manpower, and community mental health centers;

S. 3947. An act to prevent the unauthorized manufacture and use of the character "Woodsy Owl," and for other purposes;

S.J. Res. 236. Joint Resolution to authorize and request the President to proclaim the week beginning October 15, 1972, as "National Drug Abuse Prevention Week";

S.J. Res. 251. Joint resolution to designate the week which begins on the first Sunday in March of each year as "National Beta Club Week"; and

S. Con. Res. 90. Concurrent resolution commemorating the 200th anniversary of Dickinson College.

The message also announced that the Vice President, pursuant to Public Law 84–689, appointed Mr. SPARKMAN, Mr. SYMINGTON, Mr. CANNON, Mr. NELSON, Mr. HOLLINGS, Mr. EAGLETON, Mr. BENTSEN, Mr. COOPER, Mr. JAVITS, Mr. CASE, Mr. SCHWEIKER, and Mr. STEVENS as delegates; and Mr. JACKSON, Mr. PELL, Mr. KENNEDY, Mr. MCINTYRE, Mr. TUNNEY, Mr. MILLER, Mr. BELLMON, and Mr. COOK as alternate delegates, on the part of the Senate, to the North Atlantic Assembly to be held in Bonn, Germany, November 18–24, 1972.

REQUEST FOR PERMISSION TO CONSIDER A CONTINUING RESOLUTION THIS WEEK

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on any day this week after Tuesday to bring in a continuing resolution for consideration.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, when is it proposed to make a copy of this continuing resolution available?

Mr. MAHON. It is available now. It has just been introduced. It is precisely and identically the continuing resolution which we now have, extended to the 14th day of October.

That is the only thing involved; just a change of date from September 30 to October 14. It seems to be the most practical thing to do under the circumstances at this point.

Mr. GROSS. It seems to me setting that firm date finalizes and crystallizes the fact that we are not likely to get out of here until the 14th of October.

Mr. MAHON. I believe it does indeed, probably. Certainly there is no hope we could finish this week, which is when the present resolution expires. Five of the regular annual appropriation bills for the current fiscal year 1973 remain to be finalized. And there are some supplemental items and items deferred from the regular bills that must be disposed of. Perhaps we could finish next week.

Mr. GROSS. Under those circumstances, Mr. Speaker, I am constrained to object. I do object, Mr. Speaker.

The SPEAKER. Objection is heard.

CONFERENCE REPORT ON H.R. 7742, JUDGMENT FUNDS OF YANKTON SIOUX TRIBE

Mr. ASPINALL submitted the following conference report and statement on the bill (H.R. 7742) to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1430)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7742) to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A, 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 amendment of the Senate 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: "shall be used as follows: 75 per centum thereof shall be distributed in equal per capita shares to each person who is enrolled or entitled to be enrolled on the date of enactment; the remainder may be advanced, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior."

And the Senate agree to the same.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
SAM STEIGER,
JOHN N. CAMP,
Managers on the Part of the House.

HENRY M. JACKSON,
QUENTIN N. BURDICK,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE ON 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 amendment of the Senate to the bill H.R. 7742, to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A, and for other purposes, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment required 50% of the judgment to be distributed per capita, and permitted the balance to be used for any purpose authorized by the Tribe and approved by the Secretary of the Interior. The Tribe originally wanted 100% of the money to be so distributed, but agreed to a compromise of 75%, which was adopted by the Committee of Conference.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
SAM STEIGER,
JOHN N. CAMP,
Managers on the Part of the House.

HENRY M. JACKSON,
QUENTIN N. BURDICK,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 8694, JUDGMENT FUNDS OF YAVAPAI APACHE TRIBE

Mr. ASPINALL submitted the following conference report and statement on the bill (H.R. 8694) to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1431)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8694) to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets numbered 22–E and 22–F, 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 Senate recede from its amendment.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
SAM STEIGER,
MANUEL LUJAN, JR.,
Managers on the Part of the House.

HENRY M. JACKSON,
QUENTIN N. BURDICK,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

JOINT 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 amendment of the Senate to the bill H.R. 8694, to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets numbered 22–E and 22–F, and for other purposes, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment authorizes the judgment money apportioned to the Payson Band to be used to purchase land in Coconino, Yavapai, Navajo, or Gila Counties, with the title taken in the name of the United States in trust for the Payson Band. The amendment is not needed because H.R. 3337, as recommended by the Committee of Conference, establishes a Reservation for the Payson Band, with a trust title to the land therein.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
SAM STEIGER,
MANUEL LUJAN, JR.,
Managers on the Part of the House.
HENRY M. JACKSON,
QUENTIN N. BURDICK,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 10858, JUDGMENT FUNDS OF THE PUEBLO DE ACOMA

Mr. ASPINALL submitted the following conference report and statement on the bill (H.R. 10858) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1432)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10858) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket numbered 266, 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 Senate recede from its amendment.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
SAM STEIGER,
MANUEL LUJAN, JR.,
Managers on the Part of the House.
HENRY M. JACKSON,
QUENTIN N. BURDICK,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

JOINT 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 amendment of the Senate to the bill, H.R. 10858, to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket numbered 266, and for other purposes, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendments prohibit a per capita distribution of any part of the judgment money. The amendments are unnecessary because the Tribe does not plan to make a per capita distribution. The Secretary of the Interior is hereby directed not to approve any change of plan with respect to a per capita distribution without first obtaining the concurrence of the Committees on Interior and Insular Affairs of the House of Representatives and the Senate.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
SAM STEIGER,
MANUEL LUJAN, JR.,
Managers on the Part of the House.
HENRY M. JACKSON,
QUENTIN N. BURDICK,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 6797, JUDGMENT FUNDS OF THE KICKAPOO INDIANS OF KANSAS AND OKLAHOMA

Mr. ASPINALL submitted the following conference report and statement on the bill (H.R. 6797) to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316–A, 317, 145, 193, and 318:

CONFERENCE REPORT (H. REPT. No. 92–1433)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6797) to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets numbered 316, 316–A, 317, 145, 193, and 318, 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, and 7, and that the House recede from its disagreement to Senate amendment No. 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by the Senate amendment, insert the following:

"(a) The funds divided and credited under section 1 of this Act, and the funds appropriated to pay a judgment recovered by the Kickapoo Indians of Oklahoma in docket numbered 318, including the interest thereon, after the payment of attorney fees and other litigation expenses, shall be used as follows: 75 per centum shall be distributed in equal per capita shares to each person whose name appears on or is entitled to appear on the membership roll of the Kickapoo Tribe of Oklahoma and 90 per centum shall be distributed in equal per capita shares to each person whose name appears on or is entitled to appear on the membership roll of the Kickapoo Tribe of Kansas, if such person was born on or prior to and is living on the date of this Act."

And the Senate agree to the same.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
SAM STEIGER,
JOHN N. HAPPY CAMP,
Managers on the Part of the House.
HENRY M. JACKSON,
QUENTIN N. BURDICK,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

JOINT 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. 6797, to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets numbered 316, 316–A, 317, 145, 193, and 318, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendments provide for a per capita distribution of 75% of the judgment funds by both the Kickapoo Tribe of Oklahoma and the Kickapoo Tribe of Kansas. The Committee of Conference retained the 75% provision for the Oklahoma Tribe, but provided for a 90% distribution by the Kansas Tribe. This corresponds to the wishes of the two Tribes.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
SAM STEIGER,
JOHN N. HAPPY CAMP,
Managers on the Part of the House.
HENRY M. JACKSON,
QUENTIN N. BURDICK,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 3337, AUTHORIZING ACQUISITION OF VILLAGE SITE FOR PAYSON BAND OF YAVAPAI-APACHE INDIANS

Mr. ASPINALL submitted the following conference report and statement on the bill (H.R. 3337) to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1434)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3337) to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, 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 amendment of the Senate 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:

"That (a) a suitable site (or not to exceed eighty-five acres) for a village for the Payson Community of Yavapai-Apache Indians shall be selected in the Tonto National Forest within Gila County, Arizona, by the leaders of the community, subject to approval by the Secretary of the Interior and the Secretary of Agriculture. The site so selected is hereby declared to be held by the United States in trust as an Indian reservation for the use and benefit of the Payson Community of Yavapai-Apache Indians.

"(b) The Payson Community of Yavapai-Apache Indians shall be recognized as a tribe of Indians within the purview of the Act of June 18, 1934, as amended (26 U.S.C. 461–479, relating to the protection of Indians and conservation of resources), and shall be subject to all of the provisions thereof."

And the Senate agree to the same.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
SAM STEIGER,
JOHN N. HAPPY CAMP,
Managers on the Part of the House.
HENRY M. JACKSON,
QUENTIN N. BURDICK,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

JOINT 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 amendment of the Senate to the bill H.R. 3337, to authorize the acquisition of a village site for the Yayson Band of Yavapai-Apache Indians, and for other purposes, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment provides for the selection of a village site for the Payson Band by the leaders of the community "in cooperation with" the Secretary of the Interior and the Secretary of Agriculture, rather than "subject to approval by" the two Secretaries, as provided in the House bill. The amendment recommended by the Committee of Conference restores the House language.

The Senate amendment provides that title to the village site will be held by the United States in trust for the Payson Community. The land is declared to be a new Indian Reservation, and the Payson Community is recognized as an Indian Tribe. The House bill provides for a conveyance in fee, rather than in trust, and does not recognize the Payson Band as a Tribe for the purposes of Federal Indian programs. The amendment recommended by the Committee of Conference accepts the Senate provisions, except for the Senate provision authorizing an appropriation to purchase lieu lands to replace national forest lands conveyed to the Indians.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
SAM STEIGER,
JOHN N. HAPPY CAMP,
Managers on the Part of the House.
HENRY M. JACKSON,
QUENTIN N. BURDICK,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

JUDGMENT FUNDS OF THE DELAWARE TRIBE OF INDIANS, ET AL.

Mr. ASPINALL. Mr. Speaker, I ask for unanimous consent to take from the Speaker's desk the bill (H.R. 14267) to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission docket No. 298, and the Absentee Delaware Tribe of Western Oklahoma, et al., in Indian Claims Commission docket No. 72, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 18, strike out "99" and insert "90".

Page 3, line 20, strike out "1" and insert "10".

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 166, DESIGNATING STRATIFIED PRIMITIVE AREA A PART OF THE WASHAKIE WILDERNESS

Mr. JOHNSON of California submitted the following conference report and statement on the bill (S. 166) designating the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-1435)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 166) to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, 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 amendment to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Stratified Primitive Area, with the proposed additions thereto and deletions therefrom, comprising an area of approximately two hundred and eight thousand acres as generally depicted on a map entitled "Washakie Wilderness—Proposed," dated June 15, 1967, revised September 12, 1970, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated for addition to and as a part of the area heretofore known as the South Absaroka Wilderness, which is hereby renamed as the Washakie Wilderness.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Washakie Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Stratified Primitive Area addition to the Washakie Wilderness shall be administered as a part of the Washakie Wilderness by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Stratified Primitive Area is hereby abolished.

SEC. 5. (a) Within the area depicted as the Special Management Unit on the map referred to in section 1 of this Act, the Secretary of Agriculture shall not permit harvesting of timber or public or private vehicular use of any existing road, and shall not construct or permit the construction or expansion of any road in said Special Management Unit. The Secretary shall administer said unit in accordance with the laws, rules, and regulations relating to the national forests especially to provide for nonvehicular access recreation and may construct such facilities and take such measures as are necessary for the health and safety of visitors and to protect the resources of said unit: *Provided, however,* That this section shall not affect such vehicular use and maintenance of existing roads as may be necessary for the administration of said unit by the Secretary of Agriculture.

(b) The Secretary of Agriculture shall initiate a continuing study of the Special Management Unit and at the end of the five-year period following the enactment of this act shall recommend to the President and the Congress what he considers to be the area's highest and best public use.

(c) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the area referred to in subsection (a) with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as included in this Act: *Provided, however,* That corrections of clerical and typographical errors in such legal description and map may be made.

HAROLD T. JOHNSON,
MORRIS K. UDALL,
TENO RONCALIO,
JOHN KYL,
SHERMAN P. LLOYD,
Managers on the Part of the House.
ALAN BIBLE,
FRANK CHURCH,
LEE METCALF,
CLIFFORD P. HANSEN,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT 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 amendment of the House to the bill S. 166, to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

The House amendment consisted of striking all after the enacting clause and substituting in lieu thereof new text which varies from the Senate bill in one significant way. The Senate version designates an area of approximately 35,000 acres, referred to as the DuNoir area, as a Special Management Unit and excludes this area from wilderness, but provides special language to guide its future management. The House amendment included this area as wilderness. The Department of Agriculture took the position that the DuNoir area should not be designated as part of the wilderness, and also opposed the special management provisions of the Senate bill.

Thus, the conferees faced two distinct issues. First, to determine whether the DuNoir unit qualifies as wilderness under section 2(c) of the Wilderness Act, and secondly, whether designation as wilderness is the most desirable disposition of this area.

Testimony given the House committee led to its conclusion that the DuNoir area is qualified and should be designated as wilderness. The presence of minor remnants of early human occupancy in the form of stub roads and remains of an old camp, and evidence of minor selective timber harvest in the area decades ago did not, in the opinion

of the House committee, disqualify the area. This evidence of past human activity in the area is minor and superficial, and is of a transitory nature, rapidly fading under the restorative powers of natural forces.

The conferees were unable, on the basis of information available at this time, to reach agreement on whether the DuNoir area should be included within the Washakie Wilderness. Hence, the conferees have agreed to accept the Senate's language on interim special management of this area until such time as the Congress, after further consideration, makes a final judgement on the ultimate disposition of this important area. In order to provide the information on which to base a final decision, the conferees have added language directing that the Secretary of Agriculture conduct further studies of the DuNoir and surrounding area and provide recommendations, at the end of five years, to the President and the Congress on the highest and best use of this area. This action provides the Forest Service the opportunity to study in detail all options, including wilderness, and make recommendations on the highest and best use of the area.

In conducting this study, the conferees intend that the agency provide for full public participation in accordance with section 3(c) of the Wilderness Act. Until Congress has acted further on the matter, the area is to be administered under the provisions of Section 5, which are intended to preserve the area in its present condition and provide for necessary protection and public use.

HAROLD T. JOHNSON,
MORRIS K. UDALL,
TENO RONCALIO,
JOHN KYL,
SHERMAN P. LLOYD,
Managers on the Part of the House.

ALAN BIBLE,
FRANK CHURCH,
LEE METCALF,
CLIFFORD P. HANSEN,
MARK O. HATFIELD,
Managers on the Part of the Senate.

AIR TRAGEDY IN CALIFORNIA

(Mr. MOSS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MOSS. Mr. Speaker, yesterday afternoon in my district in the city of Sacramento a plane crashed on takeoff into an ice cream parlor full of small children who were there in most instances for the celebration of a birthday. Twenty-two persons were killed and numerous persons were injured.

The plane operating at that time was an F-86 Sabrejet, privately owned, operating under an experimental license issued by the Federal Aviation Administration.

I have called upon the FAA for an immediate justification for the issuance of this experimental license to operate a military-type aircraft by civilians.

I can conceive of no legitimate objective to be achieved through the issuance of that type of experimental certification.

I have, furthermore, called upon the Department of Defense to tell me how that particular plane, a type not normally available to civilians, was sold through Canada and became operational here in the United States. Unless I receive satisfactory responses, Mr. Speaker, I intend to seek the support of this House in having the appropriate committees undertake an immediate and thorough investigation.

CONFERENCE REPORT ON H.R. 10243, TECHNOLOGY ASSESSMENT ACT OF 1972

Mr. MILLER of California submitted the following conference report and statement on the bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-1436)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; 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 amendment of the Senate 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:

That this Act may be cited as the "Technology Assessment Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares that:

(a) As technology continues to change and expand rapidly, its applications are—

(1) large and growing in scale; and

(2) increasingly extensive, pervasive, and critical in their impact, beneficial and adverse, on the natural and social environment.

(b) Therefore, it is essential that, to the fullest extent possible, the consequences of technological applications be anticipated, understood, and considered in determination of public policy on existing and emerging national problems.

(c) The Congress further finds that:

(1) the Federal agencies presently responsible directly to the Congress are not designed to provide the legislative branch with adequate and timely information, independently developed, relating to the potential impact of technological applications, and

(2) the present mechanisms of the Congress do not and are not designed to provide the legislative branch with such information.

(d) Accordingly, it is necessary for the Congress to—

(1) equip itself with new and effective means for securing competent, unbiased information concerning the physical, biological, economic, social, and political effects of such applications; and

(2) utilize this information, whenever appropriate, as one factor in the legislative assessment of matters pending before the Congress, particularly in those instances where the Federal Government may be called upon to consider support for, or management or regulation of, technological applications.

ESTABLISHMENT OF THE OFFICE OF TECHNOLOGY ASSESSMENT

SEC. 3. (a) In accordance with the findings and declaration of purpose in section 2, there is hereby created the Office of Technology Assessment (hereinafter referred to as the "Office") which shall be within and responsible to the legislative branch of the Government.

(b) The Office shall consist of a Technology Assessment Board (hereinafter referred to as the "Board") which shall formulate and promulgate the policies of the Office, and a Director who shall carry out such policies and administer the operations of the Office.

(c) The basic function of the Office shall be to provide early indications of the probable beneficial and adverse impacts of the applications of technology and to develop other coordinate information which may assist the Congress. In carrying out such function, the Office shall:

(1) identify existing or probable impacts of technology or technological programs;

(2) where possible, ascertain cause-and-effect relationships;

(3) identify alternative technological methods of implementing specific programs;

(4) identify alternative programs for achieving requisite goals;

(5) make estimates and comparisons of the impacts of alternative methods and programs;

(6) present findings of completed analyses to the appropriate legislative authorities;

(7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described in paragraph (1) through (5) of this subsection; and

(8) undertake such additional associated activities as the appropriate authorities specified under subsection (d) may direct.

(d) Assessment activities undertaken by the Office may be initiated upon the request of:

(1) the chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

(2) the Board; or

(3) the Director, in consultation with the Board.

(e) Assessments made by the Office, including information, surveys, studies, reports, and findings related thereto, shall be made available to the initiating committee or other appropriate committees of the Congress. In addition, any such information, surveys, studies, reports, and findings produced by the Office may be made available to the public except where—

(1) to do so would violate security statutes; or

(2) the Board considers it necessary or advisable to withhold such information in accordance with one or more of the numbered paragraphs in section 552(b) of title 5, United States Code.

TECHNOLOGY ASSESSMENT BOARD

SEC. 4. (a) The Board shall consist of thirteen members as follows:

(1) six Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and three from the minority party;

(2) six Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and three from the minority party; and

(3) the Director, who shall not be a voting member.

(b) Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment.

(c) The Board shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chair-

manship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Board from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

(d) The Board is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, and upon a vote of a majority of its members, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Board may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board assent. Subpenas may be issued over the signature of the chairman of the Board or of any voting member designated by him or by the Board, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Board or any voting member thereof may administer oaths or affirmations to witnesses.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 5. (a) The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(b) In addition to the powers and duties vested in him by this Act, the Director shall exercise such powers and duties as may be delegated to him by the Board.

(c) The Director may appoint with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence or incapacity of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this Act.

AUTHORITY OF THE OFFICE

SEC. 6. (a) The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited to, the authority to—

(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(3) make advance, progress, and other payments which relate to technology assessment without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(4) accept and utilize the services of voluntary and uncompensated personnel necessary for the conduct of the work of the Office and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation;

(5) acquire by purchase, lease, loan, or gift, and hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for or resulting from the exercise of authority granted by this Act; and

(6) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Office.

(b) Contractors and other parties entering into contracts and other arrangements under this section which involve costs to the Government shall maintain such books and related records as will facilitate an effective audit in such detail and in such manner as shall be prescribed by the Office, and such books and records (and related documents and papers) shall be available to the Office and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination.

(c) The Office, in carrying out the provisions of this Act, shall not, itself, operate any laboratories, pilot plants, or test facilities.

(d) The Office is authorized to secure directly from any executive department or agency information, suggestions, estimates, statistics, and technical assistance for the purpose of carrying out its functions under this Act. Each such executive department or agency shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Office upon its request.

(e) On request of the Office, the head of any executive department or agency may detail, with or without reimbursement, any of its personnel to assist the Office in carrying out its functions under this Act.

(f) The Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act.

ESTABLISHMENT OF THE TECHNOLOGY ASSESSMENT ADVISORY COUNCIL

SEC. 7. (a) The Office shall establish a Technology Assessment Advisory Council (hereinafter referred to as the "Council"). The Council shall be composed of the following twelve members:

(1) ten members from the public, to be appointed by the Board, who shall be persons eminent in one or more fields of the physical, biological, or social sciences or engineering or experienced in the administration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities;

(2) the Comptroller General; and

(3) the Director of the Congressional Research Service of the Library of Congress.

(b) The Council, upon request by the Board, shall—

(1) review and make recommendations to the Board on activities undertaken by the Office or on the initiation thereof in accordance with section 3(d);

(2) review and make recommendations to the Board on the findings of any assessment made by or for the Office; and

(3) undertake such additional related tasks as the Board may direct.

(c) The Council, by majority vote, shall elect from its members appointed under subsection (a)(1) of this section a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Council may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall act as Chairman.

(d) The term of office of each member of the Council appointed under subsection (a)(1) shall be four years except that any such 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. No person shall be appointed a member of the Council under subsection (a)(1) more than twice. Terms of the members appointed under subsection (a)(1) shall be staggered so as to establish a rotating membership according to such method as the Board may devise.

(e)(1) The members of the Council other than those appointed under subsection (a)(1) shall receive no pay for their services as members of the Council, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence at not to exceed the rate prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Council, without regard to the provisions of subchapter 1 of chapter 57 and section 5731 of title 5, United States Code, and regulations promulgated thereunder.

(2) The members of the Council appointed under subsection (a)(1) shall receive compensation for each day engaged in the actual performance of duties vested in the Council at rates of pay not in excess of the daily equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses in the manner provided for other members of the Council under paragraph (1) of this subsection.

UTILIZATION OF THE LIBRARY OF CONGRESS

SEC. 8. (a) To carry out the objectives of this Act, the Librarian of Congress is authorized to make available to the Office such services and assistance of the Congressional Research Service as may be appropriate and feasible.

(b) Such services and assistance made available to the Office shall include, but not be limited to, all of the services and assistance which the Congressional Research Service is otherwise authorized to provide to the Congress.

(c) Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the Congressional Research Service under law performs for or on behalf of the Congress. The Librarian is, however, authorized to establish within the Congressional Research Service such additional divisions, groups, or other organizational entities as may be necessary to carry out the purpose of this Act.

(d) Services and assistance made available to the Office by the Congressional Research Service in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Librarian of Congress.

UTILIZATION OF THE GENERAL ACCOUNTING OFFICE

SEC. 9. (a) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other services as may be appropriate shall be provided the Office by the General Accounting Office.

(b) Such services and assistance to the Office shall include, but not be limited to, all of the services and assistance which the General Accounting Office is otherwise authorized to provide to the Congress.

(c) Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the General Accounting Office under law performs for or on behalf of the Congress.

(d) Services and assistance made available to the Office by the General Accounting Office in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Comptroller General.

COORDINATION WITH THE NATIONAL SCIENCE FOUNDATION

SEC. 10. (a) The Office shall maintain a continuing liaison with the National Science Foundation with respect to—

(1) grants and contracts formulated or activated by the Foundation which are for purposes of technology assessment; and

(2) the promotion of coordination in areas of technology assessment, and the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.

(b) Section 3(b) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(b)), is amended to read as follows:

"(b) The Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation, national security, and the effects of scientific applications upon society by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such activities. When initiated or supported pursuant to requests made by any other Federal department or agency, including the Office of Technology Assessment, such activities shall be financed whenever feasible from funds transferred to the Foundation by the requesting official as provided in section 14 (g), and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the appropriate official."

ANNUAL REPORT

SEC. 11. The Office shall submit to the Congress an annual report which shall include, but not be limited to, an evaluation of technology assessment techniques and identification, insofar as may be feasible, of technological areas and programs requiring future analysis. Such report shall be submitted not later than March 15 of each year.

APPROPRIATIONS

SEC. 12. (a) To enable the Office to carry out its powers and duties, there is hereby authorized to be appropriated to the Office, out of any money in the Treasury not otherwise appropriated, not to exceed $5,000,000 in the aggregate for the two fiscal years ending June 30, 1973, and June 30, 1974, and thereafter such sums as may be necessary.

(b) Appropriations made pursuant to the authority provided in subsection (a) shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Act making such appropriations.

And the Senate agree to the same.

GEORGE P. MILLER,
JOHN W. DAVIS,
EARLE CABELL,
CHARLES A. MOSHER,
MARVIN L. ESCH,
Managers on the Part of the House.

HOWARD W. CANNON,
ROBERT C. BYRD,
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 amendment of the Senate to the bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; 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:

The amendment of the Senate struck out all after the enacting clause in the House bill and substituted new language. The Committee of Conference agreed to accept the Senate amendment with certain amendments and stipulations proposed by the conferees.

The substantive changes made by the Senate amendment, together with further amendments and modifications by the Committee of Conference, are as follows:

SECTION 2

Language in the Declaration of Purpose was altered slightly for clarification. No substantive changes were made.

SECTION 3

With regard to the initiation of assessment activities by the Office of Technology Assessment (OTA), the House bill authorized such initiation (1) by the chairman of Congressional committees acting for themselves, the ranking minority member, or upon the request of a majority of the committee, or (2) by the Technology Assessment Board (The Board). The Senate amendment authorized the Director of the Office to take similar action, but only in consultation with the Board. In this, the Managers on the part of the House concurred, believing that the Director will be in a particularly favorable position to ascertain the need for certain assessments well in advance of the time when they become critical issues the Congress must face. This factor of timing was considered by the conferees to be of marked importance.

The House bill stipulated that all assessments and findings of the Office should eventually be made available to the public except where national security or the Freedom of Information Act might be violated. The Senate amendment placed this decision at the discretion of the Board on the grounds that the Congressional committees for whom the assessments were made conceivably would need the option of whether or not to publish. The House conferees concurred.

SECTION 4

The make-up of the Technology Assessment Board in the House bill consisted of 10 members of Congress, 5 from each House, to be appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, 3 from the majority party and 2 from the minority party. The Senate amendment provided that the Board consist of 13 members, 6 from each House appointed as previously described, 3 from the majority party and 3 from the minority party. The Senate amendment also added the Director of the Office as a non-voting member of the Board. The House conferees agreed. Since the OTA is intended to be an independent office within the Legislative Branch designed to serve all committees and all members, the make-up of the policy-making board should be bipartisan. The addition of the Director will guarantee that he is privy to all Board actions without permitting him to share in the making of policy for the OTA.

The Senate amendment added a routine provision empowering the Board to sit and act at such places and times as are ordinarily authorized the various committees of the Congress. It also authorized the Board, but only the Board, to subpena witnesses and materials upon the approval of a majority of the Board members. House conferees recommended that subpenas should not be issued over the signature of anyone who is not a voting member of the Board. This action was designed to assure that the subpena power could not be transferred to the Director or any person not an elected member of Congress. The Senate conferees concurred in the House position.

SECTION 5

The House bill authorized the pay level for the Director of the Office at Level II of the Executive Schedule and the pay level of the Deputy Director at Level III of the Executive Schedule. The Senate amendment lowered these scales for the Director to Level III ($40,000) and for the Deputy Director to Level IV ($38,000). The Managers on the part of the House concurred with this amendment since the original levels would have placed the Director on the same pay scale as members of Congress, who are the employers of the Director and his staff.

SECTION 6

In the House bill, provisions concerning audit of parties entering into contracts with the Office and the securing of information from executive departments were described as functions of the Director. The Senate amendment placed these functions under the Office as a whole. The House conferees concurred in this change.

The Senate amendment added a clause authorizing the head of any executive department or agency to provide personnel assistance to the OTA in the event of such need. The House conferees concurred in this addition.

The House bill provided that OTA employees be subject to the provisions of Title 5 of the United States Code governing appointments in the competitive service, classification, and pay rates. The Senate amendment deleted this section on the grounds that these provisions of the Code do not apply to employees of the Congress. The House conferees concurred in this view. The intent of the conference is to have OTA staff considered as Congressional Staff.

SECTION 7

The Senate amendment established a new Technology Assessment Advisory Council in order to assist the Board. It was considered that such a Council, composed largely of members of the public, was essential since the bill as passed by the House had eliminated any public members from the Board itself. The Council, which is composed of 10 members from the public who are selected by the Board, plus the Comptroller General and the Director of the Congressional Research Service of the Library of Congress, would undertake reviews and recommendations concerning OTA activities, under the Senate amendment.

The Managers on the part of the House concurred in the need for the Council, but recommended that the Council should also be empowered to undertake such additional related tasks as the Board might direct. In this, the Managers on the part of the Senate agreed.

SECTION 8

The Senate amendment eliminated a number of specific services to be provided by the Congressional Research Service of the Library of Congress which the House bill had included. The Managers on the part of the House concurred in this change, since the language deleted imposed detailed functions on the Congressional Research Service which should be left to the discretion of the Board.

SECTION 9

The House Act specified that certain supporting services be provided to the OTA by the General Accounting Office upon agreement between the Comptroller General and the Board. The Senate amendment added a clause authorizing the Comptroller General to establish within GAO such additional administrative and organizational entities as

might be considered necessary in carrying out this function.

Managers on the part of the House recommended the deletion of this clause. While similar language had been approved by the House in regard to services to be provided by the Congressional Research Service, House conferees pointed out that the Congressional Research Service provides services exclusively to the Congress while the functions of the General Accounting Office are much broader. Therefore, the inclusion of the additional authority with regard to the General Accounting Office might go beyond the intent of the Act. The Managers on the part of the Senate concurred with the House view.

SECTION 10

No change was made in this section. However, the conferees emphasize that the language in this Act amending the National Science Foundation Act of 1950, as amended, which is designed to stimulate liaison between the OTA and the National Science Foundation, is not intended to restrict the discretion of the National Science Foundation in deciding whether or not to support programs requested by either the OTA or other agencies.

SECTION 11

No change other than minor rephrasing aimed at clarification.

SECTION 12

The House bill provided authorization for the OTA not to exceed $5 million in the aggregate for fiscal years 1973 and 1974. The Senate amendment followed this provision but provided for continuing authorization after that time. The Managers on the part of the House concurred in the Senate Amendment.

House conferees considered that it would be unwise to require authorization each year for any entity within the Legislative Branch. To do so could mean a considerable delay in moving the annual Legislative Appropriation Act through the Congress. The imposition of such a burden, which does not presently exist, on the appropriation process for the Legislative Branch, has therefore been avoided.

SECTION 13

The House bill contained no specific provision for an effective date. The Senate amendment added a new section which would have made the Act effective and the appointment of members of the Board mandatory within 60 days of the final approval of the Act.

Managers on the part of the House disagreed with this section. Since it is anticipated that the passage of this Act will occur near the end of the 92nd Congress, deletion of this section provides for flexibility of timing in the appointment of Members to the Board by the Speaker of the House of Representatives and the President Pro Tempore of the Senate as provided in Section 4 of the Act. Managers on the part of the Senate concurred with the House position and this section was deleted.

GEORGE P. MILLER,
JOHN W. DAVIS,
EARLE CABELL,
CHARLES A. MOSHER,
MARVIN L. ESCH,
Managers on the Part of the House.

HOWARD W. CANNON,
ROBERT C. BYRD,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE CONFERENCE REPORT ON WATER POLLUTION CONTROL ACT AMENDMENTS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the managers have until midnight Monday, September 25, 1972, to file the conference report on S. 2770, the Water Pollution Control Act Amendments of 1972.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORT ON FEDERAL AID HIGHWAY ACT AMENDMENTS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight Monday, September 25, 1972, to file the report on H.R. 16656, the Federal-Aid Highway and Highway Safety Act Amendments of 1972.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRO- OR ANTI-CONSERVATION?

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am today extending my remarks in the body of the RECORD in an effort to clarify the confusion created by Field and Stream magazine when a recent issue of that publication purported to catalog Congressmen as being proconservation or anticonservation. The ratings given Members by Field and Stream contain so many surprises that it has been the subject of much comment—little of it favorable—on Capitol Hill. The measures on which Field and Stream based its ratings are even more surprising. They comprise measures which have little association with conservation and left out most of those which are considered by Members of Congress to be key conservation measures. I trust that my comments may help to bring this situation into truer perspective.

RELEASE OF AMERICAN PRISONERS OF WAR

(Mr. DRINAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DRINAN. Mr. Speaker, three American prisoners of war hopefully will be leaving Hanoi very shortly. These are the first three prisoners of war to be released in over 3 years. These gentlemen have made it known in writing to the President that they desire to return immediately to their families and not to be recommitted to military authorities. I think this request is a reasonable one and should be granted.

Apparently the U.S. military authorities desire to assume total custody of these individuals for an unspecified period of time.

Therefore, Mr. Speaker, I call upon the President, in a spirit of bipartisanship, not to interpose military pressures on these men as they are being released. I also call upon the Secretary of Defense not to reiterate his claims about the alleged implications of the Geneva Convention concerning these prisoners of war. I request the Secretary to release these individuals through civilian channels.

These claims about the Geneva Convention are without merit as a matter of law, but more critically they will in all probability render it extremely difficult to have further efforts to release our prisoners of war from Hanoi.

SOVIET WHEAT DEAL

(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, in yesterday's newspapers the American people got another glimpse of the "messy" Soviet wheat deal.

Four hundred million bushels of wheat were sold to the Soviets at about $1.63 per bushel—most of which was purchased by exporters at $1.25–$1.35 per bushel—a handy profit of about 33 cents per bushel times 400 million, or $132 million.

In addition, the exporters got an export subsidy of between 14 cents to 47 cents per bushel, averaging 31 cents per bushel the subsidy totals $124 million.

The combined profit on this deal could reach $256 million.

The grating insult occurs in the efforts of the exporters to qualify for treatment as DISC corporations and avoid income taxes on these fat profits.

This transaction and the manipulations which surround it are vivid evidence of the incredible degree of selfish influence on public decisions. Our task is to bring the details into the open—so that the taxpayers can estimate their cost.

COST OF FACELIFTING THE SPEAKER'S LOUNGE

(Mr. GROSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, when the fog lifted this morning and visibility became almost unlimited, lo and behold there were the cost figures for the facelifting that was recently given to the Speaker's lounge, otherwise known to some as the retiring room.

According to the Clerk's Office, the period furniture—what period is uncertain—cost $65,750, the window draperies $21,715, and the specially woven 75-by-9 rug, with its ankle deep tuft, cost $31,650.

According to the Architect's Office, the crystal chandeliers cost another $44,862 or a minimal grand total of $163,977.

Mr. Speaker, this should effectively doom for the foreseeable future any further conversation in the House of Representatives about a limitation on spending.

APPOINTMENT OF CONFEREES ON S. 3507, DEVELOPMENT OF LAND AND WATER RESOURCES OF THE NATION'S COASTAL ZONES

Mr. LENNON. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? The Chair hears none, and appoints the following conferees: Messrs. GARMATZ, LENNON, DOWNING, MOSHER, and PELLY.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
September 22, 1972.

HON. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 10:20 a.m. on Friday, September 22, 1972, and said to contain a message from the President transmitting to the Congress a proposal for participation by the United States Government in the 1974 International Exposition on Ecology and the Environment to be held in Spokane, Washington, in 1974.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

PARTICIPATION BY THE U.S. GOVERNMENT IN THE 1974 INTERNATIONAL EXPOSITION ON ECOLOGY AND THE ENVIRONMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-358)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together wth the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed, with illustrations:

To the Congress of the United States:

Pursuant to Section 3 of Public Law 91-269, I am herewith transmitting to the Congress a proposal for participation by the United States Government in the 1974 International Exposition on Ecology and the Environment to be held at Spokane, Washington. This proposal includes a plan prepared by the Secretary of Commerce in cooperation with other interested departments and agencies of the Federal Government, in accordance with Section 3(c) of the referenced law.

On October 15, 1971, I advised the Secretaries of State and Commerce that the Spokane exposition warranted Federal recognition in accordance with Section 2(a) of Public Law 91-269. On November 24, 1971, upon request of the United States, the Bureau of International Expositions in Paris, by unanimous vote, officially recognized the event as a Special Category exposition.

I have determined that Federal participation in this exposition is in the national interest and I fully support the Secretary's plan for such participation. In essence, this plan calls for the construction of a Federal pavilion. The pavilion has been conceived and developed with a view to maximizing residual use benefits to the Federal Government at the conclusion of the exposition.

Congressional authorization is required as a prerequisite to United States participation in a Federally recognized domestic-international exposition. Legislation is also required in order to establish the other authorities necessary to effect the proposed participation, as well as to authorize appropriations. The appropriations necessary to carry out this plan are estimated at $11.5 million.

I urge that the appropriate legislation, which I am transmitting herewith, be given prompt and favorable consideration by the Congress.

RICHARD NIXON.

THE WHITE HOUSE.

PROVIDING FOR CONSIDERATION OF H.R. 16754, MILITARY CONSTRUCTION APPROPRIATIONS, 1973

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 1132, Rept. No. 92-1437), which was referred to the House calendar and ordered to be printed:

H. RES. 1132

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 6 of Rule XXI to the contrary notwithstanding, 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. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, and all points of order against said bill are hereby waived.

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1132 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 1132?

The question was taken; and—two-thirds having voted in favor thereof—the House agreed to consider House Resolution 1132.

The SPEAKER. The gentleman from Mississippi (Mr. COLMER) is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, this is a simple resolution and I shall treat it as such.

The resolution makes in order the consideration of the military construction bill, H.R. 16754.

The rule would provide for the waiving of points of order, and particularly of the 3-day rule because of the lack of authorization.

The bill was passed by the House some time ago and was passed by the Senate subsequently and is now in conference.

This rule simply makes in order the consideration of that bill, clause 6, rule XXI, to the contrary notwithstanding and waives points of order against the bill because of lack of authorization.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from California (Mr. SMITH) is recognized.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, once again the Committee on Rules is attempting to help the House expedite its work with the hope that we will finish up and be able to adjourn in the not too distant future.

This rule, House Resolution 1132, waives the 3-day rule which is clause 6 rule XXI, and also waives all points of order because, as stated by the gentleman from Mississippi, the authorization is not final. Both bodies have passed the bill, but it is still in conference.

It is my understanding from the testimony before the Committee on Rules this morning that the conferees have agreed on all items with the possible exception of one which is the Trident submarine.

I am also informed that there is no money in this bill over and above anything authorized and the Trident matter is not in it.

The only other matters that are in it are those that passed the House and Senate and are in agreement in the conference report which should reach us very shortly.

Mr. Speaker, I urge the adoption of House Resolution 1132 so that we may proceed with consideration of House Resolution 16754, the military construction bill.

COMMITTEE ON RULES—PERMISSION TO FILE REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask my distinguished colleague, the gentleman from Mississippi, what the Committee on Rules might contemplate filing by midnight tonight? Does this include that which the Committee on Rules has acted, or plans to act on during this remaining day of their terminal activity, as announced by the gentleman?

Mr. COLMER. If I understood the first part of the gentleman's question which is—what bills we propose to file during the day? In response to that, the bills are: H.R. 16645, the so-called Eisenhower Memorial Bicentennial Center Civic Center, H.R. 1121—the Gateway National Seashore in the States of New York and New Jersey and House Joint Resolution 1227—the SALT agreement with the Senate amendments to be considered

hopefully today, if the two-thirds vote is obtained

Mr. HALL. Mr. Speaker, I thank the gentleman for his response. Let me phrase the latter part of my first question another way, in the hope that perhaps we can have a good meeting of the minds, as we so often do. Is it contemplated that the Committee on Rules would further meet today and possibly add to this list if your request for unanimous consent is granted?

Mr. COLMER. I am sorry. There is conversation going on here, and I did not hear that question.

Does the gentleman want to know whether the committee proposes to meet further today? Was that his request?

Mr. HALL. And submit the results of their actions over this unanimous-consent request.

Mr. COLMER. It is not the purposes at least presently of the Committee on Rules to meet today. It meets tomorrow on certain other bills. Does that answer the gentleman's question?

Mr. HALL. Mr. Speaker, that does answer my question, and I appreciate the position the gentleman is in with the leadership and with the pressure of the various committee chairmen, to say nothing of the various members pets. I would simply point out that it does no good to object to a unanimous-consent request to take up at any time the continuing appropriations bill, in one 5-minute period of our session, and then in the next grant authority to file any rule until midnight tonight that the committee might hear during the balance of the day. The gentleman has answered my question.

Mr. COLMER. Very well.

Mr. HALL. I would like to know this. Is it the purpose of the chairman of the Committee on Rules when he said they are going to meet tomorrow, which I believe is the regular meeting day, to take up any additional bills that have been filed by midnight tonight which he announced here last week is the cutoff date, except for rare emergencies?

Mr. COLMER. Let me say in response to the gentleman from Missouri that at the present moment I have not seen the additional bills that have been reported. There is no intention, therefore, to have such a hearing tomorrow on such bills. However, tentatively the program for the Committee on Rules tomorrow is to hear the housing bill on application for a rule, and also the potato bill that we have been hearing considerable about.

Mr. HALL. I am satirically glad that bill got in before the emergency clause was involved, Mr. Speaker. I appreciate the gentleman's statement. I know that potatoes are not an emergency except in time of famine. But anyway I am glad they are getting that bill in. I see no objection to the gentleman's request.

Mr. COLMER. Mr. Speaker, if the gentleman will yield further——

Mr. HALL. I will be glad to yield further.

Mr. COLMER. There was one bill I did not mention, and that is a reclamation bill out of the Committee on Interior and Insular Affairs. I do not have the number at the moment.

Mr. HALL. Is it listed on this week's program?

Mr. COLMER. I am having trouble hearing.

Mr. HALL. Is it listed on this week's intended program—the reclamation bill?

Mr. COLMER. I have no knowledge of its programing position on the floor; but it will be heard on application for a rule.

Mr. HALL. Mr. Speaker, I yield to the gentleman from Iowa.

Mr. GROSS. Did I understand the distinguished gentleman from Mississippi to say that he is asking permission to have until midnight tonight to file a rule on a bill to provide for a $65 million convention center in the District of Columbia, when the District of Columbia does not even have the money to pay its school teachers any kind of salary increase and they are on strike?

Mr. COLMER. Mr. Speaker, in response to my friend, the gentleman from Iowa, I would say that is one of the bills that was reported by the Rules Committee this morning and it is the intention to file that today under the unanimous-consent request.

Mr. GROSS. I just say to the gentleman I find almost incredible that clearance would be given on a bill which would be offered to construct in the District of Columbia a $65 million convention center, with an initial $14 million in Federal funds, when on every hand this same District government pleads poverty. This tops them all.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. HALL. Mr. Speaker, further reserving the right to object and in view of the statement of my colleague, the gentleman from Mississippi, I shall not object, but I simply want to say that I hope after consultation we can bring up the continuing appropriations resolution, without adding to the gentleman's burdens, and in the interest of expediting the business of the Congress. This would be provisional of course upon the gentleman "holding the line" on a plethora of requests for rules to the best of his ability.

Mr. COLMER. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. SMITH of California. Mr. Speaker, before the gentleman moves the previous question, I yield myself such additional time as I may use.

Mr. Speaker, I think I made a misstatement in the presentation of this resolution when I said there was no money in this bill for the Trident. I believe there is some planning money in it for the Trident but I am advised now that it is dependent upon what the authorization conference comes out with.

I would appreciate it if the gentleman from Florida (Mr. SIKES) would make a statement which sets forth the correct situation.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, there is planning money, $13 million, carried in this bill for the Trident program. It is planning money and line item authorization for it is not required. Planning for military construction is permanently authorized under 31 U.S.C. 723. There is also in the bill $3.5 million for initial construction, primarily land acquisition. That is the item which according to our information is still in disagreement in the conference. It is my understanding that if it should not be authorized it could not be spent for the Trident program. It would be available for reprograming, for other action, if the Defense Department were to come back to the Congress for that.

Mr. SMITH of California. Mr. Speaker, I appreciate the gentleman's explanation. I would not in any way want to mislead the House of Representatives.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I asked the gentleman to yield to me so there will not be any misunderstanding with respect to the reply of the distinguished gentleman from Mississippi, the chairman of the Rules Committee, to the gentleman from Missouri (Mr. HALL). There are bills, and as a matter of fact some of them are listed on the whip notice for this week, that are subject to rules being granted that are very important bills. I would not want the RECORD to indicate the gentleman's reply was an exclusive reply. For instance, the highway bill is considered a must bill. The debt ceiling limitation, of course, is a must bill, and there may very well be others. I would like for the RECORD to show that.

Mr. COLMER. Mr. Speaker, in response to the majority leader, permit me to repeat I had some difficulty a moment ago because of colloquies around here in understanding the import of the gentleman's question, but certainly it was not my intention to answer and I do not think the RECORD will show that I said that was the exclusive calendar in any way. As a matter of fact if the majority leader and other interested Members will refer to the letter that the Rules Committee instructed me to send out to the chairmen of the various committees, there was a deadline set for tonight on the proposition of receiving applications for new legislation.

The only exception to that would be matters of great urgency and of genuine emergency nature. It is the purpose of the chairman of the Committee on Rules to follow that out in a faithful manner. That does not exclude the debt limit, which I understand is a matter of emergency. So far as the highway bill is concerned, I understand that we will receive that by midnight, and if not then, it is a question of whether or not that is an emergency.

Mr. BOGGS. Mr. Speaker, let me say that the chairman and the members of the Rules Committee have been most cooperative with the leadership. I certainly do not want to give the impres-

sion of complaining. I want the RECORD to show that there are other bills which have to be considered. I would say further that I share the desire of a vast majority of the Members on both sides of the aisle to complete the work of this session as expeditiously as possible, so I am certainly not trying to delay the agenda of this Congress.

I would also like to add, however, that there may very well be situations that could arise that would require rules on certain conference reports that may come back from the other body.

Mr. COLMER. Mr. Speaker, those are also provided for in the provisions made by the Committee on Rules and contained in the letter, a copy of which the gentleman has, I hope, received.

Mr. BOGGS. I thank the gentleman.

Mr. COLMER. If the gentleman will permit me, he referred to getting the work of the Congress out and adjourned as expeditiously as possible. It is my understanding that it is the purpose of the leadership, including the gentleman from Louisiana, the majority leader; the Speaker; the minority leader; and leaders on the other wing of the Capitol, to get this Congress adjourned sine die by the 15th of October.

I want to repeat what I have said repeatedly, that I think that an early adjournment of this Congress is for the best interests of the membership and, God knows, to the best interests of the country.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WYDLER. 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 276, nays 15, not voting 139, as follows:

[Roll No. 382]

YEAS—276

Abbitt
Abernethy
Adams
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashley
Aspin
Aspinall
Barrett
Begich
Belcher
Bennett
Bergland
Biester
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Caffery
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Davis, S.C.
Davis, Wis.
Dellenback
Denholm
Dent
Devine
Dickinson
Donohue
Downing
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Evins, Tenn.
Fascell
Fisher
Flood
Foley
Forsythe
Fountain
Frelinghuysen
Frey
Fuqua
Gaydos
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gude
Haley
Hamilton
Hammer-schmidt
Hanley
Hansen, Wash.
Harsha
Harvey
Hathaway
Hays
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kazen
Keating
King
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Long, La.
Long, Md.
McCollister
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
Madden
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Montgomery
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
O'Hara
O'Neill
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Purcell
Quie
Quillen
Randall
Rarick
Rees
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Ruppe
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taylor
Teague, Calif.
Terry
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—15

Abzug
Clay
Dellums
Diggs
Drinan
Gross
Hall
Harrington
Hawkins
Hechler, W. Va.
Kastenmeier
Nix
Rangel
Riegle
Stokes

NOT VOTING—139

Abourezk
Addabbo
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashbrook
Badillo
Baker
Baring
Bell
Betts
Bevill
Biaggi
Bingham
Blackburn
Blanton
Blatnik
Brown, Ohio
Buchanan
Byrnes, Wis.
Byron
Cabell
Camp
Celler
Chappell
Chisholm
Clawson, Del
Collins, Ill.
Conyers
Cotter
Coughlin
Danielson
Davis, Ga.
de la Garza
Delaney
Dennis
Derwinski
Dingell
Dorn
Dow
Dowdy
Dulski
du Pont
Dwyer
Edmondson
Erlenborn
Esch
Evans, Colo.
Findley
Fish
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Fraser
Frenzel
Fulton
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Grasso
Green, Oreg.
Gubser
Hagan
Halpern
Hanna
Hansen, Idaho
Hastings
Hébert
Heinz
Helstoski
Hillis
Hosmer
Howard
Jacobs
Jones, Ala.
Jones, Tenn.
Kee
Keith
Kemp
Kuykendall
Leggett
Lent
Link
Lloyd
Lujan
McClory
McCloskey
McClure
McCormack
McEwen
McMillan
Macdonald, Mass.
Mailliard
Melcher
Michel
Mikva
Miller, Calif.
Minshall
Monagan
Moorhead
Mosher
Murphy, N.Y.
Nichols
Obey
O'Konski
Patten
Pirnie
Price, Tex.
Pryor, Ark.
Pucinski
Railsback
Reid
Roncalio
Rooney, N.Y.
Roy
Runnels
Ruth
St Germain
Saylor
Schmitz
Scott
Seiberling
Shoup
Smith, N.Y.
Spence
Steele
Symington
Talcott
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Veysey
Wiggins
Wilson, Bob
Wolff

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Derwinksi.
Mr. Rooney of New York with Mr. Halpern.
Mr. Blatnik with Mr. Baker.
Mr. Celler with Mr. Kemp.
Mr. Bevill with Mr. Keith.
Mr. Nichols with Mr. Spence.
Mr. Murphy of New York with Mr. Lent.
Mr. Moorhead with Mr. Coughlin.
Mr. Teague of Texas with Mr. Gerald R. Ford.
Mr. Wolff with Mr. Pirnie.
Mr. Hébert with Mr. Saylor.
Mr. Addabbo with Mr. Smith of New York.
Mr. Biaggi with Mr. Byrnes of Wisconsin.
Mr. Cabell with Mr. Dennis.
Mr. Chappell with Mr. Frenzel.
Mr. Davis of Georgia with Mr. Steele.
Mr. Dulski with Mr. Ashbrook.
Mr. Fulton with Mr. Blackburn.
Mr. Jones of Alabama with Mr. Brown of Ohio.
Mr. Helstoski with Mr. Esch.
Mr. Delaney with Mr. Conyers.
Mr. Dorn with Mr. Betts.
Mr. Jones of Tennessee with Mr. Erlenborn.
Mr. Dingell with Mr. Bell.
Mr. Garmatz with Mr. Findley.
Mr. Patten with Mrs. Dwyer.
Mr. Giaimo with Mr. du Pont.
Mr. Reid with Mr. Fish.
Mrs. Grasso with Mrs. Chisholm.
Mr. Runnels with Mr. Thompson of Georgia.
Mr. Monagan with Mr. Gubser.
Mr. Mikva with Mr. Michel.
Mr. Macdonald of Massachusetts with Mr. Wiggins.
Mr. Leggett with Mr. Bob Wilson.
Mr. Howard with Mr. Scott.
Mr. Anderson of California with Mr. Shoup.
Mr. Anderson of Tennessee with Mr. Camp.
Mr. Hanna with Mr. Railsback.
Mr. Roncalio with Mr. Price of Texas.
Mr. St Germain with Mr. Hastings.
Mr. Roy with Mr. Mosher.
Mrs. Green of Oregon with Mr. McClory.
Mr. William D. Ford with Mr. Heinz.
Mr. Evans of Colorado with Mr. Buchanan.
Mr. Danielson with Mr. McEwen.
Mr. Cotter with Mr. Del Clawson.
Mr. Jacobs with Mr. McCloskey.
Mr. Flowers with Mr. Talcott.
Mr. Pucinski with Mr. Veysey.
Mr. Flynt with Mr. McClure.
Mr. Blanton with Mr. Hansen of Idaho.
Mr. Link with Mr. Vander Jagt.
Mr. Symington with Mr. Ruth.
Mr. Hogan with Mr. Schmitz.
Mr. Gettys with Mr. O'Konski.
Mr. Dow with Mr. Mailliard.
Mr. Melcher with Mr. Lloyd.
Mr. Bingham with Mr. Hillis.
Mr. Baring with Mr. Badillo.
Mr. Abourezk with Mr. Hosmer.
Mr. Kee with Mr. Kuykendall.
Mr. Byron with Mr. Minshall.
Mr. McCormack with Mr. Thomson of Wisconsin.

Mr. de la Garza with Mr. Gallagher.
Mr. Edmondson with Mr. Pryor of Arkansas.
Mr. Fraser with Mr. Collins of Illinois.
Mr. Miller of California with Mr. McMillan.
Mr. Galifianakis with Mr. Dowdy.

Messrs. STOKES, CLAY, and DELLUMS changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAKING IN ORDER CONSIDERATION OF CONTINUING APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order any day this week after Tuesday to consider a joint resolution for the continuing appropriations beyond September 30.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 15883, EXPANDED PROTECTION OF FOREIGN OFFICIALS

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15883) to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. HALL. Mr. Speaker, reserving the right to object, may I compliment my friend, the gentleman from Massachusetts on due process in our legislative order procedures.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hear none, and appoints the following conferees: Messrs. CELLER, DONOHUE, and SMITH of New York.

MILITARY CONSTRUCTION APPROPRIATIONS, 1973

Mr. SIKES. 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. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Michigan (Mr. CEDERBERG) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. SIKES).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole on the State of the Union for the consideration of the bill H.R. 16754, with Mr. ADAMS 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 Florida (Mr. SIKES) will be recognized for 1 hour, and the gentleman from Michigan (Mr. CEDERBERG) will be recognized for 1 hour.

The Chair recognizes the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, let me explain the circumstances under which the bill H.R. 16754 comes to you as the last of the regular appropriation bills. First, let me hasten to state that this is not the committee's desire. Our hearings were completed on April 27. We have been waiting for several months for an authorization which we do not yet have.

Both the House and Senate have passed the Military Construction Authorization Act for 1973. Conferees have been meeting for some time. It is my understanding that agreement has been reached on all but one item, the Trident program. We feel that we must get on with the military construction appropriation bill in order to minimize as much as possible delays in the construction program itself.

Fortunately, we have had the close cooperation of the members and staff of both the House and Senate Armed Services Committees, and I am glad to report that the chairmen of both committees have indicated they have no objection to the appropriation bill being reported to the House without further delays. The authorization action involves deletion or addition of approximately 90 individual items, and we have taken the tentative actions of the conference committee into account in the bill now before you.

Now let me attempt to clarify the funding picture. NOA recommended for the fiscal year 1973 program is $2,278,675,000. This compares with $2,145,335,000 provided in fiscal year 1972. The original fiscal year 1973 budget estimate requested $3,017,800,000 for military construction. A significant change was made in the original budget subsequent to the SALT talks agreement and a reduction of $356,416,000 was made, all of it in the Safeguard program.

The revised fiscal year 1973 budget estimate was then $2,661,384,000. The authorizing committees have deleted $135,649,000. This may be subject to a slight modification depending on their action on Trident. Your committee recommends a further deletion of $247,060,000.

Now let me move quickly to state that we are not cutting this bill by a quarter-billion dollars. We have been able to apply the savings in the Safeguard program from previously funded programs to the current budget. The Safeguard program in operation at the time of the SALT talks agreements involved previous appropriations of $805 million. Now work is to continue on only one base at Grand Forks, construction of which will be completed in July of next year at a cost of $283 million. There will be substantial costs to cancel out the project under construction at Malmstrom and some costs at other sites. All of this can be accomplished from previously appropriated funds and approximately $165 million is left over to be applied to the fiscal year 1973 construction program. In addition to this, there are other funds from prior year budgets, including family housing, which total about another $50 million. This also is applied to this year's funding program.

Now let me tell you exactly where we stand on each of the services. The revised fiscal year 1973 budget request for Army was $619,200,000. The authorization was cut $34,618,000. The net reduction in specific projects by the Appropriations Committee is $14,318,000. Provided in the bill for the Army after making adjustment for carryover funds which were allocated from Safeguard is $405,264,000.

The Navy revised budget is $554,200,000. The authorization was cut $23,673,000. We appropriated $29,656,000 less and there is recommended in the bill $500,871,000.

The revised request for Air Force is $357,200,000. This was reduced $57,435,000 through authorization processes. Your committee made additional cuts of $51,391,000, of which $19 million is the new defense office building at Bolling Field, a defense project rather than an Air Force project. The total recommended for the Air Force is $248,374,000.

In addition, of course, there are the defense agencies, the Army National Guard, the Air National Guard, the Army Reserve, the Naval Reserve, and the Air Force Reserve, all of which have been increased somewhat over previous budgets.

Family housing in the revised budget was $970,784,000. It was reduced $16,527,000 in authorization, and increased $13,305,000 by this committee. The total carried in the bill for family housing is $967,562,000.

Thus you will note that we are, in toto, $133,340,000 above last year's budget, but we are $382,709,000 below the revised fiscal year 1973 budget request.

The committee has provided no funds related to the war in Southeast Asia.

The committee has for a number of years sought to improve family housing facilities and bachelor housing for military personnel. These are very important to morale and retention. We have, in addition to the normal budget activities which are entrusted to us, explored the need for legislation which can provide better housing programs. The House Banking and Currency Committee has been cooperative in this regard and in housing bills from that committee there

has been language to insure the availability of section 236 housing for the families of lower income enlisted personnel. This has been an item of particular need because these young people, many of whom have families, are not eligible for on-base family housing. Serious hardship has resulted.

This emphasis on family housing has been a long time in coming but it now is here. More and more there is a realization that military families at all levels also have a right to live in acceptable, attractive, clean and modern housing. A happy family is important to a strong military organization and good housing helps to insure happy families.

In terms of the construction which this bill will allow in support of family housing, adequate bachelor quarters and facilities modernization, we feel another great step forward has been taken and that efficiency and morale will benefit accordingly.

Those of us who have a part to play in the appropriation of funds for family housing are pleased at the progress which has been made in recent years. In 1969, Department of Defense housing requests totaled only about 2,000. This year's requests total nearly 12,000 housing units.

Approximately $220 million of prior year money in military construction and family housing is applied to the fiscal year 1973 program. This helps to insure substantial increases in family housing construction, from 9,862 units approved in fiscal year 1972 to 11,938 in fiscal year 1973. Likewise, we have allowed increases requested for improvements and for maintenance of family housing. We have kept the level of family housing minor construction at that approved last year, which represents an increase over the budget.

For bachelor housing, there is an increase of $154 million over last year. Most of this is in the Army's program. The remainder of this increase is for the Marine Corps. The Army this year has initiated a very vigorous, and I think very much needed, program to update both its family housing and barracks facilities. I know that in the past they have recognized the need to replace their World War I barracks. They also have much the largest family housing shortage of any of three services.

In part, this is due to the great change in force levels to which the Army is subjected. In times of emergency it escalates more rapidly and to a higher level than any of the other services, but it also suffers percentagewise the greatest reductions when normal times approach. This makes it difficult to plan meaningful construction programs on installations which will be permanent.

The Secretary of the Army discussed at length with us the Army's needs for an adequate housing program and the difficulties of achieving it. Their most optimistic goal is to accomplish much of the needed replacement in the next 5 years to 10 years. In any case, there remains a requirement for substantial amounts to be spent in this area for many years.

There are substantial appropriations in the bill for pollution control—$155 million, an increase of $25 million over last year. This largely will bring the services into compliance with standards as they existed in 1970, as specified by Executive Order 11507. Obviously, there will be increasing requirements for expenditures as tighter standards are set.

There are sizable increases allowed for the Navy. Although the Navy does not have a big increase for bachelor housing or family housing this year—they have had substantial program increases in each of these areas for the last 2 years—there are a great many types of facilities for which they have requested and for which the committee is recommending increases. Some of these are in unglamorous areas such as updating water, electrical power, or steam utilities, things which must eventually be done.

Others are related to new morale programs such as the cold iron program which will allow more ships to shut off their powerplants while in port. This allows more efficient repair of the ships and allows the men more time with their families or for off-duty activities while the ships are in port. As I mentioned before, the Navy is hopeful of initiating first phases of construction in support of Trident—such as land acquisition. And as I stated, this will depend in part on the Senate conferees on the authorizing bill. In any case, we have included $13 million to allow planning which does not require authorization and $3.5 million for initial construction.

We have allowed increased funding which was authorized for Reserve facilities to allow the Reserves to better house and maintain their new equipment and their people. The status of the Reserves is quite critical at this time. Force levels are dropping. The pressure of the draft is off and this has removed one of the principal incentives for young men to enlist in the Reserve components. By upgrading facilities, we hope to improve the desirability of service in the Reserves.

For years the committee has been concerned with the overconcentration of defense activities in the Washington area. Understandably everyone wants to be as close to the throne as possible, so there is a strong trend to move commands and people into or near the Capital. The merchants like this. It gives them business. The news media enjoy additional advertising. Consequently our efforts to decentralize do not arouse enthusiasm.

However, it does not make sense to continue to add to the congestion which is becoming so very pronounced around the Nation's Capital. In these days of instant communication there is no requirement for various military activities to be side by side with the parent command. It should not be overlooked that this concentration of military activities in the Nation's Capital adds to its vulnerability as a target in the event of war.

The committee's efforts have been successful at least to the extent that the Office of the Secretary of Defense has said that no less than 2 million square feet of administrative space currently occupied in Washington will be relocated. The total of such administrative space in and around Washington is 23 million square feet. So this is only a beginning. The committee is disturbed by long delays in compiling lists for relocation. It was to be made public by mid-May of this year but it has not yet been annnounced. We expect more positive efforts in this area.

There continues to be speculation on base closures. This was discussed to some extent when the authorization bill for military construction was on the floor. Our subcommittee makes a very careful and studied effort to stay abreast of this situation. It is not possible to obtain actual lists of anticipated closures because such lists have not been compiled. Rumor not withstanding.

There is speculation that there will be base closures after the election and in my opinion this will happen. Mr. McGovern is basing his campaign in part on reductions in military strength. Mr. Nixon is under constant pressure to divert money for defense to domestic requirements. Base closures eliminate considerable costs. There will inevitably be screenings to determine if there are bases which can be eliminated.

The committee always queries service witnesses exhaustably in an effort to spot weak bases which are more likely to be on closure lists. We take into consideration all the facts that are given to us when we approve the listings of projects which are before you. Those included in this bill are at bases for which the committee has been assured there will be a long-time requirement and we are told by witnesses that there are no construction items in this bill at bases which are likely to be closed.

In summary, I believe the committee has done a prudent job in looking at the program this year. We have made cuts, but we have sought to avoid crippling the Services' construction programs or slowing their efforts to meet the challenges posed by the termination of induction.

Finally, let me express my very great appreciation to members of the subcommittee for their constant untiring efforts to develop a good bill. They have been loyal and hard working. I have never found a group that is more cooperative, more willing to devote full effort to the committee's responsibilities. My appreciation must also be extended to the staff members for they have done a very, very fine job, all of them.

Mr. GROSS. Will the gentleman yield?

Mr. SIKES. I yield to my distinguished friend, the gentleman from Iowa.

Mr. GROSS. I thank my distinguished friend, the gentleman from Florida, for yielding.

I note with interest the information contained in the report on pages 11, 12, and 13, concerning the closing—perhaps I should say "prospective" closing—of military installations.

I want to commend the committee for keeping a close eye on this and say that I would hope it will continue to do so. I think the gentleman knows that I have raised the question a number of times in the past few years and was somewhat disturbed by the statement made by Mr. Packard when he left the Department of Defense, his statement being to the effect

that it was one of the disappointments of his time in the Pentagon that he had not been able to bring about the closing of more unneeded military installations.

I certainly hope that by next year there will be more closings for obviously, in view of all the publicity that has been given and the statements made by Mr. Packard when he left the Pentagon, there is room for economy in this area in the military establishment.

Mr. SIKES. As my distinguished friend knows, there have been a substantial number of base closures over the past few years. As I stated in my own remarks, I anticipate that there may be additional closings after the coming election.

Mr. GROSS. Yes. I heard the gentleman's remarks and I appreciated them. Will the gentleman indulge me for a moment on a question concerning community impact assistance as it is set forth on page 6 of the report? Does community impact assistance take into consideration so-called impacted school aid?

Mr. SIKES. Yes. If the gentleman will yield, it does take that money into consideration. The Safeguard impact needs for which we have previously appropriated funds in this bill are for communities which are seriously affected and for which there is no more money available under the regular programs. They are generally small communities which are greatly affected, by the Safeguard construction program. They have, very simply, been unable to cope with the requirements for additional community services. The appropriations provided by this committee heretofore have covered a rather broad spectrum of such help, not duplicating that which has already been taken care of in the HEW and other bills. Since there has been a significant change in the Safeguard program the community assistance funds appropriated for Grand Forks are substantially all that will be required. There can be some recoupment of funds which have been provided for other places and which will not be used because of the cutback in the Safeguard program at those locations.

Mr. GROSS. Then, the $17 million figure is the amount that was appropriated in prior years?

Mr. SIKES. That is correct.

Mr. GROSS. And covers only missile sites. Is that correct?

Mr. SIKES. That is correct.

Mr. GROSS. Now I understand.

Mr. SIKES. They are the ones that have the serious problems. No other sites are included.

I yield to the distinguished gentleman from California.

Mr. JOHNSON of California. I thank the gentleman for yielding.

I have been contacted by several organizations and individuals as it relates to the proposal affecting the depot aircraft overhaul facility at McClellan Air Force Base at Sacramento, Calif. There was an item in the budget for the depot overhaul facility calling for an amount of $7,798,000. As I understand it, that was deleted. I would like to have the chairman of the subcommittee give me an explanation of the reasons why it was deleted and if it was merely set aside for consideration at a later date, because this general facility is the Air Force depot overhaul facility, and if we are going to stay abreast of the other four establishments throughout the United States, naturally we have to have an updated facility to meet the cost of our operations here if we are going to be competitive with the other bases.

Mr. SIKES. Let me commend my distinguished friend for his interest in this base. Of course, it is a very legitimate interest.

The committee did give very careful consideration to the project. It was not eliminated per se. We do not eliminate projects. We defer projects for which we feel there is not adequate support or justification. I assure him we went into this case very carefully. We realize it does have considerable support. Nevertheless, it is not, in our opinion, one that has had sufficient justification. The committee has an open mind. If additional more effective arguments are presented by the Air Force in connection with this and other items related to those of this bill, the committee will certainly take those into consideration at a later time.

I yield to my distinguished colleague on the subcommittee.

Mr. McKAY. Mr. Chairman, I would like to add to the explanation by the chairman relative to this question. In the committee's hearings on page 456, Mr. SIKES asked of Colonel Murrow:

> Can you continue to operate in the existing facilities?
>
> Colonel MURROW. Yes, sir. We can continue to operate in existing facilities but at a very inefficient and uneconomical level.

However, the committee found that this project would have added an additional 100,000 square feet of space above that currently in use. We could not justify that amount of additional space for maintenance.

They are able to operate and the savings that the Air Force had originally assumed were overstated. The investigation staff of the committee looked into this. The Air Force estimated a savings investment of ratio of 2.55 whereas the investigative staff noted that this was only 1.82. The investment would have been amortized over a 7-year period. We felt it was not warranted at this time in light of the fact that they could still use the existing facility.

Mr. SIKES. The gentleman is very helpful, and I appreciate his assistance.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. SIKES. Mr. Chairman, I yield myself 2 additional minutes.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I thank the distinguished chairman of this very important subcommittee for yielding me this time, and I wish to congratulate the gentleman and his colleagues for a very excellent job done under what I know to be adverse and difficult conditions.

Mr. Chairman, I merely rise to ask one simple question concerning the reduction or elimination of Safeguard, and we have been reading about the increased vulnerability with the Yankee-type Soviet submarines patroling the Atlantic coast. Does this in any way jeopardize our defense?

Mr. SIKES. The elimination of the Safeguard sites does add to the difficulty of defending our country, but this comes as a part of the SALT talks agreement, and we in the Committee on Appropriations had no choice but to conform to the agreements and to the action taken in the authorization bill.

Mr. GONZALEZ. I would like to point out for the attention of my colleagues that the distinguished chairman, the gentleman from Florida (Mr. SIKES) has been very outspoken and very clear in what he has said, and I regret very much that his voice, plus that of the late and lamented Mendel Rivers were not listened to as much as I wish they had been.

Mr. SIKES. Mr. Chairman, I thank the gentleman from Texas. The gentleman has touched on something that is extremely important, and in the very limited time I have left let me remind my colleagues in the Committee of the Whole that it has been only a few short days since Russian planes were found to be patrolling our coast out of bases in Cuba. That is something which requires our careful thought. We know Russian submarines have been active in Caribbean waters. Now their airplanes are operating out of Cuba. Yes, there is danger to America's security in what is taking place—serious danger.

Let me spell out what actually happened in the recent incident of Russian aircraft flying in close proximity to the eastern coast of the United States. We have long known about the threat from Russian submarines off our coast. Now there are Russian aircraft which constitute a threat of danger to our cities and our defense establishments. This situation certainly should alert us to the continuing need for an adequate air defense force and to weaknesses which will result from the SALT talks limitations.

For the benefit of the House, let me relate the actual facts of the flights of Russian aircraft along our coast.

On 5 and 6 September 1972, four Soviet TU-95D—Bear—long-range reconnaissance aircraft arrived in Cuba.

This type aircraft is assigned to Soviet Naval Aviation and cannot carry weapons. Their mission is primarily reconnaissance but with a capability to pass targeting data.

They were picked up inbound by NORAD's Greenland, Iceland, United Kingdom radar link.

On 9 and 11 September 1972, two of these Bear D aircraft each flew round robin 12-hour reconnaissance missions from Jose Marti International Airport at Havana.

These aircraft were tracked by the radar site at Key West. Naval interceptors from the U.S.S. *Forrestal* intercepted and escorted them. Their prox-

imity to the Atlantic coast was about 160 nautical miles east of Cape Hatteras.

The aircraft undoubtedly made the long flight from Russian bases across the polar ice cap all the way to Cuba. Presumably without refueling. They have been serviced from a Cuban base and presumably this is the Jose Marti Air Base.

The significant thing is that the Soviets now are practicing worldwide deployment of military aircraft and that the Soviets are placing special emphasis on Cuba and their plans both for bases for aircraft and for submarines.

Mr. GONZALEZ. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. SIKES. I yield such time as he may require to the gentleman from Utah, a very able member of our subcommittee.

Mr. McKAY. I thank my distinguished chairman.

Mr. Chairman, I think that the military construction appropriations bill recommended by the committee represents a sound compromise. We have been responsive to the need to reduce spending. We have deferred construction projects about which there was any doubt in our minds as to their need or their long-term usefulness. I wish that all of the expenditures of the Federal Government received the same exhaustive review by the executive branch and the Congress which these projects do.

The appropriations bill recommends dollar reductions totaling $247,060,000. However, the committee was able to recapture $165,000,000 of the $805,000,000 appropriated for Safeguard in previous fiscal years. This allowed us to reduce the new money for military construction, Army, by that amount. So, our actual cut, with respect to individual projects, was $82,600,000. This is on top of the sizable cuts which the authorization act is expected to make in this year's program. We expect the reduction as a result of our action and that on the authorizing bill to be $382,709,000 or 14 percent of the revised budget request.

On the other hand, we must provide adequate facilities for military personnel even if money is tight. We must modernize much of our essential maintenance and operating plant if we expect the military services to operate in an efficient and effective manner in the coming years. So we have to balance the investment we make today against the savings we hope to make tomorrow. Incidentally, the committee's investigation staff did a series of excellent studies in this area. These are printed in our hearings. They should result in better cost analyses of construction projects by the military departments.

We have provided what we felt were the essential modernization projects and people oriented projects. We have allowed a substantial increase in construction over last year's level. The increase of $133,340,000 shown in the report table does not tell the whole story, because there are Safeguard funds and funds received from NATO and other balances from prior years which are available to help finance the fiscal year 1973 program. I feel that the program we have allowed for fiscal year 1973 is well justified, and we have looked at it project by project.

There is another aspect of construction and that is maintenance, which is of major concern to me. The costs of maintenance are going up. The dollars for maintenance are being spread thinner. In many places we may be wasting money by maintaining old World War II wooden barracks which should be torn down and replaced. Yet the people have to live in them and there is not enough money to replace them all soon. On the other hand, I have seen cement block buildings which were said to be unsuitable for laboratory space and in need of replacement. Why? Because the roof leaked. They were not getting enough maintenance money to fix the roof. So we get caught both ways. I am convinced that the answer is to keep working on an orderly program to replace and modernize military facilities. This is what we recommend in this bill and that is why I request your approval of it.

Mr. CEDERBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are here today considering this bill on military construction. As I see it, this bill has three objectives.

One is, you can ask the question: does it provide sufficient funds for the facilities that are necessary to carry on the training missions of our military establishment?

Second, does it carry within it sufficient funds to upgrade and provide proper facilities to assure combat readiness of our military forces?

And third, are we providing sufficient funds here to be sure that the personnel in our military services are provided with sufficient housing, sufficient barracks, and sufficient military hospitals, and so forth?

I think that we in the subcommittee do the best job we can in trying to make a positive determination in all of these areas because we believe very seriously it is necessary that we do have adequate facilities for our people.

Lest anyone feel that we are spending too much money, let me just say this—we are not providing in every area all of the funds that I believe could be adequately used for some of the services, but we do have a gradual upgrading of these facilities and I think we are making progress in the area of military housing. If we expect to have a military service that is going to be all-volunteer, then I believe the personnel of the services and their families are entitled to these kinds of facilities.

The gentleman from Florida who is the chairman of our subcommittee has gone into all of the details of this legislation and it really is not necessary to restate them.

I would just like to call to your attention one item here on which we may have some slight difference of opinion. That is the so-called defense office building which has been deleted again. I have been one who has felt for many years—ever since this was approved by the Committee on Armed Services many years ago when Mendel Rivers of South Carolina was the chairman—that we should have gone ahead with it. The cost was far less than it would be today. In addition to that, we have the facilities and the land available at the Bolling Air Force Base and I only regret that we did not use it.

I think the time is going to come when we may be required to look into the advisability of building this office building.

I will have to admit that the longer we delay, the less attractive it looks to us from the cost point of view.

The Department of Defense has now come to the conclusion that if this office building is built, the defense intelligence agency, which has been needing a building and has been wanting to move out of Arlington Hall for some time, will move into this installation, as will certain Marine installations and the Marine headquarters.

I think this is an attractive part of it in itself.

So I just want to say so far as I am concerned, I think we should have built this building and I think there are some legitimate grounds upon which we could build it today even though the cost is getting a little bit out of hand.

The gentleman from Florida has adequately talked about the reserve forces and the necessity to be sure that they are upgraded. If we are going to have an all-volunteer military service and if we are going to have to reduce the number of people in our military, we are going to have to have a better Ready Reserve—and this requires facilities and it requires the money to build them.

But, by and large, in looking over all of the requirements of the services, I think our subcommittee has done an adequate job to try to provide those things that are necessary and in the best interest of the country and in the best interest of the people who serve us in the military forces—and that is fundamentally the mission that we have.

Mr. SIKES. Mr. Chairman, may I ask my distinguished colleague, the gentleman from Michigan, if he has any further requests for time?

Mr. CEDERBERG. Mr. Chairman, I have no further requests for time.

Mr. SIKES. Mr. Chairman, I yield to my distinguished friend, the gentleman from Maryland (Mr. LONG) such time as he may require.

Mr. LONG of Maryland. Mr. Chairman, I rise in support of this bill. It is a responsible bill. Increase is only about 6 percent above the previous year, a reasonable increase in view of the cost inflation and the pressure from our various defense agencies for more and imprint installation. I want to commend the chairman.

Mr. SIKES. I thank the gentleman very much.

Mr. VAN DEERLIN. Mr. Chairman, I direct attention to page 20 of the committee report on this bill, and a line item indicating a transfer of Navy property ostensibly valued at $702,000 for property presently held by private owners, to assure a noise buffer zone adjoining Miramar Naval Air Station, in San Diego.

I judge from the tabulation on page 20 that the committee feels it is approving a land swap in which the parcels to be exchanged are of equal value. If so, I refer the committee to a colloquy between myself and the gentleman from Texas (Mr. FISHER) when the authorizing bill was before us several weeks ago.

I pointed out on that occasion that the prospective land deal was negotiated through the Naval Facilities Command in San Diego, rather than the Real Estate Division, as is normally done. It provides for exchange of 155 acres of Navy land for a total acreage of 230 owned by the Christiana Oil Corp., 138 acres; the San Diego Unified School District, 69 acres; and the city of San Diego, 23 acres.

Independent appraisals have shown the value of the private lands involved in the exchange to be about $760,000, rather than the $702,000 indicated in the committee report. Similar appraisal of the Navy land indicates a value of more than $2 million—triple the amount being traded for.

Clearly, if such a swap were consummated on a pretense of equal value, the Government would be dispensing windfall profits to commercial speculators. Christiana Oil Corp. is the owner of a housing development firm, Tierra Santa. A glance at maps of the area show that the developers would wind up owning all four corners of a future major freeway interchange less than 10 minutes from downtown San Diego.

Let me warn my colleagues—especially colleagues of the Appropriations Committee—that this intended land deal contains the makings of full-blown scandal. It will bear the closest watching.

Mr. Chairman, I intend to join in that surveillance.

Mr. LONG of Maryland. Mr. Chairman, under the leadership of the distinguished gentleman from Florida (Mr. SIKES) we have reported out a $2.3 billion military construction appropriation bill.

Highlights of the bill include: First, $155.3 million to combat air and water pollution; second, $121.8 million for Reserve component military construction—including $1.6 million for a six-unit Reserve center in Owings Mills, Md., and a $487,000 National Guard facility in the Gunpowder area of my district; and three, an increase of $119 million over the fiscal 1972 appropriation for family housing—which will provide 11,938 much needed housing units.

I am pleased to have participated in the development of this bill.

However, I want to reiterate my regret that we had to include in the bill $2,610,000 for 100 units of family housing at Fort Huachuca, Ariz. This expenditure would not have been necessary if the Army had not moved the U.S. Army Intelligence School from Fort Holabird, Md., to Fort Huachuca, Ariz. My 1970 investigation of this move brought out that the Army had failed to take into consideration the housing and water shortages, the high construction costs, and potential personnel recruitment problems.

This year a General Accounting Office report and a House Armed Services Investigations Subcommittee confirmed the results of my investigation and brought out that the Army had concealed internal recommendations and reports adverse to the move and had failed to reveal the grand design for a massive Army intelligence center in the Arizona desert community.

If the information which I have detailed and the information contained in the General Accounting Office report had been available before the intelligence school opened in Arizona, Congress would have had a good chance of preventing this costly move. Instead, the taxpayers are stuck with the bill for an expensive transfer for which there was no real military justification.

The Armed Services Subcommittee, under the able chairmanship of the gentleman from New York (Mr. PIKE) has directed the Secretary of the Army to—

> Fix responsibility for the misleading information supplied to the Subcommittee on Military Construction Appropriations concerning the Fort Huachuca water and housing resources.

And to—

> Examine the Intelligence Center concept and determine whether, from the standpoint of economy and efficiency, it should be established at Fort Lewis, Wash., or some other suitable location.

However, the 100 units of family housing provided in this bill will reduce the Huachuca housing deficit from 669 to 569 units. In view of the recommendations stated above, I raised the issue of congressional approval of family housing at Fort Huachuca during the House debate on the fiscal year 1973 military construction authorization bill. In a colloquy with a member of the Armed Services Committee, Mr. DANIEL of Virginia, I expressed my hope that—

> The Armed Services Committee would in future years cast a very cold eye on any proposal to provide the 569 additional housing units there, in view of the tremendous housing shortage for the military which exists worldwide.

Mr. DANIEL responded in part that—

> The gentleman may be assured that the committee would look with a jaundiced eye upon any attempt to construct 569 housing units at that location.

In closing, I want to call attention to the statement which appears in the Appropriations Committee report on the military construction bill, which says in part:

The committee reiterates its comments on the Army's poor management and lack of judgment in its handling of the decision to move certain intelligence activities to Fort Huachuca, Ariz. The activities which have relocated to Fort Huachuca, such as the Army Intelligence School, have added to an already serious housing shortage in that area, thereby causing hardship to the personnel involved. In addition, there is a potentially serious water shortage at Fort Huachuca. The committee expects the Army fully to explain its proposed solutions to these and related problems if additional construction is to be requested at Fort Huachuca.

Mr. PICKLE. Mr. Chairman, I shall vote for H.R. 16754. My actions since I came to the House of Representatives have consistently been in support of providing the best for our Military Establishments. We must keep our defenses in top shape. Having the muscle to deter aggression includes having modern equipment and facilities. As the committee report noted, this is even more important as the Nation moves toward an all-involuntary military and toward a reliance on our Reserve components.

It is pleasing to see that this bill has moneys for adequate housing—both bachelor and family. It is pleasing to see that moneys for adequate facilities for our strategic bomber forces are included in this bill. It is pleasing that many bases in Texas are due for needed construction, including a security police facility for Bergstrom Air Force Base located in my district in Austin, Tex.

I note that $155.3 million is included for pollution control. I agree that our military should be in the forefront of the fight for a clean environment. Bergstrom AFB has been allocated $254,000 for water pollution abatement. I know that the people of Travis County will commend this money for clean water.

I am not pleased, however, that there is no money in this bill for a new commissary at Bergstrom AFB. On May 31, 1972, I testified before the Armed Services Committee and pointed out the need for such a facility. Although there is no money for the commissary this year, I have been advised by members of the Armed Services Committee and staff that the commissary for Bergstrom AFB will probably be recommended in next year's budget. Furthermore, I have been advised that the need for a commissary at Bergstrom is so well-recognized that the project has been given a high priority number for next year.

I hope that this is true because the present commissary is housed in two old, dilapidated frame World War II warehouses. Not only is the persent facility unsatisfactory by initial design—it was designed to be a warehouse, not a store—it is also unsatisfactory in that it contains less than one-eighth the floor space required to accommodate the volume of sales and customers served. The design and condition of these buildings is such that they cannot be upgraded, they must be replaced. Replacement facilities would cost approximately $1.6 million. The present facility serves approximately 7,000 active duty military and over 2,000 retired military personnel who live in the Austin area. The total number of military personnel and their families using the commissary is estimated to be in excess of 17,000. Dollar volume of monthly sales is in excess of $1 million.

Under Air Force standards, a commissary should contain 72,048 square feet if it has the sales volume of Bersgtrom. However, the Bergstrom commissary only contains 9,000 square feet.

This is why I take this opportunity to note the need for a new commissary at Bergstrom, while commending the Armed Services Committee and Appropriations Committee for a job well done on moneys for military construction in fiscal year 1973.

We have a first-class base at Berg-

strom. Year after year Bergstrom takes the lead in air and ground operations. Next year, let us replace Bergstrom's second-class commissary.

Mr. SIKES. Mr. Chairman, I have no further requests for time, and ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, $248,374,000, to remain available until expended.

AMENDMENT OFFERED BY MR. SIKES

Mr. SIKES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SIKES: On page 2, line 24, under the heading "Military Construction, Air Force", strike out "$248,370,000" and insert "$250,483,000".

Mr. SIKES. Mr. Chairman, the committee has taken a very hard look at all of the items for which appropriations were requested in this bill. As a result of our action and that of the authorizing committee, the Air Force budget request has been cut by more than $100 million if we include the Defense office building—and more than $80 million in strictly Air Forces projects. The Air Force has made a strong case for the restoration of some of these funds and has submitted evidence to show a more significant need for some of the projects than was available at the time of our mark up. Among the projects are two in particular which they consider to be of highest priority. These are navigator training aids facility for $815,000 at Mather Air Force Base, Calif., and airmen dormitories for 288 men at Davis-Monthan Air Force Base, Ariz., at a cost of $1,294,000.

The first item is required to permit the design, fabrication, and maintenance of refined training devices at the Air Force Navigator Training Aids Center at Mather. At present this activity is being conducted in an old World War II wooden frame structure which is inadequate for the purpose.

At Davis-Monthan, the committee had deleted the airmen dormitories on the assumption that a Titan mission of the Strategic Air Command would be phasing out as a result of the strategic arms limitation agreement. The Air Force has informed us that their projections indicate long-term utilization of this facility in spite of the SALT limitation agreement. In view of the difficult housing situation in the Tucson area for military personnel, I feel that it is prudent to reinstate this project.

I therefore offer an amendment to increase the funds allowed for military construction, Air Force to accommodate these two items.

I yield to my good friend, the gentleman from Michigan, the ranking member of the committee.

Mr. CEDERBERG. Mr. Chairman, the minority is in agreement with this amendment, and we recognize the importance of these additions.

Mr. SIKES. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. SIKES).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. SIKES. 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.

Acordingly the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, 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. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, 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.

Mr. SIKES. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final amendment thereto to final passage.

The previous question was ordered.

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. SCHERLE. 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 292, nays 13, not voting 125, as follows:

[Roll No. 383]

YEAS—292

Abbitt
Abernethy
Adams
Alexander
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashley
Aspin
Aspinall
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Biester
Bingham
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Caffery
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Denholm
Dennis
Dent
Devine
Dickinson
Diggs
Donohue
Downing
Duncan
Eckhardt
Edwards, Ala.
Eilberg
Eshleman
Evins, Tenn.
Fascell
Fisher
Flood
Foley
Forsythe
Fountain
Frelinghuysen
Frey
Fuqua
Gaydos
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kazen
Keating
Keith
King
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Lent
Long, La.
Long, Md.
McCollister
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mizell
Mollohan
Montgomery
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara
O'Neill
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roybal
Ruppe
Sandman
Sarbanes
Satterfield
Scherle
Schneebeli
Schwengel
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Taylor
Teague, Calif.
Terry
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—13

Abzug
Dellums
Drinan
Edwards, Calif.
Harrington
Hechler, W. Va.
Kastenmeier
Metcalfe
Mitchell
Rangel
Rosenthal
Scheuer
Zwach

NOT VOTING—125

Abourezk
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Ashbrook
Badillo
Baker
Bell
Betts
Bevill
Biaggi
Blackburn
Blanton
Blatnik
Buchanan
Byrnes, Wis.
Byron
Cabell
Carey, N.Y.
Celler
Chappell
Chisholm
Clawson, Del
Conyers
Cotter
Coughlin
Danielson
Davis, Ga.
Delaney
Derwinski
Dingell
Dorn

Dow	Hawkins	Nichols
Dowdy	Hébert	Obey
Dulski	Helstoski	O'Konski
du Pont	Hillis	Patten
Dwyer	Hosmer	Pirnie
Edmondson	Howard	Price, Tex.
Erlenborn	Jacobs	Pucinski
Esch	Jones, Ala.	Reid
Evans, Colo.	Jones, Tenn.	Roncalio
Findley	Kee	Rooney, N.Y.
Fish	Kemp	Roy
Flowers	Kuykendall	Runnels
Flynt	Leggett	Ruth
Ford, Gerald R.	Link	St Germain
Ford, William D.	Lloyd	Saylor
	Lujan	Schmitz
Fraser	McClory	Scott
Frenzel	McCloskey	Seiberling
Fulton	McClure	Shoup
Galifianakis	McCormack	Smith, N.Y.
Gallagher	McEwen	Symington
Garmatz	Mailliard	Talcott
Gettys	Melcher	Teague, Tex.
Giaimo	Michel	Thompson, Ga.
Grasso	Mikva	Thomson, Wis.
Green, Oreg.	Miller, Calif.	Veysey
Gubser	Minshall	Waggonner
Hagan	Monagan	Wiggins
Halpern	Moorhead	Wilson, Bob
Hanna	Mosher	Wolff
Hansen, Idaho	Murphy, N.Y.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Gerald R. Ford.
Mr. Hébert with Mr. Saylor.
Mr. Rooney of New York with Mr. Byrnes of Wisconsin.
Mr. Dulski with Mr. Mailliard.
Mr. Moorhead with Mr. Smith of New York.
Mr. Celler with Mr. Michel.
Mr. Blatnik with Mr. Anderson of Illinois.
Mr. Addabbo with Mr. Betts.
Mr. Howard with Mr. Derwinski.
Mr. Biaggi with Mr. Erlenborn.
Mr. Jones of Alabama with Mr. Pirnie.
Mr. Waggonner with Mr. McClory.
Mr. Murphy of New York with Mr. Kemp.
Mr. Wolff with Mr. Hosmer.
Mr. Helstoski with Mr. O'Konski.
Mr. Anderson of California with Mr. Ashbrook.
Mr. Carey of New York with Mr. Conyers.
Mrs. Grasso with Mrs. Dwyer.
Mr. Cotter with Mr. Esch.
Mr. Mikva with Mr. Halpern.
Mr. Hawkins with Mrs. Chisholm.
Mr. Byron with Mr. Fish.
Mr. Nichols with Mr. Hansen of Idaho.
Mr. Bevill with Mr. Shoup.
Mr. Teague of Texas with Mr. Talcott.
Mr. Reid with Mr. Bob Wilson.
Mr. Runnels with Mr. Del Clawson.
Mr. Giaimo with Mr. Bell.
Mr. Garmatz with Mr. Minshall.
Mr. William D. Ford with Mr. McClure.
Mr. Evans of Colorado with Mr. Blackburn.
Mr. Dingell with Mr. du Pont.
Mr. Chappell with Mr. Gubser.
Mr. Davis of Georgia with Mr. Veysey.
Mr. Monagan with Mr. Coughlin.
Mr. Danielson with Mr. Ruth.
Mr. Hanna with Mr. Buchanan.
Mr. Anderson of Tennessee with Mr. Scott.
Mr. Leggett with Mr. Price of Texas.
Mr. Jones of Tennessee with Mr. McEwen.
Mr. Melcher with Mr. Kuykendall.
Mr. Delaney with Mr. Baker.
Mr. Dorn with Mr. Findley.
Mr. Patten with Mr. Wiggins.
Mr. Pucinski with Mr. Lujan.
Mr. Fulton with Mr. Hillis.
Mr. Flynt with Mr. Thomson of Wisconsin.
Mr. Flowers with Mr. Schmitz.
Mrs. Green of Oregon with Mr. Mosher.
Mr. Gettys with Mr. Lloyd.
Mr. Kee with Mr. McCloskey.
Mr. Seiberling with Mr. Frenzel.
Mr. Link with Mr. Thompson of Georgia.
Mr. Symington with Mr. Badillo.
Mr. Cabell with Mr. McCormack.
Mr. Blanton with Mr. Miller of California.
Mr. Edmondson with Mr. Fraser.
Mr. Roncalio with Mr. Hagan.
Mr. Galifianakis with Mr. St Germain.
Mr. Gallagher with Mr. Roy.
Mr. Abourezk with Mr. Jacobs.

Mr. SCHEUER changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERSONAL EXPLANATION

Mr. HEINZ. Mr. Speaker, on rollcall No. 382 I am recorded as absent. I was unavoidably detained, being on my way back from my district. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CAMP. Mr. Speaker, on rollcall No. 382 I am recorded as absent. I, too, was on my way back from my district and was unavoidably detained. Had I been here, I would have voted "yea."

PROVIDING FOR AGREEING TO SENATE AMENDMENT TO HOUSE JOINT RESOLUTION 1227, APPROVAL OF INTERIM AGREEMENT BETWEEN UNITED STATES AND UNION OF SOVIET SOCIALIST REPUBLICS

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 1133, Report No. 92–1438) which was referred to the House Calendar and ordered to be printed:

H. RES. 1133

Resolved, That immediately upon the adoption of this resolution the joint resolution (H.J. Res. 1227) approval and authorization for the President of the United States to accept an Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures with Respect to the Limitation of Strategic Offensive Arms, together with the Senate amendment thereto, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment be, and the same is hereby, agreed to.

Mr. COLMER. Mr. Speaker, I call up House Resolution 1133 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 1133?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 1133.

Mr. COLMER. Mr. Speaker, I yield the customary 10 minutes to my good friend, the gentleman from California (Mr. SMITH). Pending that, I yield such time as I may consume to myself.

Mr. Speaker, this resolution has for its purpose the expediting of the so-called SALT Agreement. The Senate added a certain amendment to the resolution which would permit the President to accept an interim agreement between the United States of America and the Union of Soviet Socialist Republics, and was a measure with respect to the limitation of strategic offensive arms.

The Senate placed an amendment on this resolution, which is generally referred to, as I understand, as the Jackson Amendment. That amendment requires equality in future agreements, especially on missiles.

The chairman of the Foreign Affairs Committee of the House speaking for that committee advised your Committee on Rules that this amendment was acceptable to that committee. Therefore, Mr. Speaker, in order to avoid further delay and in order to avoid another long debate possibly in the other body, this resolution, if adopted, would take from the Speaker's table the House bill, together with the Senate amendment, pass it, and send it on to the President. It is just that simple.

I might add for emphasis this resolution is a little different from the ordinary resolution in that respect—and I say this for the benefit of such Members who have inquired about it—that once this resolution is adopted, that is the end of the ball game, as it were.

Mr. Speaker, I reserve the remainder of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again the Rules Committee is attempting to cooperate with the work of the House of Representatives in expediting bills so that eventually we can adjourn. As stated by the distinguished chairman of the Committee on Rules (Mr. COLMER) this is a rather unique procedure. It has happened on a few occasions before, but not very often. It is in accordance with the rules, but we do not do it very often. I think we did it on the civil rights bill.

In any event, on the adoption of House Resolution 1133, as Mr. COLMER stated, that is the end of the ball game. House Joint Resolution 1227, as amended by the Senate, will be taken from the Speaker's table, and the Senate amendments will be agreed to and that particular vote—yes or no—will depend upon the passage of this measure.

Mr. Speaker, this is a very important resolution. There has been considerable delay on it up to date, and if we have to go to conference now, we could have much more delay.

According to the information before the Rules Committee, it is very important that we get this matter approved immediately.

Further, I understand the U.S.S.R. are unwilling to resume SALT negotiations until Congress has approved the interim agreement as provided for in this resolution.

Mr. Speaker, I urge adoption of House Resolution 1133.

Mr. Speaker, I reserve the balance of my time.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Mr. Speaker, seeking peace through arms limitation talks may be the noblest of our undertakings. But an interim agreement between the parties—a benchmark of progress in negotiations, is not talks. It is a scorecard, and in this instance the grade shows we are losing the game. The agreement before us, seeking our approval, does not show we are winning or are even tied. It shows that we have lost even an equality of limitation with our adversary. By approval of this resolution we are asked to sanction our country as a second-rate world power. This is but a Gulf of Tonkin resolution in reverse.

Let me ask: "Is the agreement binding?" "Is it enforceable?" "What are the safeguards?" The answer to each is negative. We are asked to accept only the good faith of the party's signatories and the authority by which they act.

What is the record of faithful performance by the Communist Party of the Soviet Union to its commitments?

According to the 1958 report of the American Bar Association's Special Committee on Communist Treaties, of the 52 major treaties and agreements entered into, the Soviet Union has broken 50. Fifty broken promises out of 52. This is a bankrupt record of deceit and undependability.

A more recent report by the Senate Judiciary Committee reports that the Soviets have failed to honor 24 of the 25 summit agreements.

The people we represent are being asked to trust the Communist negotiators or their Secretary, Leonid Brezhnev, who signed the agreement not as an elected leader of the Russian people, but as General Secretary of the Central Committee of the Communist Party of the Soviet Union. Were President Nixon to have signed the agreement as head of the Republican Party of the United States, would all Americans feel bound?

Not one suggestion has been made as to enforcement—possibly because no provision can be negotiated for inspection. The Soviets refuse. Their refusal can only be interpreted as an indication that they intend good faith and compliance only so long as beneficial to their goals. There being no inspection, no enforcement mechanism, and no signature of a representative head of state, what we are asked to agree to is at most a unilateral agreement by which our country pledges not to constitute a threat to Soviet imperialism. The Soviets for 5 years can go about other business.

The Marcos government of the Philippines yesterday announced suspension of constitutional government and proclaimed martial law to protect that country from Communist terror and subversions. Who knows how serious the threat? Which of our allies will next fall victim to Communist aggression?

What power or respect in international politics can a nation maintain which voluntarily assigns its people to a second-rate position? And more importantly, what respect—what pride—can such a nation expect from its own people?

I, too, have heard the talk—that the Senate amendments improve the bill; that this is the best we can get out of a bad situation. I only ask that you do not be misled by the rhetoric. I am sure that Senator JACKSON did the best he could under the circumstances, but read the amendments, including Mr. JACKSON's. It does nothing—it has no teeth. At most, it is more quotable persuasion to disarm the unsuspecting American people.

Mr. JACKSON's amendment is not even applicable until after the end of the 5-year interim arms limitation moratorium, or until 1977. And even then, what does the Jackson amendment provide? It reads:

Urges and requests the President—

Whoever he may be in 1977—

to seek a future treaty that, inter alia, would not limit the U.S. to levels of international strategic forces inferior to the limits provided for the Soviet Union.

The Senate passed the amendment and in so doing admitted that the agreement reduces our country to inferior status with the Soviets. Yet, while admitting the agreement was not fair nor equal to the American people, did not seek equal treatment until after 5 years—if we are still around.

The administration in agreeing to the admendment must have understood that they bought too quickly and got the short end of a one-sided bargain.

I cannot cast my people's vote for any agreement that is unfair and not at least equal to the treatment given their principal adversary—the Soviet Union.

I hope that the action taken by this body is right, because if not, it will be too late to correct it.

I urge defeat of the resolution.

Mr. COLMER. Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Foreign Affairs (Mr. MORGAN).

Mr. MORGAN. Mr. Speaker, I urge concurrency by the House in the amendments adopted in the Senate to House Joint Resolution 1227, giving congressional approval to the agreement on strategic offensive arms signed in Moscow last May.

I do so in the interests of expediting the initiation of the second phase of the Strategic Arms Limitation Talks—SALT—between our Nation and the Soviet Union.

When the President sent his message asking for this congressional approval he expressed the hope that action could be completed by September 1 in order that the second round of talks could begin in October.

We are now 25 days beyond that deadline. As a result, there seems to be little prospect of talks beginning next month. If instead of accepting the Senate language, we were to go to conference, there would almost certainly be an additional delay, perhaps a protracted one.

The decision to accept the Senate language has not been an easy one. The bill was heavily amended on the Senate floor to include a great deal of additional language. Some of the Senate language is repetitious. Some of the Senate langauge lacks clarity. Some of the Senate language appears less than grammatical.

Ideally, of course, legislation of this importance should be marked by clear and concise expressions of congressional will. In order to recast the language, however, it would be necessary to go to conference with the Senate and thereby risk further delays.

On Thursday and Friday, the senior members of the Committee on Foreign Affairs and I made an attempt to achieve an informal understanding with the chairman of the Senate Foreign Relations Committee on language which might be acceptable to all concerned. When it was not possible to arrive at mutually agreeable language under informal conditions and an extended conference appeared likely, the decision reluctantly was made to accept the Senate version.

I know there are some who will object to this decision on the grounds that it seems to make this body a "rubber stamp" for the other body. You may be assured that this problem was given full and agonizing consideration.

When the institutional interests of this body were matched against the tremendous importance of achieving some measure of control over strategic offensive weapons, the choice seemed clear.

The interests of our national safety and security must come first.

A significant factor in international relations is momentum. Considerable momentum had been built up between the United States and the Soviet Union toward limiting strategic offensive weapons systems when the interim agreement was signed in May 1972.

That was 4 months ago. With each passing week, some of the dynamism has been lost, particularly as the interim agreement was being hotly debated in the other body.

Senior officials of our Government have viewed the situation in Congress with growing concern as the days have slipped away without any final on the interim SALT agreement. They fear that if further time is lost, it could seriously affect chances of achieving expeditiously a more permanent agreement with the Soviets.

Given this situation, it is my belief that our responsibilities demand swift action. That is why the House is being asked today to accept the Senate amendments to House Joint Resolution 1227.

Moreover, with the exception of section 2, none of the language added by the Senate has any legal effect.

Section 2 is the operative clause by which the Congress authorizes the President to approve on behalf of the United States the interim agreement on offensive strategic arms concluded between the United States and the Soviet Union.

The Senate language in section 2 is virtually identical to the operative clause in the House version of House Joint Resolution 1227.

The other sections added by the Senate merely express the "sense of Congress" on the subject of arms control and future negotiations.

Section 1 provides congressional endorsement of portions of the Declaration of Basic Principles of Mutual Relations Between the United States of America and the Union of Soviet Socialist Republics signed by the President and General Secretary Brezhnev in Moscow. Those portions relate to the dangers of military confrontation between our two nations and the responsibility of both to avoid attempting to gain unilateral advantage.

Section 4, added by the Senate, puts the Congress on record as not only favoring limitation of strategic weapons but eventual reduction of arms through Strategic Arms Reduction Talks—SART—with the Soviets and other nations.

Section 5, also added by the Senate, expressed the sense of Congress that the success of any comprehensive arms control agreement depends on preservation of U.S. policy that neither side should develop a first strike potential.

I deliberately have left discussion of section 3 of the amended bill until last since it has been the most controversial. That section embodies the amendment offered by the junior senator from Washington (Mr. JACKSON) which was the subject of extended debate in the Senate.

Within that section, the sentence which became the focal point of discussion was:

The Congress recognizes the principle of United States-Soviet Union equality reflected in the anti-ballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of inter-continental strategic forces inferior to the limits provided for the Soviet Union.

This language has been subject to varying interpretations. The author of the amendment has had his interpretation. Other Senators who supported it have theirs.

The administration has indicated its approval of the Jackson amendment, but not necessarily its endorsement of all the interpretations given to the amendment. In a press conference on September 16, Dr. Henry Kissinger said:

We have no difficulty whatever, indeed we agree with the proposition, that any agreement that may be made in the field of strategic arms limitation must be based on the principle of equality, and indeed, I believe we will have no difficulty getting Soviet agreement to this as an abstract principle.

Dr. Kissinger continued by saying that the difficulty with such a proposition is to define equality:

How do you relate various weapons systems to each other when the weapons on both sides have been developed, at least to some extent, according to different criteria and with a different mix? So this is a problem that will have to be carefully and thoughtfully addressed. Secondly, the first round of SALT concentrated primarily on quantitative limitations. It may well be that in some of the early phases of SALT II this will be the case.

Yet, as one looks ahead in the more distant future, one has to recognize that the strategic balance now can be upset perhaps more decisively by qualitative changes than by quantitative changes.

There is no one in the Congress, I believe, who would argue that the United States should ever accept an "unequal" treaty to limit strategic arms with the Soviet Union. In order for any arms control treaty to be acceptable and successful, there must be equality on both sides of the strategic balance.

To narrow the concept of "equality" to include only numerical equality of launchers and warheads, however, is to oversimplify the complexities involved in achieving a stable nuclear balance and to overlook the problem of dealing with changes brought about by qualitative improvements in weaponry.

I also want to assert that in no sense does any of the language accepted by the House bind the hands of our negotiators at SALT II. Our negotiating team did an outstanding job in achieving the interim agreement; they now deserve a free hand from the Congress to achieve a more permanent agreement with the Soviets.

Once an agreement has been reached, it can be brought before the Congress for approval or disapproval. It is at that point that we properly may work our will.

In that regard, I wish to note that House acceptance of the word "treaty" in line 13 of the amended bill does not mean that our members believe that an agreement achieved at SALT II should be submitted to the Congress in the form of a treaty, which would be sent only to the Senate for approval.

Many in this body believe that the House must also have the opportunity to pass on any major arms limitation agreements to result from the SALT negotiations.

Section 33 of the Arms Control and Disarmament Act requires that arms limitation actions must be approved by Congress, either through a treaty or "by further affirmative legislation by the Congress of the United States."

That section would appear to give the President a choice of submitting an agreement on arms control either to the Senate as a treaty, or to both Houses for approval through passage of a joint resolution.

Although the choice lies with the President, it is to be hoped that he will recognize the legitimate interests of the House of Representatives in a future arms control agreement with the Soviet Union and submit any such accord to both Houses of the Congress.

In closing, let me remind the Members of this body about what we are voting on today.

We are not voting on the Jackson amendment or any other amendment which was added in the other body. We are voting on whether the President should acept the interim agreement on strategic offensive weapons.

A vote against House Joint Resolution 1227, as amended, is not a vote against the Jackson amendment, it is a vote against the interim agreement. It is a vote against the earnest attempt to gain some measure of control over weapons which could destroy this planet—and our Nation with it.

Therefore, I urge my colleagues—regardless of their feelings about any of the language added by the other body—to vote in favor of House Joint Resolution 1227, as amended.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I, to, rise in support of this resolution.

I should like to point out to the House that over 5 weeks ago, on August 18, the House approved the interim agreement on strategic offensive arms, by a vote of 329 to 7. By today's vote on this resolution, we are simply accepting certain language that was added by the Senate to that approval.

Ideally I prefer the language of the resolution as it was approved by the House last month. Certainly there could have been some editing of the language added by the Senate. Had there been sufficient time for a leisurely conference, we might have come up with some minor modifications of langauge, but arguments over language could be as complex and lengthy as arguments over matters of principle.

I favor passage of this resolution because I am convinced that in no way does the language added by the Senate change the import of what the House has already done by our approval of the interim agreement. Nothing of consequence has been added, but the language might be considered as a clarification of the attitude of Congress towards the interim agreement, and toward future agreements which it is the hope we can reach with the Soviet Union.

I agree with the chairman of our full commitee that time is important. It is high time, at the end of this session, that we get this particular problem behind us, so I strongly urge support of this resolution.

Mr. DENNIS. Mr. Speaker, when the SALT agreement on the limitation of strategic offensive arms was first before the House I expressed my support, and coupled that expression with the statement that I favored the addition to the treaty of the amendment proposed by Senator JACKSON in the Senate.

I am pleased that by the action we take here in adopting the rule today we agree to and concur in the Senate version of this agreement which contains Senator JACKSON's amendment. The operative part of that amendment reads as follows:

The Congress recognizes the principles of U.S.-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, that interalia, would not limit the U.S. to levels of inter-continental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the main-

tenance under present world conditions of vigorous research and development and modernization program as required by a prudent strategic posture.

This is highy important and in my view, desirable language and I am very glad, as an American, that we accept and adopt this agreement with Senator JACKSON's amendment as an integral part thereof.

Mr. ZABLOCKI. Mr. Speaker, I want to join the distinguished chairman of the Committee on Foreign Affairs, Mr. MORGAN, in commenting on House acceptance of House Joint Resolution 1227, as amended—legislation which gives congressional approval to the interim agreement on strategic offensive arms signed in Moscow last May.

The joint resolution which the House sent to the Senate was a precise and concise one-paragraph resolution which authorized and approved the President's acceptance of the agreement. The version as returned from the other body is loaded down with amendments.

Although none of the added amendments have the power of law, since they express only the sense of Congress, their total effect is a measure which lacks clarity, conciseness, and, indeed, the dignity befitting so important a subject as strategic arms control.

My first inclination was that the House should request a conference with the Senate in order to "clean up" the language of their bill. When informal efforts for that purpose with the Senate did not prove to be possible and the likelihood of a protracted conference increased, the prospect of further delay made today's acceptance of the Senate version seem a preferable course of action.

At the same time, House acceptance should not be taken as an indication that the House desires no further role in approving a permanent strategic arms limitation agreement.

I firmly believe that the President should submit any future agreement which may result from the SALT negotiations to both Houses of Congress for approval.

On September 14, I inserted into the RECORD a list of 20 important international accords which had been submitted to both Houses of Congress for approval. Those precedents went back only to 1934.

Since that time I have obtained additional material on precedents for House action from earlier periods in our Nation's history.

For example, the annexation of Texas in 1845 was accomplished by a joint resolution approved by both Houses. When the Senate failed to give its consent to the ratification of the treaty with Texas by which the latter had been annexed, President Tyler sent a special message to the House pointing out that:

> The power of Congress . . . is fully competent in some other form of proceeding to accomplish everything that a formal ratification of the treaty could have accomplished.

The annexation of Hawaii in 1898, similarly was accomplished through the adoption of a joint resolution by both Houses.

Termination of World War I with Germany was also accomplished by action of both bodies. After the Senate rejected the Treaty of Versailles in 1919, joint resolutions declaring a state of peace were introduced in both Houses. Wilson vetoed one in May 1920 but Harding, his successor, called Congress into special session after his inauguration and invited Congress "to establish a state of technical peace without further delay" and promised his approval of "a declaratory resolution of Congress to that effect." Such a resolution was passed in June 1921, and signed by Harding on July 2, 1921.

Of particular interest in the present context is the Washington Arms Limitation Treaty of 1922. To carry out the terms of that treaty the Committee on Naval Affairs reported out a bill in 1922 which authorized the President "to make such disposition as in his judgment may be proper of any capital ship of the Navy." The floor debate turned on the necessity of this provision. It was argued by Mr. Tucker, a member of the Foreign Affairs Committee, that the Constitution specifically grants to the whole Congress the power "to provide and maintain a navy" (art. I, sec. 8, c. 13) and "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States" (art. IV, sec. 3, c. 2). Since the treaty touched on the maintenance of the Navy—and Government property—the President was unable to carry out the treaty without the authorization of Congress, Tucker argued.

Both Houses apparently accepted that argument, as did the President, and the resolution became law on July 1, 1922.

While all these precedents help establish a role for Congress in approving any future SALT agreement, the last one appears particularly useful.

Since the Constitution provides for the Congress to "raise and support Armies" and "to provide and maintain a Navy" and to exercise authority over the disposition of property, there is a good case for asserting that the House must give its formal approval to any arms limitation or reduction agreement since any such agreement would affect one or more of those constitutionally given powers.

At the same time, however, I do not believe it is necessary to assert such a claim formally. Section 33 of the Arms Control and Disarmament Act requires that arms limitation actions must be approved by Congress, either through use of the treaty power or "by further affirmative legislation by the Congress of the United States."

Thus, it would appear that the act gives the President a choice of submitting an agreement on arms control either to the Senate as a treaty, or to both Houses for approval.

When the President chose to send the interim agreement on offensive weapons to both Houses, he set a precedent of seeking authorization from this body.

That procedure I submit should be maintained in the future, even if a follow-on agreement is of more than an interim nature. It is difficult to conceive of a SALT agreement which would be truly "permanent" since our objective as stated in House Journal Resolution 1227, as amended, is to work toward strategic arms reduction talks—SART. Thus any strategic arms limitation agreement must be considered of a less-than-permanent nature.

These conditions bolster the position that, having given its approval to the present interim SALT I agreement, the House should have the opportunity to make its will known on a SALT II agreement.

It is my sincere hope that the President will take note of these sentiments—which I believe are shared by many in this body—if and when the time comes for further congressional action on strategic arms control.

GENERAL LEAVE

Mr. COLMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in connection with this resolution.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RARICK. 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 308, nays 4, answered "present" 2, not voting 116, as follows

[Roll No. 384]

YEAS—308

Abbitt	Burke, Fla.	Davis, S.C.
Abernethy	Burke, Mass.	Davis, Wis.
Abzug	Burleson, Tex.	Dellenback
Adams	Burlison, Mo.	Dellums
Alexander	Burton	Denholm
Anderson, Ill.	Byrne, Pa.	Dennis
Andrews, Ala.	Cabell	Dent
Andrews, N. Dak.	Caffery	Devine
Archer	Camp	Dickinson
Arends	Carey, N.Y.	Diggs
Ashley	Carlson	Donohue
Aspin	Carney	Downing
Aspinall	Carter	Drinan
Baring	Casey, Tex.	Duncan
Begich	Cederberg	Eckhardt
Belcher	Celler	Edwards, Ala.
Bennett	Chamberlain	Edwards, Calif.
Bergland	Clancy	Eilberg
Biester	Clark	Esch
Bingham	Clausen, Don H.	Eshleman
Boggs	Clay	Evins, Tenn.
Boland	Cleveland	Fascell
Bolling	Collier	Fish
Bow	Collins, Ill.	Fisher
Brasco	Collins, Tex.	Flood
Bray	Colmer	Foley
Brinkley	Conable	Forsythe
Brooks	Conover	Fountain
Broomfield	Conte	Frelinghuysen
Brotzman	Corman	Frey
Brown, Mich.	Culver	Fuqua
Brown, Ohio	Daniel, Va.	Gaydos
Broyhill, N.C.	Daniels, N.J.	Gibbons
Broyhill, Va.	Davis, Ga.	Goldwater
		Gonzalez

Goodling
Gray
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Keith
King
Kluczynski
Koch
Kyl
Kyros
Landrum
Latta
Lennon
Lent
Long, La.
Long, Md.
McCollister
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Montgomery
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara
O'Neill
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

de la Garza
Landgrebe
Rarick
Stuckey

ANSWERED "PRESENT"—2

Crane
Rousselot

NOT VOTING—116

Abourezk
Addabbo
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashbrook
Badillo
Baker
Barrett
Bell
Betts
Bevill
Biaggi
Blackburn
Blanton
Blatnik
Brademas
Buchanan
Byrnes, Wis.
Byron
Chappell
Chisholm
Clawson, Del
Conyers
Cotter
Coughlin
Curlin
Danielson
Delaney
Derwinski
Dingell
Dorn
Dow
Dowdy
Dulski
du Pont
Dwyer
Edmondson
Erlenborn
Evans, Colo.
Findley
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Fraser
Frenzel
Fulton
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Grasso
Green, Oreg.
Gubser
Hagan
Halpern
Hansen, Idaho
Hawkins
Hébert
Helstoski
Hillis
Hosmer
Howard
Jacobs
Jones, Tenn.
Kee
Kemp
Kuykendall
Leggett
Link
Lloyd
Lujan
McClory
McCloskey
McClure
McCormack
McEwen
Mailliard
Mathias, Calif.
Melcher
Mikva
Minshall
Monagan
Moorhead
Murphy, N.Y.
Nichols
Obey
O'Konski
Patten
Pirnie
Price, Tex.
Pucinski
Reid
Roncalio
Rooney, N.Y.
Roy
Runnels
Ruth
St Germain
Saylor
Schmitz
Scott
Seiberling
Shoup
Skubitz
Smith, N.Y.
Symington
Talcott
Thompson, Ga.
Thomson, Wis.
Veysey
Wiggins
Wilson, Bob
Wolff

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Derwinski for, with Mr. Crane against.

Mr. Gerald R. Ford for, with Mr. Rousselot against.

Mr. CRANE. Mr. Speaker, I have a live pair with the gentleman from Illinois (Mr. DERWINSKI). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. ROUSSELOT. Mr. Speaker, I have a live pair with the gentleman from Michigan (Mr. GERALD R. FORD). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The Senate amendment, concurred in, reads as follows:

Strike out all after the resolving clause and insert:

That the Congress hereby endorses those portions of the Declaration of Basic Principles of Mutual Relations Between the United States of America and the Union of Soviet Socialist Republics signed by President Nixon and General Secretary Brezhnev at Moscow on May 29, 1972, which relate to the dangers of military confrontation and which read as follows:

"The United States of America and the Union of Soviet Socialist Republics attach major importance to preventing the development of situations capable of causing a dangerous exacerbation of their relations . . ." and "will do their utmost to avoid military confrontations and to prevent the outbreak of nuclear war" and "will always exercise restraint in their mutual relations," and "on outstanding issues will conduct" their discussions and negotiations "in a spirit of reciprocity, mutual accommodation and mutual benefit," and

"Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives," and

"The prerequisites for maintaining and strengthening peaceful relations between the United States of America and the Union of Soviet Socialist Republics are the recognition of the security interests of the parties based on the principle of equality and the renunciation of the use or threat of force.".

SEC. 2. The President is hereby authorized to approve on behalf of the United States the interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms, and the protocol related thereto, signed at Moscow on May 26, 1972, by Richard Nixon, President of the United States of America, and Leonid I. Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union.

SEC. 3. The Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression. The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance under present world conditions of a vigorous research and development and modernization program as required by a prudent strategic posture.

SEC. 4. The Congress hereby commends the President for having successfully concluded agreements with the Soviet Union limiting the production and deployment of antiballistic missiles and certain strategic offensive armaments, and it supports the announced intention of the President to seek further limits on the production and deployment of strategic armaments at future Strategic Arms Limitation Talks. At the same time, the Senate takes cognizance of the fact that agreements to limit the further escalation of the arms race are only preliminary steps, however important, toward the attainment of world stability and national security. The Congress therefore urges the President to seek at the earliest practicable moment Strategic Arms Reduction Talks (SART) with the Soviet Union, the People's Republic of China, and other countries, and simultaneously to work toward reductions in conventional armaments, in order to bring about agreements for mutual decreases in the production and development of weapons of mass destruction so as to eliminate the threat of large-scale devastation and the ever-mounting costs of arms production and weapons modernization, thereby freeing world resources for constructive, peaceful use.

SEC. 5. Pursuant to paragraph six of the Declaration of Principles of Nixon and Brezhnev on May 29, 1972, which states that the United States and the Union of Soviet Socialist Republics: "will continue to make special efforts to limit strategic armaments. Whenever possible, they will conclude concrete agreements aimed at achieving these purposes"; Congress considers that the success of the interim agreement and the attainment of more permanent and comprehensive agreements are dependent upon the preservation of longstanding United States policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing a first strike potential.

RESIGNATION OF THE SERGEANT AT ARMS

The SPEAKER laid before the House the following communication from the Sergeant at Arms:

WASHINGTON, D.C.,
September 25, 1972.

Hon. CARL ALBERT,
Speaker of the House,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On June 30, 1972, pursuant to the provisions of the Legislative Reorganization Act of 1946, as amended, (2 U.S.C. 75–1(a)), you appointed me to act and

to exercise temporarily the duties of Sergeant-at-Arms of the House of Representatives, effective July 1, 1972.

Since the Democratic Caucus has nominated a candidate for the Office of Sergeant-at-Arms, I hereby tender my resignation effective midnight Sepetmber 30, 1972.

In my leave-taking, I want to thank you, Members of the House, and to say that words cannot adequately express my feelings of gratitude and fulfillment for the privilege that has been mine to serve the House of Representatives as Sergeant-at-Arms.

Sincerely,

ZEAKE W. JOHNSON, Jr.,
Sergeant-at-Arms.

ELECTION OF SERGEANT AT ARMS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a privileged resolution (H. Res. 1134) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1134

Resolved, That Kenneth R. Harding of the Commonwealth of Virginia be, and he is hereby chosen Sergeant at Arms of the House of Representatives, effective on October 1, 1972.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF THE SERGEANT AT ARMS

The SPEAKER. Will the Sergeant at Arms-elect present himself at the bar of the House and take the oath of office?

Mr. Kenneth R. Harding, the Sergeant at Arms-elect, presented himself at the bar of the House and took the oath of office.

SENATOR McGOVERN'S CREDIBILITY GAP

(Mr. ARCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ARCHER. Mr. Speaker, the credibility gap which Senator McGOVERN has created for himself seems to grow ever wider as his campaign for the Presidency develops.

Recently one of my constituents forwarded to me a copy of a letter from Senator McGOVERN to Mr. Frank D. Register, executive director of the National Association of Retail Grocers. Mr. Register had previously written a letter to the Senator requesting that he reconsider his announced position endorsing Caesar Chavez and the lettuce boycotts.

Senator McGOVERN's reply demonstrates not only an incredible lack of knowledge as to the facts surrounding the lettuce boycott, but also a callousness and lack of concern for the problems which face the retail grocers in America.

Mr. Chairman, I believe that Senator McGOVERN's response demonstrates the character of this man who would be President—this man who has been termed, perhaps quite erroneously, the most decent man in the Senate.

For the RECORD, I submit Mr. Register's letter and the reply from Senator McGOVERN and point out his ominous threat of a police state.

NATIONAL ASSOCIATION
OF RETAIL GROCERS
OF THE U.S., INC.,
Oak Brook, Ill., May 22, 1972.

Senator GEORGE MCGOVERN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCGOVERN: In yesterday's news telecasts, you were shown endorsing Caesar Chavez and the lettuce boycotts.

I would suggest that you consider this position carefully from a number of standpoints. Under existing law, such boycotts are clearly illegal. Secondly, the pattern established in the grape boycotts was one of damage and destruction to innocent third parties—in this instance, retailers who have no way of knowing who is right in a labor dispute many miles away. Thirdly, such tactics, if successful, result in increased costs which mean increased prices, a subject which I know is of concern to you.

Sincerely,

FRANK D. REGISTER,
Executive Director.

U.S. SENATE,
Washington, D.C., June 1, 1972.

FRANK D. REGISTER,
Executive Director, National Association of Retail Grocers of the U.S., Inc., Oak Brook, Ill.

DEAR MR. REGISTER: Thank you very much for your recent letter.

You should know, Mr. Register, that I have competent legal advice and you need not worry about me on that score.

Your reference to innocent third parties was intriguing to say the least. If you are suggesting that retail grocers are under any definition of the term "innocent," I would be surprised. It may interest you to know that I am fully aware of the monopoly meat and other commodity pricing practices of the chain stores. I am also aware of rate of return on your investment.

You may be sure, Mr. Register, that when I am President suits will no longer be brought by stockmen, egg producers and others, but by the Attorney General of the United States.

With every good wish, I am

GEORGE MCGOVERN.

CLARENCE D. PALMBY, A TRUE PROFESSIONAL

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, Clarence D. Palmby was Assistant Secretary of Agriculture for International Affairs and Commodity Programs for 3½ years from January 1969 to June 1972. He was uniquely qualified for this high post by reason of 8 years' service as Chief Executive Officer of the U.S. Feed Grains Council from 1961–69. He brought outstanding qualities of character, ability, and experience to Government service and made a tremendous contribution to the Department, the American farmer, and the American consumer during his very distinguished tenure of office. Among other achievements, he played a leading part in the development of the Food and Agriculture Act of 1970. He was a true professional in the finest sense of the word and used his intimate knowledge of all facets of the grain industry to our country's great advantage and with conspicuous national success.

Mr. Palmby elected to retire from public life and submitted his resignation to Secretary Butz on May 23.

Thereafter, he accepted a position as corporate vice president for market planning and development with the Continental Grain Co.

On September 19, 1972, Mr. Palmby readily and voluntarily appeared before the Subcommittee on Livestock and Grains to testify concerning his own activities before and after leaving Government service and Continental's role in the sale of grain to Russia. His testimony on that occasion was consistent with the high professional standards he has always set for himself and very much in keeping with what those who know him have come to expect from Clarence Palmby.

It is my opinion as one member of the subcommittee that he answered our questions fairly and fully, giving us much-needed information very few of us had previously possessed concerning the production, marketing, and distribution of grain in this country and abroad. This is an extremely complicated business about which there has been a good deal of irresponsible, uninformed writing and loose talk in recent weeks.

All members of the subcommittee, the Congress, and others who may be interested in the true facts of this historic transaction should read and carefully consider the testimony of Clarence D. Palmby, which will follow at this point in the RECORD:

STATEMENT BY CLARENCE D. PALMBY, CORPORATE VICE PRESIDENT FOR MARKET PLANNING AND DEVELOPMENT—CONTINENTAL GRAIN CO., NEW YORK, BEFORE THE SUBCOMMITTEE ON LIVESTOCK AND GRAINS ON THE HOUSE COMMITTEE ON AGRICULTURE ON SEPTEMBER 19, 1972

I appreciate the opportunity to appear before the Subcommittee on Livestock and Grains of the House Committee on Agriculture. Accompanying me is Sheldon L. Berens, Vice President and General Counsel, Continental Grain Company.

To again appear before this Subcommittee, which has worked long and hard for the betterment of U.S. agriculture, reminds me of past appearances before the distinguished members of this committee. I recall vividly many painstaking hours I worked with the Committee as a government official in developing the Agriculture Act of 1970. Thus, it is a renewed thrill for me to again appear before the members of the Subcommittee in my new position as Vice President of Continental Grain Company, a position which I have held since June 8, 1972.

I also vividly recall testifying before this Subcommittee and the Subcommittee on Department Operations of the House Committee on Agriculture on December 8, 1971, on what I then referred to as a history-making grain export sale by U.S. exporters to the Soviet Union. I mentioned at that time that the U.S. feed grain exports to Russia opened up a brand new market for U.S. grains, and at a time when Russia and many of the East European countries had established huge goals for increased livestock production.

I look upon my appearance before the Subcommittee today as an opportunity in the true American system to familiarize the Subcommittee with my own activities during the last few months I served as Assistant Secretary of Agriculture and to further explain the role of Continental Grain in con-

summating additional grain sales to the Soviet Union. I also wish to describe my responsibilities in Continental Grain and to further illustrate the role of the private grain sector in selling grain to overseas buyers.

In order to best familiarize members of the Subcommittee of the history making developments in exporting grain, I wish to review in a concise manner some of my own personal thinking regarding the promotion of trade between the U.S. and countries that have been at least partially economically and politically isolated from the U.S. for the past twenty-five years.

As was related to the Subcommittee on December 8 when I explained the feed grain sale last Fall to the Soviet Union, I related that after having family involvement in the Vietnam tragedy in 1965 and 1966, that I was firmly convinced that nations with conflicting political goals have a greater chance to build a peaceful world through channels of trade than through confrontation. Perhaps because of this experience, I have been deeply dedicated to our Government doing everything possible to build improved trade channels with the Soviet Union and the People's Republic of China. It is because of this firm conviction, that I was proud to have the opportunity to join Continental Grain on June 8, and I am particularly pleased to represent the company in these hearings. I am pleased because President Michel Fribourg, as well as key executives with Continental Grain, have had a long history of trade with East European countries, including the Soviet Union. Perhaps one thing that has impressed me above everything else since joining Continental Grain, is the great emphasis that has been placed upon proper execution of contract terms. I am convinced that proper execution on the part of Continental through the years has created a trustworthy reputation for Mr. Fribourg and Continental Grain, particularly in that area of the world. In order to best familiarize the members of the Subcommittee of my activities involving the Soviet Union during the last several weeks in my capacity as Assistant Secretary of Agriculture, I will with your permission trace those activities in chronological order.

As has been related to you, I did accompany Secretary Butz to Moscow on April 8, 1972. As was announced at that time, Secretary Butz was traveling to the U.S.S.R. at the invitation of the Minister of Agriculture, Matskevich.

It is to be remembered that Minister Matskevich had visited the U.S. in December of 1971 at the invitation of Secretary Butz. This matter was related to the members of the Subcommittee when I appeared before you on December 8, 1971. It was also announced prior to the departure of Secretary Butz to Moscow, that I would head a small negotiating team and would meet with representatives from the Ministry of Foreign Trade. Representatives of the U.S.D.A. had been invited by the Minister of Foreign Trade to describe the CCC Credit Program (GSM-4). Others from the U.S.D.A. and the Department of State accompanied Secretary Butz and myself, and this is matter of public record.

I spent a portion of my time while in the U.S.S.R. during this trip with Secretary Butz and Minister Matskevich. I accompanied them on a trip to the Crimea. At that time, we did visit the Ukraine and several farms in the area. It was quite apparent to us at that time that the area was badly in need of germination moisture. It was also obvious that some of the winter wheat stands were sparse, but it should be noted that Secretary Butz and I had never visited the Ukraine before. I, for one, was in no position to judge the degree of abnormality with the winter kill or the lack of germination moisture. It is worth repeating that Secretary Butz did state in his concluding press conference prior to his departure from Moscow, which received world-wide attention, that it was obvious to him that a sizable portion of the winter wheat crop in the Soviet Union was ruined and that germination moisture in the Ukraine was badly needed.

On April 11, Secretary Butz opened negotiations with the Senior Deputy Minister of Foreign Trade, Minister Kuz'min. I am referring to the negotiations which were later to be chaired by myself as U.S. delegate, having to do with the CCC Credit Program. Consequently, after the opening ceremonies, I, together with assistance from my colleagues from U.S.D.A. and the Department of State, described the CCC Credit Program and the manner in which it had been operated since 1948. We made particular mention that the CCC line of credit which we were prepared to offer to them against a commitment to buy grain, was a non-concessional type of credit line, in that the maximum credit period would be three years with interest at 6⅛% (somewhat higher than the cost of money to CCC at that time). The U.S. delegation offered to extend a line of credit with maximum exposure over a three year period (the $750 million credit over a three year period actually would provide for a purchase of about $250 million grain annually, provided purchases were made on a regular basis). The U.S. delegation further stated that they would expect repayments to be made annually on a twelve-month basis, together with accrued interest up to that date. While traditionally CCC has referred to this program as being a three year credit program, in actual practice with the demand for annual repayment schedule, it is an 18 month credit program. If my memory serves me correctly, and on this point I am a bit hazy, but I believe the U.S. delegation stated that at least $200 million of grain would need to be bought over the first twelve months to effectuate the line of credit.

The U.S. offer was refused outright. The Soviet delegation stated that the 6⅛% interest and the short period for credit exposure was nothing more than an offer of a commercial nature. The U.S. delegation agreed. The Soviets countered by saying they may be receptive to buying grain from the U.S., if the U.S. would be in a position to offer ten-year credits at a low rate of interest, such as 2%. I advised the Soviet group that no such authority existed, nor did I give the group any indication that the Executive Branch of the Government would be receptive to seek such authority from the Congress.

The U.S. and Soviet delegations met for the second time on April 12. The provisions as outlined earlier were again reviewed, and again the Soviets stated that the CCC Credit Program was completely unacceptable.

I, along with my colleagues from U.S. Government, returned to Washington on April 14.

I had no further conversation with any representatives of the Soviet Union on any subject whatsoever until May 9.

On May 9, with a few minutes notice, Deputy Minister of Foreign Trade, Alkhimov, requested a meeting with me in the U.S.D.A. I was informed that he, along with other representatives of the Soviet Union, were in Washington meeting with representatives of the Department of Commerce on the subject of lend lease settlement and other matters. I, along with Deputy General Counsel from the U.S.D.A. and others, met for about one hour with Minister Alkhimov. The Minister opened the conversation by saying that he wanted to be sure he understood how the GSM-4 or CCC Credit Program operated. He made it specifically clear at several times during the conversation that the request for information should not be interpreted as reflecting interest on the part of the Soviets to purchase grain, or to purchase grain on credit from the U.S. He again repeated that the 6⅛% interest and the three year maximum period was completely unsatisfactory to the Soviets. He again asked whether longer terms, with lower interest rate financing from government could be made available. I queried the Minister and his colleagues as to whether the Soviets might buy grain from the U.S. sometime in the future. He stated that he had no idea. In that he was not a representative of the Ministry of Agriculture, he was not particularly familiar with the Soviet grain requirements and that undoubtedly future grain requirements in the Soviet would largely be determined by crop conditions as they developed during calendar year 1972. This was the last conversation I had with the Soviets regarding CCC credit, grain matters, or any other item.

On May 12, I informally advised Secretary Butz that I wished to resign from my official position to return to private life. Secretary Butz was scheduled to take a few days rest the week following, and I wanted him to be informed of my decision to ask to be relieved of my official responsibilies.

On May 23, I submitted my resignation to Secretary Butz, with the request that he forward my formal resignation to President Nixon with the further request that I be relieved of my duties before June 8.

On May 23 through 29, I was on vacation in Minnesota.

From May 30 through June 7, I was back on official duty in my office, and engaged only in clean-up work. I considered no policy matters.

On June 7, my resignation was accepted, effective immediately.

June 8, I joined Continental Grain Company. In Continental Grain Company, I have the title of Corporate Vice President for Market Planning and Development. I look upon my duties primarily as being of a longer term nature, than of one of being involved in day-to-day operations. It is to be recalled that I was Chief Executive Officer for eight years of the U.S. Feed Grains Council from 1961–69, during which time I did develop many contacts in many nations of the world and familiarized myself with the grain, feed, and livestock industries of many countries. In many ways, my work with Continental Grain at this time is not unlike the work performed in that former capacity.

It has been stated that I visited with the Russian delegation in Washington the weekend of July 1. Please keep in mind that Mrs. Palmby and I continued to reside in Arlington, Virginia until early August. Consequently, I was at home in Arlington on Sunday, July 2. During the noon and afternoon of July 2, I accompanied Mr. Ziv (who had arrived in Washington on July 2) of Continental's office in Paris to Alexandria, Virginia. Our guests were Mr. Kalitenko and Mr. Goldobenko, two members of the Russian buying mission. I had never met Mr. Kalitenko or Mr. Goldobenko until that day. In that Mr. Ziv, Continental's representative, had never visited Washington before, he and the Soviets requested me to give them a tour of historical spots. As stated, I took them to lunch in Alexandria and did show them historic spots of interest in Washington, D.C. I repeat that I had never met these gentlemen before that day, and at no time did we mention the agricultural situation in the Soviet Union or the U.S., nor the grain industry in either country, nor any other official subject. I would hasten to state that a Sunday spent in this manner was not untypical of my activities during eight years with the U.S. Feed Grains Council and during three and one half years as Assistant Secretary of Agriculture for International Affairs in the U.S. Government.

Much has been said about my involvement in this transaction between Continental

Grain and the Soviet Union. Many of the comments are completely untrue. I am referring particularly to the statements that an agreement had been reached in Moscow with the Soviets in April of 1972. Any such statement is an outright lie. I categorically state I took no active part in Continental's commercial negotiations with the Soviets.

Still other statements have been made that I somehow or other had prior knowledge of the Soviet's intention to purchase grain from the U.S., and promptly carried that information to my new employer. This also is an outright lie. Consistent with these positive assertions on my part, I wish to share with members of the Subcommittee an example of the comments I made during the Winter months of 1972.

March 31—Mason City, Iowa.

"Uncertain crop conditions exist this year not only in the U.S.S.R. but also in the East European countries. Virtually all countries in the area have been affected by similar freeze and snow-cover problems. Again, we do not know what the ultimate effect will be. But it appears that the U.S.S.R.-East European region could be a large net grain importer in 1972–1973 for the second consecutive year."

During several press briefings, I summarized my views regarding the possibility of the U.S. selling additional grain to the Soviet Union in 1972. As an example, at a question-answer period following an address to the New York Commodity Club on May 18, 1972, and during my well-covered final press conference in the U.S.D.A., Washington, D.C. on June 7, I stated that in my opinion the Soviet Government officials would sometime in the future, possibly August or September, make some policy decisions regarding their grain requirements. I stated that there were probably three general options that would receive consideration by the Soviet policy makers, the options being as follows:

1. The Soviets may decide to continue to maintain per capita caloric intake over the next twelve months for their people at about the present level without much regard to improved quality of diet. If this option were to become policy, grain import requirements would be X amount depending upon 1972 crop out-turn.

2. The Soviets may decide to continue to expand livestock, poultry, and dairy production as announced in their Five Year Plan commencing January 1, 1970. If this were to become policy, their grain requirements from outside sources would undoubtedly be X amount plus, again depending on 1972 crop out-turn.

3. The Soviets may decide to ask their citizens to go through a "belt tightening period". If this option were to become policy, the grain requirements from outside sources would naturally be quite a different figure.

Finally, if the members of the Subcommittee will bear with me, I wish to review the role of the U.S. Government in the wheat export business, as well as the role of the private exporter.

On many occasions, both as a public official and as an interested observer on the outside, I have fully realized that countries such as Canada and Australia who sell wheat to the outside world through wheat boards, can enter into long time commitments at fixed prices. In that there is no such central government or quasi-government entity in the U.S., for which I am eternally grateful, the same type of mechanism simply does not exist. Machinery to accomplish the same goal does exist, and in this most recent huge sale to the Soviet Union, the machinery was used. This recent 400 million bushel sale made by the exporters to the Soviet Union on general assurance from U.S.D.A. officials that a net export price would be maintained through the payment of equalization payments, is a forthright example of how the private sector and the U.S.D.A. can use the marketing machinery to accomplish the very thing that Canada and Australia has been doing for years.

THE ROLE OF CONTINENTAL GRAIN COMPANY

Now I turn to Continental Grain Company's role in the events in which this Subcommittee has expressed such understandable interest. Although, as I have said, I did not negotiate the commercial transaction, at the request of the President of our Company I have assembled the main facts from other officers who did. The basic facts are simple and involve no government secrets or conflicts of interest. So that the members of this Subcommittee may be informed of the manner in which Continental developed the contract to sell grain to the Soviet Union, I wish to explain the happenings in chronological order.

First, a reminder of the pertinent commercial background. Continental is an American company engaged in worldwide grain merchandising with private and governmental customers and suppliers in many countries. Over the past decade it has successfully developed marketing opportunities with the Soviet Union and has been the major supplier of U.S. grains to the Soviet Union.

Continental first learned of the presence in the United States of the Soviet grain purchasing representatives by a telephone call on Thursday, June 29, 1972, directly from officials of Exportkhleb, the Soviet state trading organization responsible for grain imports, requesting to see us.

The top executives of the Company were at a conference in Europe at this time, and returned immediately upon receipt of this news. A representative of Continental then met in Washington with the Soviet officials on Friday evening, June 30th. It was at this meeting on June 30th that Continental first learned of the interest on the part of the Soviet Union in purchasing grains. The Exportkhleb officials requested Continental to make appropriate offers on Monday, July 3rd.

These negotiations now shifted to New York City and took place intensively from the afternoon of July 3rd through the afternoon of July 5th, when Continental and the Soviets signed a contract in preliminary form. The total quantity of wheat we sold to Exportkhleb on July 5th was 4 million tons, subsequently increased by another 1 million tons, to a total of 5 million tons by July 11th, when definitive contracts were signed by the parties.

These sales concerned primarily hard winter wheat and also included durum wheat from any origin and white wheat and hard wheat from the Pacific Northwest.

In these negotiations, in addition to wheat, Continental sold to the Soviet Union 4½ million tons of feed grains, including some non-U.S. origin optional with the seller.

These contracts called for Soviet payment to be made to Continental in U.S. dollars, cash as shipped, and were in no way contingent on the Soviet's obtaining U.S. Government or other third party credit. The first indication that any officials of Continental had perceived that other Soviet officials in the U.S. were concurrently negotiating with the U.S. Government for establishment of a CCC line of credit, came from the Russians themselves at the conclusion of their purchasing negotiations with us. At their request, we made provision in the contract for the documentation and other mechanics of sale and payment in the event the buyer obtained financing.

It should be emphasized that whether or not payment was made through CCC credit lines arranged by the buyer, Continental's prices would have been the same as it receives cash against shipping documents in either case.

Because of the unusual interest surrounding these transactions, let me say that our contract prices for the wheat were *very close* to the then prevailing export prices for U.S. wheat as ascertained by U.S. Government officials responsible for administering the export marketing program. In response to our inquiry, they had advised us that for the foreseeable future they wished to stabilize world wheat prices in the $1.63 to $1.65 range prevailing over the past two years through the usual export equalization payment formula. In good faith reliance upon this established policy and government program, Continental had then entered into its 5 million ton wheat commitment to the Soviet Union.

To sum up, I wish to repeat that Continental had no advance knowledge of the proposed Government-to-Government credit agreement of July 8, either from me or from any other source, nor did Continental know until June 30th that the Soviet Union was interested in buying U.S grains. The Company's market conduct bears this out. We cite the fact that against wheat sales to various destinations made prior to July 1, 1972, Continental had already registered 11.5 million bushels for export equalization payments, the last quantities being taken during June at levels ranging from 5 to 8 cents per bushel, to cover sales of approximately similar amount. Further, against purchases of cash wheat and futures contracts made during July, Continental took further subsidies totaling 55 million bushels at 13 and 15 cents between the 12th and 20th of July. This was done in order to minimize the risks that the Company was taking from this large commitment.

The really sharp advance in domestic wheat prices occurred during the first part of August after it became generally known that representatives of Exportkhleb suddenly had returned to the U.S. and in more private transactions had made additional purchases. Continental continued to buy in the domestic market at advancing levels and also continued registering corresponding subsidy, as evidenced by the fact that the Company registered 50 million bushels between August 9 and 15 at levels ranging from 31 cents to 36 cents. During the week of August 24, the domestic market advanced to about $2.10—FOB Gulf, but CCC did not follow on the subsidy rate, keeping to a 38 cent subsidy, to yield a net export price of $1.72. There has been precedent for CCC not following daily fluctuations of the domestic markets with their subsidy levels, particularly when domestic markets are extremely volatile.

On Thursday, August 24, we received a call from Mr. Pence of the Department of Agriculture, inviting us to a meeting with other grain exporters to be held the next afternoon, Friday, August 25, for a briefing on new export wheat policy. He advised us that the net price of U.S. wheat exports would no longer be maintained at the old levels, but he gave no details of what the new policy would be. We had no knowledge at that time that the Department would announce the next day, August 25, an increase of its subsidy rate to 47 cents for export sales made prior to August 24. We made no wheat export sales on August 24, 1972.

When the details of the August 25th announcement became known, Continental was faced with a situation that certainly did not portend so-called "windfall profits", as Continental still did not own about 70 million bushels of domestic wheat needed to cover export commitments already made long before August 24. During the week of August 28, Continental purchased about 70 million bushels of wheat in the cash and futures markets at the prevailing price levels. The Company at the end of that week registered for the 47 cents subsidy on 71 million bushels. The cost of Continental's purchases

of the cash portion of this wheat will probably exceed $2.10 per bushel FOB Gulf ports. Since it took approximately the same quantity of hard wheat subsidy at 47 cents, resulting in a net export price of $1.63 or higher, any suggestion of excess profits is amply demonstrated to be totally *false* in the light of commercial reality.

Gentlemen, it is obvious to me from this recital of facts that only lack of understanding can explain the continuation of the wholly unjustified attacks which have been levied on these private grain sales to the Soviet Union. Reasonable men might differ on what *should* be government policy or programs in the agricultural field, but that is very different from the shameful defamation characteristic of the criticism to date.

Accordingly, for its leading role in this complex and historic billion dollar trade, for its taking large financial risks in the best tradition of American private enterprise, for its bringing huge amounts of foreign-owned dollars home to American to offset our national payments deficit, for its providing jobs and income for all sectors of the agricultural and transportation industries, and, most of all, for its enhancing prospects of world peace through world trade, I am proud to be associated with Continental Grain Company. Like other members of the agribusiness community, Continental Grain takes justifiable pride in this splendid achievement for American agriculture and commerce.

Again, I thank you, Mr. Chairman and honorable members of this Subcommittee, for this fair opportunity to tell my side and Continental's side of this wholly honorable story.

I welcome your questions.

CONVERTING THE NATION'S TECHNOLOGY

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 10 minutes.

Mr. BELL. Mr. Speaker, I rise today in support of the National Science Policy and Priorities Act of 1972, which I introduced into the House of Representatives last week.

There has been enough talk and discussion about the need to alter America's priorities. This bill does something about it.

For too long we have directed many of the best minds in the Nation to develop weapons of war, while neglecting the problems of peace.

For too long we have considered the massive unemployment of our scientists and engineers caused by fluctuating Federal budgets to be unchangeable and irremediable.

For too long we have been forced to fund huge projects of limited practical value merely for fear of the unemployment which would result from cancellation.

We as a nation cannot afford to let America's technical and scientific expertise lie fallow, to force our scientists and engineers to leave their professions, and to discourage today's students from entering scientific careers. The Government's thoughtless and callous lack of planning has created the crisis we have today. It is now the Federal Government's responsibility to direct our scientific expertise and manpower into useful, productive, and responsible channels.

American society has always been technologically oriented. Yet the technological advances which have done the most for the United States and in which Americans take the greatest pride are not the Gattling gun nor the "smart" bomb; they are innovations which have improved the quality of our lives, such as the telephone and the automobile. We need a strong defense, certainly, but we need more than security if America is to continue to offer a life worthy of her heritage.

The bill I have introduced is designed to encourage the innovation of technologies addressed to the quality of our everyday lives. Projects would be funded for research and development in such areas as health care, transportation, housing, nutrition, education, public safety, and communications. And because American society is so technological, we must continue development of new methods to control the disadvantageous effects of existing technologies: The pollution of our air and water; the depletion of our energy resources; and the disintegration of our urban centers.

The need is seemingly infinite. If we can successfully accomplish this conversion of our technological resources, we will free ourselves of the patterns of thought which foster inaction in the change of the Nation's priorities, and we will free ourselves of the terrible waste of technological unemployment. There really can be no if about the enactment of this measure or its equivalent. The Congress must pass legislation and pass it soon, if we are to build both a healthier society and a sound economy based on the productive utilization of our scientific and technological resources.

Briefly, the National Science Policy and Priorities Act of 1972 creates a new agency, the Civil Science Systems Administration, within the National Science Foundation. The CSSA will perform research, design, testing, evaluation, and demonstration of civil science systems capable of providing improved public services in areas of direct benefit to all our citizens here and now. The program will be carried out through contracts and grants to industry, universities, nonprofit organizations, and other agencies. This concept is very similar to the modifications I proposed last year to H.R. 34. The current bill authorizes $795 million to fund these projects over the next 3 years.

Other titles in the bill provide for a definition of national science policy, pension plan reform, and funds for retraining programs and much-needed local government hiring of unemployed technicians. Yet the CSSA is the heart of this legislation, and should become a dramatic focus for applied science in the 1970's.

Under the leadership of Senator KENNEDY, the National Science Policy and Priorities Act of 1972 received an overwhelming bipartisan endorsement in the Senate. It deserves the support of every Member of this House.

A 92D CONGRESS REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. MADDEN), is recognized for 30 minutes.

Mr. MADDEN. Mr. Speaker, the 92d Congress is now approaching adjournment. It has been my policy before the end of each session of Congress to give my constituents in the First Congressional District of Indiana a factual report of our legislative record.

In this session of Congress a great number of bills pertaining to our economy, social problems, environment, inflation, education, health, et cetera were greatly restricted due to our continued involvement in the Southeast Asia war. Almost 4 years ago at the beginning of the 91st Congress we had great hopes that with President Nixon's inauguration we were going to see the rapid termination of our involvement in that unfortunate embroilment in Southeast Asia, 10,000 miles away from our shores.

The Nation became entranced in the fall of 1968 when the President as a candidate based his platform on his "secret" plan to end the Vietnam war, if elected in November of that year.

Over the last 4 years, the Congress has made a remarkable record of progress in enacting domestic legislation. I wish to emphasize some of the more important accomplishments on legislation which the Congress has enacted.

EDUCATION

During the last 4 years the Congress enacted two major education bills which would have benefited millions of our American youth in providing school construction and educational expansion, so badly needed especially in highly congested urban areas. Legislation pertaining to our schools, and colleges, was enacted but far short of the Nation's needs.

The President vetoed the two major education bills which were enacted by the Congress although 4 years ago he said:

> My economy program will not curtail educational expansion.

PUBLIC WORKS

The Congress enacted two major public works bills which would have greatly improved transportation facilities and traffic congestion in metropolitan areas and other needed transportation projects over the Nation. One of these bills was known as the emergency job public works legislation. These projects would have given employment to many of our idle workers. The President vetoed both major public works bills.

HOSPITAL CONSTRUCTION

Legislation was also passed for additional hospital construction and expansion which was vetoed. A long-delayed bill to expand medical education to create more family doctors was vetoed by the President.

HOUSING

Four years ago the President promised to expand our housing program to accommodate millions of families in ghettos and in substandard homes. It is estimated that in 1969, the President's first year in office, approximately half a million less houses were constructed than the last year of the Johnson administration. The building of homes has been

greatly curtailed and unemployment increased in the building and construction trades.

NATIONAL DEBT

One of the President's outstanding criticisms of the previous administrations was our large national debt. Four years ago the President promised to decrease the national debt. In 3½ years the national debt has been increased over $86 billion. When the President took office in January 1969, our national debt was $364 billion. Today it has increased to $465 billion. There is now pending before the Congress a request by the President to increase the national debt another $15 billion which will total $465 billion. It is also estimated that the interest on this national debt is costing the American taxpayers approximately $21 billion annually.

UNEMPLOYMENT

The President's promise to expand employment proved to be a myth. Today over 2 million more are unemployed than in January 1969. It is also estimated that if the part-time workers over the Nation were included with the unemployed it would total approximately 8 million.

ANTIPOLLUTION

Many other popular legislative programs President Nixon campaigned for in 1968 were secretly opposed by the White House lobby when they were debated on the floor of Congress. As an example: In 1970 President Nixon recommended $214 million in his budget to combat air and water pollution. The Congress passed the antipollution bill in 1967. That law called for $1 billion to curb pollution in 1970. Against White House opposition, Congress increased the President's antipollution budget to $600 million for 1970.

The administration also refused to spend millions already authorized and appropriated for environmental protection. Congress appropriated three times more than the President requested for sewage treatment assistance alone. It opposed original pure drinking water legislation.

It opposed the goal of clean auto engines by 1975.

The administration has opposed new requirements for the FDA to monitor food against harmful pollutants.

In short, it is a record of out-and-out opposition—a refusal to make industry clean up the air we breathe and the water we drink.

HEALTH

As for health, the administration's record is equally indefensible. It has been written for posterity in President Nixon's veto of four major health bills over 3½ years—one for each year of the President's term. The utter neglect for health needs was demonstrated first by his veto of $1.26 billion in funds that were to be used in large measure for the Nation's health needs back in 1970. The major Hill-Burton hospital construction bill was next vetoed, and but for the willingness of Congress to override the President's rejection, millions more for health facilities would have been lost.

In December of 1970, the President again showed his opposition to health needs by vetoing the bill that would have provided $233 million for medical schools and hospitals—and most recently he vetoed this year's added appropriations for the entire HEW health program. It has been only in the face of total administration opposition that Congress has endeavored to provide for those needs.

TAX LOOPHOLES

As ranking majority member of the House Rules Committee, I have been fighting for tax reform over the last 10 years. The House of Representatives passed the first major tax reform legislation in 25 years. The House of Representatives reduced the 27½-percent tax bonanza, enjoyed by big oil companies, down to 20 percent. The House enacted a number of other sections in the tax reform bill which made reductions in fabulous tax loopholes. The powerful tax loophole lobby succeeded in curbing major reductions and the Congress must continue to fight to completely restore fairness and equity in our Federal tax laws.

In all, the 1969 Tax Reform Act implemented $6.6 billion in tax reforms and $9.1 billion in cuts, mostly for taxpayers in the lower and middle income brackets.

The law included a 5-percent reduction in all tax brackets, a low-income allowance to remove 21 million poor families from the tax rolls and an increase in the personal exemption to $750.

WELFARE PROGRAM FOR INDUSTRY AND BUSINESS

The President also insisted on a welfare program for big business and industry. He recommended a 10-percent tax credit for business and industry on the theory that it would help employment and restore prosperity. He succeeded in getting a 7-percent tax credit concession through the Congress to purchase equipment, machinery, and so forth, which was nothing more than another tax break for corporations that were reaping fabulous profits. It is estimated that this 7-percent tax credit bonanza was pushed through last year for new equipment when most companies were using only 75 percent of their present capacity.

Tax reform and a more equitable distribution of the tax burden is simply not the policy of the Nixon administration. Last spring the President and his tax advisers were very enthusiastic about inaugurating a value-added tax. This was nothing more than a super sales tax in disguise. The value-added tax would be an extra burden on the consumer because it would tax a product all the way from its origin and processing right down to the retail store and the purchaser.

CRIME AND DRUGS

Unfortunately, Attorney General John Mitchell, head of one of Wall Street's largest law firms and manager of the President's campaigns, was very lax in the enforcement of the epidemic of crime and drugs over the Nation. Besides his arduous duties as Attorney General it has been generally known that he is the real intellectual sparkplug behind all operations of the Federal Government, both when Attorney General and also since he relinquished the post. I do hope now Attorney General Kleindienst will devote all his time in enforcing the Federal crime and drug laws.

Considering the administration's failure to curb inflation, unemployment, and the rapid rise in the cost of living, it became necessary for the Congress to help our elder citizens, the unemployed, and part-time workers over the Nation.

This summer the Congress passed legislation which increased social security payments by 20 percent. The bill passed the Congress over the strenuous opposition of the powerful White House lobby.

INFLATION

During the first 11 months of the Nixon administration inflation rapidly increased. In December 1969 Congress passed a price control bill which gave the President absolute power to immediately curb the rise in living costs—including wages, prices, rents, interest, and so forth.

This anti-inflation bill was signed by the President and lay dormant in his office for 22 months. Almost 2 years later, in August 1971, the President announced his celebrated "90-day freeze" which proved to be a failure. He then substituted phase II and appointed a price control committee, the majority of which was composed of big business members. The failure of phase II to curb price rises is already familiar to the American buying public.

On September 18, 1972, the Hammond Times of Hammond, Ind., an administration-supporting newspaper, on its editorial page stated:

> But it is a fact that Nixon avoided controls until late last year instead of invoking them the moment he moved into the White House. The buck still stops at the President's desk.

OLDER AMERICANS

In 1965 Congress finally won a long struggle to enact a program to provide medicare for the aged through the social security system. Two major increases in social security benefits were enacted between 1961 and 1968. Numerous revisions were made to expand coverage and liberalize eligibility requirements for the elder folks.

I have in this report mentioned housing, a 20-percent social security increase, hospital expansion, health legislation, and so forth, which includes provisions in addition to other special programs and legislative benefits for our 20 million pioneer citizens of the Nation.

VETERANS

The last two sessions of Congress have cooperated 100 percent in passing legislation benefiting veterans of all wars, most of these bills having been sponsored by its various veterans' organizations through the Nation. As a veteran and a member of the American Legion, I am proud of my record on supporting veterans' legislation.

DAYLIGHT SAVING TIME LAW

This session of Congress enacted the first major amendment to the Federal daylight saving time law which allowed

Lake County and five other northwest Indiana counties to turn their clocks to central daylight time each year. The opposition to this amendment to the daylight time law was powerful. With the aid of the entire Hoosier congressional delegation we amended the Federal time law and Lake County can enjoy similar time with the adjoining Chicago and Illinois cities 6 months of the year.

The progressive record of the 91st and 92d Congresses ranks far ahead of many former sessions in which I have served the First Congressional District of Indiana.

In this report I could mention several more long-delayed accomplishments of the Congress which I hope to convey to my constituents later. White House vetoes and opposition pressures prevented many legislative programs which could have restored employment, curbed inflation and prevented our economy from sinking further into a more serious depression.

CANAL ZONE SITUATION INVITES ANOTHER INVASION?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, the latest significant reports from the Isthmus are that the newly elected 505 member Assembly of Community Representatives of Panama on September 11, adopted a resolution charging that the Canal Zone was being "occupied arbitrarily" by the United States and requesting the Executive Branch of the Panamanian Government to "reject" the $1,930,000 annuity now paid to it by the United States. The stated purpose of this resolution, which was adopted in the presence of Omar Torrijos, chief of government and Commandant of the National Guard, and his figurehead Provisional President Lakas, is to picture U.S. occupation of the Canal Zone to the "entire world" as "annoying to national dignity" of Panama. Unless explained with adequate historical background this Panamanian action can be misleading.

Under the 1903 Treaty with Panama the United States acquired the grant in perpetuity of all the rights, powers, and authority of full sovereignty over the Canal Zone to the entire exclusion of the exercise by Panama of any such sovereign rights, power, or authority

The purpose of the grant was to induce the United States to construct an Isthmian Canal at Panama instead of at Nicaragua and to enable its efficient maintenance, operation, sanitation, and protection. The purchase price for this territorial grant was $10,000,000, which was a greater sum than those for either the Florida or Alaska purchases.

In addition, to obtaining the grant of sovereignty en bloc over the Canal Zone, the United States secured title to all privately owned land and property in the Zone territory from individual property owners, making it our most costly territorial acquisition, estimated in 1964 to have cost $144,568,571. It is, in effect, a vital U.S. Government reservation. The total cost of the canal enterprise, including defense activities, from 1904 through June 30, 1971, was $5,695,745,000.

At the time of acquisition of the Canal Zone the plans of our Government called for the use of the Panama Railroad for the construction of the canal and its subsequent operations. One of the financial obligations of this railroad was an annual payment of $250,000 to Colombia. The United States undertook to acquire full control of the railroad and assumed the obligation in the 1903 Treaty to pay the annuity to Panama instead of Colombia. This payment is not a rental for the Zone, which was not a lease but a grant of sovereignty in perpetuity.

Because of the devaluation of the gold dollar in 1934, the original obligation of $250,000 was increased to $430,000—a justifiable adjustment payable from canal tolls.

In the 1955 Treaty, the annuity was increased by $1,500,000 to a total of $1,930,000 but the Congress required that this increase be borne by the State Department budget, which had sponsored it, and not from toll revenues. Now, as previously stated, the Panamanian Assembly of Community Representatives, which does not have legislative powers, has sought to have Panama reject this payment.

Some 14,000 non-U.S. citizens, largely Panamanians, are employed in the Canal Zone. The total annual income injected into Panamanian economy from these and other U.S. sources in 1971 was more than $168,092,000. Such income is never mentioned by Isthmian agitators who seem to think that if they continue their campaigns of vilification and intimidation long enough our Government will cede what they demand. Experience has shown that each concession has led to greater demands.

To illustrate, current treaty provisions authorize "expansion and new construction" for the existing canal but our present negotiators, on Panamanian demands, have included its major modernization in the current treaty proposals. This places the United States in the ridiculous situation of negotiating for rights already possessed and endangers the plans for such modernization for which legislation is now pending in both House and Senate.

Enactment of the proposed legislation will be an act of sovereignty that will revitalize the Isthmus, give much additional income to Panama, end agitation by Panamanian extremists, and serve notice on the world that the United States intends to meet its treaty obligations for the operation of an Isthmian canal.

Mr. Speaker, it will be recalled that on a number of occasions I predicted invasions of the Canal Zone, the illegal planting of Panama flags therein, and other acts of violence. Any satisfaction that I may have had because of having been right were sterile ones, but those predictions did serve to warn proper authorities of the dangers.

Commandante Torrijos on at least two occasions has threatened to stage another invasion of the Canal Zone unless major concessions are given to Panama. Because of weakness and timidity on the part of our our officials, the situation on the Isthmus has not improved and radical leaders have been emboldened by their success in expropriating the Panama Light & Power Co., a U.S. owned property.

As is well known, Communist agents are already established in the Panama Goverment. Also known by informed Panamanians, Torrijos is being guided and advised by the Communist Party of Panama, which, as long ago as March 11, recommended that the Panamanian Government reject the annuity when the new "people's assembly" is installed. The assembly took that action on September 11.

Have our highest officials made public statements asserting our just rights, power and authority for which we have solemn treaty obligations? They have not; and the resulting situation invites what may be a massive silent invasion of the Canal Zone by Panamanian mobs in the early hours of some morning. Should such an operation be undertaken let us not be taken by surprise, but be prepared to meet it.

In these general connections, let us not forget that the U.S. Government official who first erroneously described the Canal Zone as "occupied territory" was Alger Hiss, an identified member of the Communist Party in the State Department. House Doc. No. 474, 89th Congress, p. 152.

As additional partial documentation for the foregoing remarks, I quote a recent editorial from The New York Times and a news story from the Star & Herald, a leading Panama newspaper.

[From The New York Times, Sept. 15, 1972]

PROTEST IN PANAMA

Panama's newly-elected Assembly has no genuine legislative power, and its demand that the Government spurn the $1.9 million paid annually by the United States for use of the Canal Zone is thus merely an expression of popular opinion. However, this is no reason to take lightly the resolution, which charges that the Canal Zone is being "occupied arbitrarily," particularly when this action is viewed in context with other recent events in Panama.

The 505-member Assembly had been chosen last month in Panama's first election in four years, ostensibly to revamp the Constitution and to elect a President and Vice President. There had been no indication that its first action would be to adopt the toughly-worded resolution, asking "the entire world" to note that the Canal Zone "has not been purchased or conquered or annexed or ceded or rented, or its sovereignty been transferred by the Republic of Panama to the United States . . ."

This sentiment is, however, in line with the increasingly nationalistic actions and statements of the Government, controlled since the ouster of President Arnulfo Arias in 1963 by Gen. Omar Torrijos, head of the National Guard. At least twice during four years in power, General Torrijos has threatened to march on the Canal Zone unless major United States concessions were forthcoming. His Government in June seized the Panama Power and Light Company, 90 per cent owned by an American firm.

Negotiations on a new treaty to replace the pact of 1903, under which the United States built the Canal, have been marking time for six months. Even when serious talks

resume, probably after the United States Presidential election, the American negotiators will be caught, as always, between two sets of pressures.

If they make concessions on sharing control of the Zone which the State Department and most Latin American governments deem reasonable, they will run into fierce opposition from a powerful bloc in Congress determined to retain exclusive United States jurisdiction in the Zone and the "perpetuity" provision of the 1903 treaty.

"In the modern world," Deputy Assistant Secretary of State Robert Hurwitch told a House subcommittee last year, "we can no longer look upon a sovereign enclave in the territory of another country in perpetuity as a secure environment in which to operate a canal." Until that basic fact makes greater headway with the latter-day "Manifest Destiny" men in Congress, United States troubles with Panama are certain to increase.

[From the Star & Herald, September 12, 1972]

NEW ASSEMBLY REJECTS PC ANNUITY—EXECUTIVE URGED TO TURN DOWN ANNUAL PAYMENT

The Assembly of Community Representatives convened yesterday and immediately approved a resolution calling for the rejection of the $1,930,000 annuity paid by the United States for the Panama Canal.

The resolution, in the form of a request to the executive branch, said the rejection of the annuity would make "the entire world aware that the strip of Panamanian soil known as the Panama Canal Zone, has not been purchased, nor conquered, nor annexed, nor ceded, nor leased, nor its sovereignty transferred by the Republic of Panama to the United States of America, but has been arbitrarily occupied as a result of the unilateral interpretation and application of the 1903 treaty which is offensive to national dignity."

It was approved by a standing vote applause by the 505-member assembly in the presence of President Demetrio B. Lakas and National Guard Chief Brig. Gen. Omar Torrijos and other high government officials and invited dignitaries, including the Diplomatic Corps, U.S. Ambassador Robert M. Sayre was in the audience.

Panama and the United States are negotiating a new Panama Canal treaty. Gen. Torrijos, who is the top figure in the Revolutionary Government, has made recovery of Panamanian jurisdiction over the 647-square mile U.S. controlled Canal Zone the major Panamanian demand.

The resolution was introduced by Hermelinda Fuentes, one of two representatives ejected from the Canal Zone. For the Aug. 6 balloting for the new Assembly, the Canal Zone was divided by Panama's Electoral Tribunal into two "corregimientos" or communities, one the Pacific Side and the other the Atlantic Side.

Panamanian residents in the Zone—all employees of the Panama Canal organization and their dependents—voted in special precincts in the cities of Panama and Colon.

The resolution noted that "the fundamental objective of the Republic of Panama in the negotiations with the United States of America for a new canal treaty is to secure the end of the colonial status of the Canal Zone, so that that portion of our territory reverts to full Panamanian jurisdiction clearly and convincingly."

The Assembly's installation session was held in the Nuevo Panama Gymnasium, which has a seating capacity of about 10,000 persons. There were student delegations, some of which shouted slogans—a number of them anti-U.S.—read by leaders holding sheets of paper. The galleries for the public were nearly empty.

The first order of the business when the Assembly convened at 10 a.m. was the swearing in of the officers. At a preparatory meeting Sunday night, the Assemblymen elected Elias A. Castillo of Panama City's Chorrillo community, as Chairman. Castillo a law student in the University of Panama received 185 votes in secret balloting by the 470 members present. Five others were nominated for the chairmanship. Each provincial delegation elected a vice-chairman, as follows: Arsenio Trotman, Bocas del Toro; Cesar Pardo, Cocle; Anastasia Mitre Delgado, Colon; Juvencio Valdes, Chiriqui; Julio C. Quintana, Darien; Octavio Huertas, Herrera; Iturbide Gonzalez, Los Santos; Norberto Dominguez, Panama; Javier Herrera, Veraguas, and Arcadio Martinez, San Blas.

Castillo was sworn in by the Acting Chairman, Javier Herrera, and in turn took the oath from the vice-chairmen.

Castillo then called a recess while an Assembly commission formally notified President Lakas that the Assembly was in session. The Chief Executive, accompanied by his deputy, Arturo Sucre, Gen. Torrijos and his deputy, Col. Rodrigo Garcia, cabinet members and officers of the General Staff of the National Guard.

In a brief address, Chairman Castillo said the installation of the new Assembly meant the "definitive death of the enemies of the revolutionary process." He added.

"This National Assembly of Community Representatives recognizes, as all the people have done already, Gen. Omar Torrijos as its top leader. This post the General has earned for his continuous striving with the people, because he knows how to interpret their aspirations, for his patriotic position in the face of the existence of the colonial enclave known as the Canal Zone . . ."

President Lakas responded, stressing Gen. Torrijos' leadership and the unity that has developed between the National Guard and the people.

Noting that the Assembly's immediate task is to consider a proposed new Constitution for the nation, the President urged the members to discharge their duty "with a high sense of responsibility and patriotism."

The Assembly has 30 days in which to consider the new Constitution and on the final day it will elect the new President and Vice-President of the Republic.

President Lakas concluded saying: "I am not well known by you, because my oath of loyalty, work and honesty have limited my field of action to the capital and most of the time inside the Presidential Palace. I have God as witness that I have served my country in its internal and external interests. You will determine my legal destiny, but I decided my personal destiny four years ago when I made up my mind to take up arms with my brothers, these young military officers, for the good of our people."

Immediately after the Chief Executive spoke, Miss Fuentes asked for the floor, announcing she was introducing a resolution—the one urging the rejection of the Panama Canal annuity.

She called for a standing vote of approval, saying no Panamanian would remain seated once the text of the resolution was read.

As soon as the text was read, all the members of the Assembly stood up, applauding.

The session was then adjourned until 8 a.m. today.

The 505 desks for the members of the Assembly were arranged in the court of the gymnasium. Most of the Assemblymen were in shirtsleeves. Each represents a "corregimiento," the country's smallest political unit. The membership is made up principally of residents of rural areas, including representatives of Indian reservations. Some members are university students. There are 32 women in the Assembly.

ON REVENUE SHARING

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I have expressed apprehension regarding the soundness of the bill throughout the consideration of the revenue sharing proposal. This apprehension is emphasized in the comments made by the Governor of Florida, the Honorable Reubin O'D. Askew in telegrams to me and other Members of the Florida delegation and in a letter to Chairman MILLS. Both of these I submit as a part of my remarks:

TALLAHASSEE, FLA., *Sept. 15, 1972.*

Congressman BOB SIKES,
Washington, D.C.:

It is crucial to Florida's program that following be added to social service provision in conference report: "All services provided directly by State welfare agencies according to their current social services State plan shall be excluded from the 90 percent current recipient limitation."

REUBIN ASKEW,
Governor of Florida.

SEPTEMBER, 14, 1972.

Hon. WILBUR D. MILLS,
Chairman, House Ways and Means Committee, Washington, D.C.

DEAR CHAIRMAN MILLS: Pursuant to our conversation today I understand that you will include in the Revenue Sharing Bill a provision that will insure that states, such as Florida, with coordinated, state administered social service systems will not have to fragment their statewide programs because of direct Federal funding to local governments for social services. The following is some proposed language for the bill which might be used to overcome the problem we discussed:

Add "All social service funds provided under this act shall be administered by the single state agency designated responsible for the administration of state plans under titles I, IV, X, XIV, or XVI of the Social Security Act. The local governmental utilization of these funds shall be pursuant to social security act provisions and regulations."

I agree that a specific appropriation is required for social service expenditures and I urge that you place this limitation at $3,500,000,000.

Sincerely,

REUBIN O'D. ASKEW,
Governor, State of Florida.

The Washington Evening Star of September 18, 1972, expressed the serious reservations of a great many sound thinking Americans in an editorial entitled "Sharing What Revenue?" I offer it also for printing in the RECORD:

SHARING WHAT REVENUE?

The federal budget is running so far in the red that, at present tax rates, it will be along about 1977 before the federal government has some disposable money to start new programs.

For all that, the Congress is well on its way to passing a revenue-sharing bill, one that will pass along more than $30 billion to state and local governments over the next five years. The money obviously will represent deficit spending, and it will increase the pressure for new federal taxes.

We won't belabor the point too much, for it looks as if nothing at this point can stop the revenue-sharing bill. It has the inevitability of a glacier on the move. President

Nixon long ago gave it his support, which he is not about to change in the middle of an election year. The House passed the bill in June. The Senate, by a vote of 63–20, passed a similar measure last week. How could they dare not to? With great expectations, governors, mayors and county commissioners have been waiting for the money so long they had begun to count the cash as already theirs. Some of them even had budgeted it for the current fiscal year.

Since the two versions of the bill differed on several important points, the opportunity was there for the House-Senate conference committee to make the legislation more palatable. On balance, the conferees fumbled the opportunity.

The Senate, moving to halt a runaway program for welfare-related social services, had attached the program to revenue sharing and had stipulated a $1 billion ceiling. Something like that was essential, for without it, the federal government would have been obligated to spend on social services alone nearly $5 billion this year. It also promised to ease the task of redrafting the big HEW–Labor appropriations bill, which President Nixon recently vetoed as too expensive, largely because it included the unchecked social-services subsidies. Conferees from the House, which did not address the problem in its own revenue-sharing measure, did go along with the Senate, as they should have. But then the conferees casually raised the subsidy limit from $1 billion to $2.5 billion, more than twice the amount the administration considers fiscally defensible.

On a second point of major difference, the Senate had changed the House-approved formula for distributing revenue-sharing money to favor rural states over large, industrialized states and, within the states, to favor central cities over suburbs.

Revenue sharing is certain to become a fixed part of government operations. But it remains a question as to where Uncle Sam will get the revenues to share with the states and cities.

We, in Florida, have yet another reason to be disturbed about revenue sharing. We cannot enjoy benefits comparable to those in some States because of the fact that we do not have a State income tax. For good reasons, Florida has avoided this form of taxation and our people would be very reluctant to accept it. Obviously if revenue sharing becomes an actuality there will be pressure on Florida to accept a State income tax so that we would not be discriminated against in revenue sharing. Very probably the cost to the people of Florida in direct taxes for a State income tax would exceed the amount to be derived from revenue sharing. It is a tricky and an unhappy situation. For all of these reasons I shall vote against revenue sharing.

CONSERVATION RATINGS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, in a recent issue of Field and Stream, Members of Congress were rated by that publication on their contributions to conservation. Through the years, Members of Congress become typed as proconservation or indifferent to conservation. However, this pattern is not apparent in Field and Stream's listing. In fact it contains so many surprises that it has been the subject of much comment—little of it favorable—on Capitol Hill. The ratings were surprisingly low for many Members of Congress who have given strong support to programs which generally have been considered important to conservation.

In an attempt to get a better feel for the organization which had issued harsh ratings on many Congressmen who have been considered friends of conservation, I examined the flyleaf of the publication. I found that Field and Stream is the property of Columbia Broadcasting System. This fact, I think, helps to show the lay of the land. For instance, CBS has taken hostile viewpoints to activities which many genuine conservationists support. CBS has in no sense been a friend of the Nation's sportsmen. CBS has also been a strong proponent of antigun legislation. This also helps us to understand the reason for editorial comments in Field and Stream which took an extreme view on some congressional actions which were intended to strengthen conservation programs and to help the sportsman. All of this despite the fact that Field and Stream labels itself America's No. 1 sportsmen's magazine.

Perhaps the biggest surprise is in the selection of bills on which Field and Stream rated Congressmen for their support of conservation. In the main, they are strange measures on which to evaluate interest in conservation.

First is the SST vote. It is a little hard to understand how a vote for or against the SST affects conservation and sportsmen's interests in America.

Then there is Cannikin—the Aleutian Islands atomic test. It was considered essential to the security of America. It provided information on atomic testing not available in any other way. There have been no indications of serious damage to the environment. Nevertheless, a vote for Cannikin is, according to Field and Stream, a vote against conservation.

There is the District of Columbia Metro amendment. Whatever in the world this could have to do with national conservation is a little hard to figure.

The Reuss water pollution amendment is included. It was substantially a rewrite of the Senate water pollution bill which the House considered unworkable and unrealistic and most of which was dropped in conference. Members who voted against this amendment were not voting against water pollution control. They were voting for what they believe is a sounder program.

There was a bill to permit AEC to issue temporary licenses. The House felt strongly enough about this to approve it 285 to 78. Field and Stream says all 285 were wrong.

In the Senate, of all things, a vote for confirmation of Secretary Butz is considered anticonservation. The defeat of an amendment deleting the alcohol tax provision from the Revenue Act is called anticonservation.

One interesting point in connection with Field and Stream's list of "conservation" measures is the fact that most of them were soundly defeated by the Congress. I question that the judgment of Field and Stream is better than that of a majority of the Members of Congress who must deal with facts, not fancies.

The measures which I have discussed are not all of those on which Members of Congress were scored, but they are typical of the ones used to provide a rating of perfect to near-perfect for most of the liberals of the House, and a very low rating for most of the moderates and conservatives. Could it be true that this points back to the ownership of Field and Stream?

In the same time frame, Congress had before it many bills which are considered important to conservation. Some of the Members who were given low scores by Field and Stream have been active in the passage of these needed and useful conservation measures which were not included in Field and Stream's listing.

A partial listing of these bills follow. In the minds of impartial conservationists they are sufficiently important to have been included in or used instead of Field and Stream's list.

The list follows:

FORESTRY

Cooperative forestry management, Public Law 92–288.

National forest reforestation fund, H.R. 13089, Conference report pending.

WATER QUALITY

Water pollution control, S. 2270, passed Senate.

Ocean dumping, H.R. 9727, in conference.

Saline water conversion program, Public Law 92–60.

FISH AND WILDLIFE

Marine Mammal Protection Act, H.R. 10420, in conference.

Bald eagle penalties, H.R. 12186, passed House.

Prohibition on shooting animals from aircraft, Public Law 92–159.

PESTICIDES

Federal Environmental Pesticide Control Act, H.R. 10729, passed House.

Toxic Substances Control Act, S. 1478, passed Senate.

PUBLIC LANDS

Coastal zone management, S. 3507, in conference.

PARKS, MONUMENTS, RECREATION, AND WILDERNESS

Buffalo National River, Public Law 92–237.

Lincoln Home Historic Site, Public Law 92–127.

Oregon Dunes, Public Law 92–260.

Pine Mountain Wilderness, Public Law 92–230.

Cedar Keys Wilderness, Public Law 92–364.

South San Francisco Bay Wildlife Refuge, Public Law 92–330.

Tinicum Marsh Environmental Center, Public Law 92–336.

Sycamore Canyon Wilderness, Public Law 92–241.

Lincoln Back Country, Public Law 92–395.

Washakie Wilderness, S. 166, in conference.

Sawtooth National Recreation Area, Public Law 92–400.

MISCELLANEOUS

Interstate compacts, S. 907, passed Senate.

National environmental data bank, H.R. 56, in conference.

Volunteers in national forests, Public Law 92–300.

Why were measures like these excluded? They have much wider popular support than the list used by Field and Stream. Most observers would feel they should have been substituted for the Field and Stream selections. In any event, they are more logical contenders for the label of true conservation measures.

Let us be charitable and say Field and Stream just used poor judgment. I am reluctant to say they do not know any better. Congressmen are accustomed to harsh treatment from "experts" who preempt for themselves the exclusive right to judge performance. It is not new for us to be rated by handicappers who measure our work against their views and not in light of the interests of the public. Fortunately, campaigns are decided by separate constituencies who consider the issues in their entirety and who are not bound by the one-sided views of the handicappers.

After all, Congress has been around much longer than Field and Stream or CBS.

BICYCLES IN NEW YORK

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the State Department of Transportation in New York has developed a 60-page master plan for the State's transportation in the coming two decades. Unfortunately, the department in making its plans has overlooked one significant and increasingly popular form of transportation, the bicycle. Nowhere does the plan mention bicycles and consequently, no provisions are made for bicycle transportation development.

This year the country, including New York, has experienced a boom in bicycling. By the end of the year, an estimated 11.5 million bicycles will have been sold. Funding for the construction of bicycle paths and facilities has been included in the Senate Federal-Aid Highway Act, and in a number of States like California, Oregon, and Washington authorization has been given for using State highway funds for bikeways.

Last month Philip J. Burke, the director of public affairs of the Bicycle Institute of America, testified at a hearing on New York's transportation master plan. With more than 6 million bicycles in New York State he suggested that the omission of bicycles from the master plan was a "grave error." I agree with Mr. Burke that bicycles should be included in the plan. In the bicycle we have an important transportation resource—it is a cheap, healthful, nonpolluting alternative for short-distance transportation. Many people now ride bikes to and from work even under hazardous conditions; many more would do so if exclusive bike lanes were available. Last May I sent a questionnaire to my constituents in which a question concerning bicycling was included—49 percent of the respondents indicated that if exclusive bike lanes and parking facilities were provided, they would ride a bike to work; this compared to 7 percent of the respondents who said that they presently ride a bike to work.

Mr. Speaker, the public's enthusiasm for bicycles is clear. It is time for the Congress and for States like New York to give bicyclists their fair share of the road.

At this time I would like to insert for printing in the RECORD the text of Philip Burke's testimony of August 17, 1972 on New York's master transportation plan.

STATEWIDE MASTER PLAN FOR TRANSPORTATION, WESTCHESTER COUNTY CENTER, N.Y., AUGUST 17, 1972

My name is Philip J. Burke and I am Director of Public Affairs of the Bicycle Institute of America. The Institute is a trade association which represents 85% of the American bicycle industry, including the principal manufacturers and distributors of bicycles.

It is a disappointment to us to note that no where in the Statewide Master Plan for Transportation is there a single mention of the bicycle or bikeways. This has to be a grave error. The Master Plan is being drawn up against the backdrop of an enormous boom in bicycles. America is the greatest producer of bicycles in the world. Official estimates call for sales of nearly 11.5 million this year. In New York State alone there are nearly 4 million bicycles and approximately 6 million cyclists. With adult sales expected to reach 50 percent of that 11.5 million this year, it is obvious that the number of bikes and cyclists in New York is going to continue to grow. Yet, no where in the Master Plan is the bicycle considered as a safe, clean, sensible means of transportation for young and old alike.

Right now in America, it is estimated that there are 73 million cyclists and they will be buying more bicycles than automobiles for the first time since before World War I.

New York State is apparently not unaware of the bicycle boom. Just this year in Albany, the legislature passed a bill into law, sponsored by Assemblyman Chester Hardt, authorizing the construction of bike and foot trails in conjunction with state- and federally-funded projects. Governor Rockefeller signed the law and said on doing so, "Bikes don't pollute, they are inexpensive to own and operate and they provide good exercise besides having the potential for saving the taxpayers of this state a great deal of money in highway maintenance and repair."

In the light of the Governor's words and the fact that there are more bicycles in New York State than in many foreign countries, it is almost impossible to understand how the cyclists of this great State can be ignored in the Master Plan.

We feel it is very important to note at this time that the federal government and various state governments are actively engaged in passing legislation supporting the national bikeway movement not to mention the eventual possibility of a national safety standard for the bicycle.

Right now, the Public Works Committee of the Senate is considering a proposal by Senator J. Caleb Boggs of Delaware to provide $10 million dollars from the highway trust fund for bicycle trails. Every state will be entitled to a share of these monies.

In California, Oregon and Washington and all over, individual states have authorized the use of federal Highway trust funds for bikeways and even cities are recognizing the necessity for bikeways and legislation is either passed or pending. But no where in the Statewide Master Plan is their a provision for bikeways.

With these staggering facts in mind, it is incredible that the four million New Yorkers currently enjoying the bicycle for recreation and transportation are to be left out. Our surveys reveal that millions of New Yorkers ride bicycles in commuting and shopping, not to mention for the obvious reasons of recreation and physical fitness.

Recently the State of California authorized $75,000 for a study of bikeways and I have the results here. I will leave with you a copy of *Bikeway Planning Criteria and Guidelines* which should become the bible for those interested in developing bikeways systems.

New York cyclists would love to support the Master Plan, but it is impossible when there isn't the slightest mention of the bicycle, although it is a viable means of transportation. In these times of rising air and sound pollution, the bicycle surpasses all known means of transportation for safe, quiet and clean travel. Obviously the bicycle is not a polluter and it provides its user with a quick, physically rewarding means of transportation.

It is incomprehensible to us how a Master Plan with a 20-year life span can ignore the bicycle when the federal government and many states are embracing the bicycle. Bicycle legislation is people legislation. It isn't designed for special interests. It is for citizens of all ages. Other states are saying Yes to bicycles and New York State, so often in the forefront of innovative action, is unfortunately dragging its heels in this case. Wisconsin has a 320-mile statewide bikeway which sees thousands of riders per year. Even in cities like Chicago there are full-fledged bicycle routes for commuting and pleasure and similar commuter cycling facilities have been provided in San Francisco and Milwaukee and many other cities, large and small. In Davis, California, 18,000 of the 24,000 residents use bicycles for daily transportation. And yet here in the Empire State the Master Plan for Transportation ignores the bicycle as if it were the plague. This is difficult to understand especially when Secretary of Transportation Volpe has so strongly urged inclusion of bicycles in all master plans.

I have attended other open hearings on this Master Plan and have heard many citizens and governmental officials, suggest that you go back to the drawing boards to amend this plan. Well right here in New York you have many members of the Bicycle Institute who can lend expert assistance in redrafting. In fact three major manufacturers in America, Chain Bike Corporation, Iverson Cycle Corporation, and H. P. Snyder Manufacturing Company, Inc., make their homes in the Empire State.

New York can be proud of the importance it plays in the production of the bicycle not to mention the many wholesalers and retailers who sell bicycles. All of these organizations are also prepared, along with the Bicycle Institute, to offer guidance in bikeways and provide any technical data that is required. In other states there are already in existence bicycle systems from which valuable information can be gleaned. The Federal Government seems to want a national trail system and naturally the legislation will provide funds which will be granted to individual states to build bikeways and as I noted earlier the Hardt bill makes this possible by law. In the light of these facts how can New York draft a Master Plan for transportation and leave out the bicycle.

We're sure the millions of New York cyclists could easily support a master plan which incorporates a sensible bikeway system. We further suggest, in the light of recent estimates which call for a 30 percent upsurge in sales after a 30 percent sales increase last year, that more and more adults will be riding a bike. They know a bike is not a toy. It is a safe, sensible means for transportation and they want safe, sensible routes over which to pedal. The bicycle is here to stay. It will not go away simply because you choose to ignore it. You must in-

clude provision for bicycle transportation in the Master Plan.

I am taking the liberty of leaving with you today recent bikeway material along with a copy of these remarks.

Thank you.

PUBLIC BROADCASTING BILL

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, when the House and Senate accepted President Nixon's veto of the public broadcasting bill not long ago, it was at least partly on the promise that Mr. Nixon, if returned to office, would have a long-range financing plan for public broadcasting on its way to Congress early in 1973.

Comes now the newly appointed president of the Corporation for Public Broadcasting, Henry Loomis, with a statement which is at best equivocal and, at worst, evidence of still another broken promise.

In a report on events of Mr. Loomis' first 9 days in office, carried by the Washington Post of last Thursday, September 21, the corporation's new boss was quoted as saying that long-range financing for public broadcasting will not be pushed "for at least several years."

With a feeling of disbelief and mild shock, I obtained from CPB offices Mr. Loomis' precise answer to a question on this subject, as carried on a closed-circuit radio conference last Wednesday with public broadcasting stations across the country. Here is the unedited transcript:

Q. What would be your prediction for long-range financing legislation in 1973?

A. Honest answer is, damned if I know. My guess is that it is going to take a while to settle down before we can determine exactly what we want, what we mean by long term. Does long-term mean 2 years, does it mean 5 years? It certainly cannot mean permanent, nothing in this world is permanent. And my guess is that probably we will be concentrating on other things this first year and it would be better to try for that one a couple of years from now, but that is just a personal sort-of feeling, without knowing too much about it.

The promise of administration plans for permanent financing—or long-range financing, if Mr. Loomis strains at the word "permanent"—goes back more than 2 years, and has stemmed from a number of administration spokesmen.

Testifying before our House Commerce Committee in May of 1970, the newly appointed FCC Chairman, Dean Burch, said the plan would be ready for consideration by that 91st Congress.

President Nixon himself referred to the imminence of a financing plan in his budget message of January 1971, saying:

Legislation will be proposed to provide an improved financing arrangement for the Corporation.

He was talking about fiscal 1972, now 3 months behind us.

On May 13, 1971, in a written response to the House Appropriations Committee, the Director of the White House Office of Telecommunications Policy, Dr. Clay T. Whitehead, wrote:

As the President indicated in his budget last January, we will be submitting legislation for improved financing of public broadcasting this year. The drafting of the bill is now in its final stages, and I expect it will be referred to the Congress by July. It will be long-term financing.

Both Chairman Burch and Dr. Whitehead were before our House subcommittee last February 3. Mr. Burch said:

The Commission would like to stress . . . the importance of obtaining for the Corporation at the earliest possible time a permanent financial base not dependent upon the annual appropriations process.

And Dr. Whitehead affirmed the intent in these words:

We expect to solve this problem before the end of fiscal 1973.

Committee members were not pleased by these delays—but the promise of an administration bill by the end of the fiscal year next June seemed to offer a new deadline, if the present administration is still in power.

But even this promise apparently goes out the window, unless some White House spokesman undertakes to counter the impression Henry Loomis has left.

His views on corporation financing were not the only chilling points raised by Mr. Loomis during his first week on the job. It seems that for the top staff leadership in public broadcasting, the President has chosen a man who had not been interested enough before his appointment to watch a single program on an educational station. This strikes me about the same as selecting, to coach the Washington Redskins, someone who detests football. Let us hope for some avid on-the-job training.

By unanimous consent, I include John Carmody's full article on Mr. Loomis, from last Thursday's Washington Post:

PUBLIC BROADCASTING: NEW CHIEF, NEW POLICY

(By John Carmody)

After two days as chief of the nation's public broadcasting industry, Henry Loomis has announced a tough new policy toward programming, including the controversial area of public affairs.

The new president of the Corporation for Public Broadcasting, who lives in Middleburg, Va., said yesterday that he had "never seen a public TV show." But he laid it on the line: CPB, with its hands-off policy on programming, "had tried to duck its responsibility and it wasn't successful."

In a separate session before the PBS board of directors meeting here and in a half-hour, nationwide closed circuit broadcast with the network's 225 station managers, Loomis said:

The CPB, formerly only a management "umbrella" for public broadcasting, will take a strong role in determining daily program content over the nationwide PBS network.

"Instant analysis" and other public affairs programming techniques that mimic commercial TV practices probably will be dropped.

Long-range financing for public broadcasting will not be pushed for at least several years.

While it eventually should be "much more," funding is currently at a satisfactory level.

"The cultural field" and programs directed at a "specialized" audience, rather than mass audiences, should be stressed.

Loomis' views are virtually identical to those of the Nixon administration and congressional opponents of public TV over the last year. His appointment as CPB president has been expected by industry sources following the takeover of the 15-member CPB board this summer by an administration majority. Former Rep. Tom Curtis of Missouri, a longtime Republican, was named board chairman last month.

Public television programming, particularly in the area of public affairs, has brought criticism in the last year from the administration, Congress and some local station managers.

Loomis said the corporation would at present not actively seek long-range financing, which had been called essential to proper programming by its supporters in the industry and in Congress, where backers were mostly Democrats.

"We'll be trying for that one a couple of years from now," he told the station managers. President Nixon vetoed a two-year funding plan in June.

As Loomis sees it, the industry, founded in 1968, should be pleased with its present 30 per cent annual growth. (The funding is $45 million this year.) "It's possible to get too much too soon," while staff excellence and expertise lags, he told the PBS board.

Following Loomis' appearance yesterday, industry sources took a wait-and-see attitude. They suggested he had not had time to be properly briefed since accepting the $42,500-a-year job, which he starts officially on Oct. 1.

Loomis told a reporter later that when approached about the job following the resignation of John Macy Jr. as CPB president in August, he had asked, "What the hell is it?"

An independently wealthy man, Loomis said he had long regarded his previous service in important posts in the Departments of Defense, HEW, USIA and at the White House during the last 20 years as "nonpartisan."

"I always considered myself what the British call a 'permanent undersecretary,'" he said yesterday. "But four years ago (when Mr. Nixon appointed him to the USIA, where he is currently deputy director), I changed. Mr. Nixon was my guy in 1968 and I feel very strongly about it this election year."

In hinting that the "instant analysis" of major political events will be dropped, he said public affairs programming should only "supplement and enrich" what is offered by commercial networks. He later told a reporter that he was "concerned about the propriety of using public funds to be competitive with commercial networks" in any area of broadcasting.

Loomis asked PBS station managers to do "much more in the cultural field." The role of public broadcasting is to direct programming to a specialized, not a mass audience, he said. An example would be "a program of an excellent cultural nature that is too expensive for the commercial networks to do."

Loomis' remarks yesterday were in line with Nixon administration criticism of public television beginning last October with an attack by Dr. Clay T. Whitehead, director of the Office of Telecommunications Policy.

The CPB was formed in 1968, a year after President Lyndon Johnson successfully backed a public broadcasting bill. Under Macy, the new corporation took over what had been the loose-knit educational TV network and, as PBS, with federal equipment and programming money, grew to the present 225 TV stations and hundreds of public radio outlets.

Last fall, the political roof fell in on Macy. The PBS (and the Ford Foundation) pushed through a public affairs outlet in Washing-

ton. The National Public Affairs Center for Television promptly hired liberal correspondents Sander Vanocur and Robert MacNeil at high salaries, which drew even Democratic criticism in Congress.

A series of controversial network shows as well as a marked increase in the PBS national audience attracted further notice for the public network. In June, Mr. Nixon vetoed a two-year $65-million authorization for CPB. Macy, in ill health, subsequently resigned, along with other top CPB aides.

PROBLEMS OF SENIOR CITIZENS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, I take this time to report to the Congress my findings on recent contacts I have had with over 10,000 senior citizens in my congressional district. I do so because of the interest the current 92d Congress has shown and the positive action it has initiated and taken on issues of vital importance to our maturing Americans.

While we can be proud of this record, I submit this report because it underscores the fact that our work is not finished and it will not be finished until every American has decent income, sound housing, and good medical care. We can learn from the experiences, unfortunately all too bitter in too many instances, of these fellow citizens of what remains to be done.

We should and we can act on their comments. To do otherwise ignores the commitment we have to these men and women who have contributed so much to this Nation.

The problems the senior citizens in the Madison-St. Clair County area have stressed in their responses are in the areas of incomes—which are too small—health care—which is too expensive and inadequate—and housing—which is either insufficient, deteriorating, or unfairly taxed. For those of us who have concerned ourselves with the problems of our senior citizens, these problems are not altogether surprising. I feel, however, that the direct comments of the elderly are instructive as to the scope of these problems.

A mood of loneliness and despair is all too pervasive in the senior citizen. A widow from Madison, Ill., writes:

Your letter was like a new lease on life. I had begun to think we older people were forgotten by everyone.

A retired Federal employee and World War I veteran expressing his feelings about how senior citizens are treated states:

You are old now—we don't need you.

Another widow from the area responds:

We sometimes wonder if our government really even cares about our welfare and our living conditions.

Surely we can do better than this. Surely our senior citizens are entitled to more than feelings of despair and hurt.

The most prevalent concern expressed is the lack of income, the high cost of living and the unfair tax burden on individuals with fixed incomes.

A widow comments:

We have been neglected and are very lonely. They expect us to be satisfied and happy on small incomes. We have needs of the same as they do of money to buy a place to live in and to eat in order to live.

Another elderly lady writes:

I have to buy at least 4 pounds of hamburger to get it for 79¢ a pound, but if I buy 1 pound I have to pay 98¢ a pound. That's almost 20¢ more a pound, and everything else the more you buy, the less you pay. With a limited budget most people cannot have the things they want.

A retired couple, commenting on the problem of limited income and inflation, noted:

We have worked for 50 years and when we were going to retire we started making plans and a budget of how much it would cost us to live. Well, we retired 5 years ago. We pay 3 times as much for food as we did the first year. Utilities, taxes, hospital insurance and everything else has gone up since we retired. You see it did not do much good to plan on our retirement.

A 73-year-old widow from St. Clair County observes:

I have been left alone since my husband passed away. I had to sell my home. I could not keep it up. I think they should put a stop to these hospitals and nursing homes raising their prices. All they want is the money; they don't care about the old people any more and you don't get the care for the money you are paying. We were raised to respect old people but they sure don't now days.

And in the most advanced technocratic society in the world, a retired couple from Freeburg writes:

When we moved into this house in 1927 our taxes were $59, now they are $290. We do not have or never did have a telephone or car and we never go anywhere.

Their plea about higher taxes is not unique. An 83-year-old man who had more than $6,000 in medical bills laments:

All we get is higher taxes.

A 78-year-old widow notes:

My greatest problem is that of property taxes. Why do I have to pay over $400 per year.

An 83-year-old retired railroader concerned about his pension and cost of living complains:

What hurts most is taxes and food prices. There shouldn't be a sales tax on groceries or things that you have to have to live.

Especially concerned about taxes are widows who depend on social security. Not only do they receive reduced benefits they also are denied head of household status for tax purposes. As a Granite City widow puts it:

Taxes are outrageous for widows.

Another aspect of this problem is the income limitation placed on social security recipients, many of whom need additional income to exist and many of whom do not receive dividends or other forms of financial support excluded from the income limitation. A working widow writes:

I am drawing my social security (deceased husband's). Since I've already earned $1680 this year, the balance of 1972, September thru December, I'll be paying back quite a sum—plus the fact that social security tax is being deducted from my salary. It doesn't seem quite fair.

A very disturbing problem which Congress has begun to consider in earnest, the issue of pension reform, has been brought to my attention several times in my contacts with the senior citizens. Unfortunately, congressional efforts have met with resistance.

A retired teamster shares his all too common experience with a private company pension. It is not unique. I have had many complaints about the lack of protection of workers' investments in company pension plans:

I really think these pension plans are misleading and very unfair. I took an early pension when I was 54. When I am 65 the pension will be cut from $125 to $80. That is just at an age when pensions should be increased instead of cut. These are set pensions. Wages and prices have doubled since I retired and are still going up but in the future I will get a big cut. Why?

A retired boilermaker writes:

I wanted to tell you for some time about protection of private pensions and unfair pension restrictions. The _____ company has an unfair rule in their pension that when you sign up for medicare they take $80 to $85 off your monthly pension. This is not fair after a man gave them the best years of his life.

As one possible pension reform, a retiree suggests:

Older people on pensions should not be obliged to pay income taxes on the annuity or pension plans that they earned and became participants of during their working years. Legislation is needed erasing our liability for income taxes insofar as and to the extent that our income is derived from pensions.

In the area of health care, the elderly are especially concerned about better coverage and lower costs. A 67-year-old pensioner recommends:

I think the medicare program should be reviewed, particularly in the case of extended illness where coverage is very limited and financial aid is sadly lacking and causes a burden for people on fixed incomes. Health programs should be carefully reviewed and changes made to benefit the aged. Another thing is the exorbitant cost of drugs, which the older are in greater need as sickness is more prevalent.

A retired minister, married 65 years, writes of his sad experience in trying to care for his wife:

I couldn't take care of my wife; she is in a nursing home. It costs me $600 a month. My finances are nearly exhausted. A law should be passed to have medicare pay the bill the same that is sent into them.

A retired teacher observes:

Health insurance premiums are becoming too high compared to benefits accrued and costs against benefits are out of proportion. Medicare policies need adjusting on benefits. One of the biggest needs for retired people is protection against fraud; false salesmen and taking unfair advantages of retired people.

A 78-year-old widow is concerned about the confusion over medicare regulations. As a result she loses needed protection.

I think medicare should be open so that people who did not understand it could get in on both A and B plans. The hospital part

was very beneficial to me. But sure could have used doctor coverage. I was told that I couldn't get into that part of medicare unless they would reopen it.

A senior citizen housing resident tells of her and her friends' experiences in purchasing medication:

We have drugstores within walking distance and all of us have different charges for the same medicine. Why can't medicare take care of dental work also.

Another elderly woman writes of her difficulty in meeting the medicare deductible:

I don't understand why we have to pay the first $50 for doctor or hospital fees, plus every month we pay a premium just like ordinary insurance. There just isn't enough money to go around.

Clearly the Congress must come up with a more efficient and expanded health care system. As one observer noted:

We can afford to go to the moon, but we can't afford to send an old man to the doctor.

The need for housing is cogently summed up by an elderly lady from St. Clair County:

I am very disappointed about the lack of senior citizen housing. The elderly people are deserving of some consideration. They have worked all their lives and they are deserving of some breaks. I think that people over 65 should have some tax breaks, especially real estate and personal.

Mr. Speaker, it concerns me gravely that today in America we have fellow citizens who do not have what is rightfully theirs: a life of fulfillment and freedom from want. As fellow human beings they deserve more than to be cast aside and put in the ash heap because of their age. Surely America can do better than this. If this is to be a nation of compassion and justice, life-giving and full of promise for all, then we must see to it that our elderly live their lives with the respect and opportunity they seek.

So that the senior citizens in the St. Clair-Madison County area know that their comments have been brought to the attention of the Congress I am sharing this report with them together with an undated report on congressional action on programs of vital interest to them.

In closing, Mr. Speaker, let me reiterate that one mark of a nation's greatness is the well-being of her people. For America to lay claim to such greatness she must treat all her people with fairness and consideration. Our mature Americans are one of an important group that has been often neglected in the past by this Nation.

That neglect of these 20 million Americans who are 65 years of age or older and the fastest growing group in this country today is giving way, fortunately, to an increased awareness of the special needs and problems of these fellow citizens. But awareness is only part of the solution. We must continue to translate this awareness into action until our senior citizens live in the dignity and security they have earned and they deserve.

HOW IMPORTS STIFLE EMPLOYMENT

(Mr. LANDRUM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LANDRUM. Mr. Speaker, Mr. O. R. Strackbein, who has devoted a lifetime to the study of our trade with other nations, has delivered a speech in the last part of August which, in my opinion, will be interesting reading to all Members concerned about our import-export policy. His introductory remarks may prove cleverly enlightening as well as interesting:

HOW IMPORTS STIFLE EMPLOYMENT

(By O. R. Strackbein)

We as a country could produce a fifth or less of our total output of goods today and yet enjoy full employment: if our productive processes should revert suddenly to a much lower technological level. Several times as many workers would be required than now to produce each unit of output.

To be sure, we would have a lesser variety of goods and a very scanty quantity of the nonessential goods to which we have become accustomed. We would subsist on the necessities, perhaps wheat, corn, potatoes, a few vegetables, such as beans and cabbage. For meat we would rely on poultry, fish, and pork. A few rare milk cows would supply the favored few with milk. As for beef we could revert to a per capita consumption of a few pounds of lean meat per year, not marbled steaks cut from grain-fed steers.

For clothing each person would have one or two changes of simple and durable attire, mended and patched; and for housing we would revert to the ruder but perhaps more durable cabins and huts that were the mainstays of our pioneers. Oxen, horses, mules, boats and barges, slow railroads and a scattering of trucks and hardy automobiles would fill our transportation needs; and we could do without most telephones.

Our few dollars earned in return for ten hours of hard work per day, six days per week, would barely buy for us the necessities that would keep us alive. Yes, we could have full employment; in fact, everyone capable of turning a hand must toil long hours to avoid falling behind in filling our minimum needs. Unemployment, the plague of our system, would be banished.

We need not think of the luxuries that today many take for granted, the nonessentials that bring us ease and comfort, excess weight and often discontent. We could easily do without air-conditioning, for example and, of course, without refrigerators and bathtubs. We do not need mechanical dishwashers, nor driers, electric and gas ranges, washing and clothes-drying machines, nor electric irons and fans, carpeting and linoleum. Quite surely we could survive without radio, television, motion pictures, record players, recorders, wigs and guitars. Except for a desire for useless speed we could bypass the aeroplane, the automobile. Our children do not need to be smothered in toys, pacifiers and other distractions, nor need they be bundled in superwarm sweaters, jackets, galoshes. Only in cold weather do they need shoes or wraparounds. They can also do without candy. Our women could do with fewer gowns, as they now do without hats; fewer oddly turned and styled shoes. Perfumery, sprays and cosmetics are frills and mirrors of vanity, not necessities.

We could indeed survive without a clutter of newspapers, magazines and their advertisements that only stir up desires that could not, in any event be filled. If other peoples can be regarded as an example, we could revert to the scarcity level of per capita consumption that prevails for the hundreds of millions of people in Asia. There can be little doubt that we could make do with some 90% less of goods that merely cater to our secondary desires, comfort, convenience and ease, or to our sense of beauty or our craving for variety, new experiences and our dedication to movement, speed and excitement.

Biologically we do not need those goods and services that other people in much greater numbers than our 200 million, do not have the means to have and enjoy.

To repeat, we could conceivably revert to low enough a level of productivity to assure full employment even if our consumption of goods and services were slashed 90% from present levels. For such a negative miracle we need only roll back our technological advancement to the level of most of mankind. Our per capita gross national product in 1969, for example, was $4,600; that of India, $84.

Would we wish to take that course?

We, of course, may or may not be the happier for all our relative affluence. It is possible that we can also boast of more psychiatrists per capita than most of the rest of the world. Yet, on balance, it seems that the answer to the question might tip in our favor. A possible test, without an international poll, might hint at the answer. The peoples who live at or near the subsistence level might be asked whether, if they had the choice, they would elect to exchange their lot for ours. In turn we might be asked: if the reverse opportunity presented itself, would we elect to exchange our lot with those who dwell at the subsistence level.

Even in an uncertain world the answer seems quite certain.

Assuming that the preference would lean to our side, a more relevant question to the purpose of this analysis, would be what made the difference between our productive level and the retarded pace until recently of even the other more advanced industrial countries, not to mention the ⅔ of mankind who subsist at the level of bare essentials.

This difference may or may not have a meaning. There are those indeed who hold that the productive system we developed is not a blessing but a veritable curse upon man, and will sink mankind. They see this system as oppressing the human spirit and worthy of nothing so much as a complete overturn and redirection.

Whatever may be said of these bitter assessments, we do not find in them the explanation of the difference that in time sent the lagging countries in eager pursuit of our economic system, despised as it may be in some quarters.

First off, it must be said, the difference lay not simply in our rapid technological development. After all, the Industrial Revolution antedated our great industrial departure by a century or more. Moreover, some of our inventions and discoveries did not cause a sudden blooming of production. The steam engine, the telephone, electric lights, not even the automobile, although making important contributions, did not of themselves launch our unique system of production.

Indeed the system was never pre-blueprinted. There was no comprehensive vision before the fact. We did not know from decade to decade what our destination was to be; and of course, we do not yet know what lies in wait.

Nevertheless several attitudes and courses of action became accepted as guides as we moved "forward". Those who studied the trends and were affected by them, and who gained the ear of the public and of the national legislature pressed basic policies in particular fields, such as anti-monopolization of production and commercial enterprise. One early result was the Sherman Anti-Trust Act of 1890.

This was a basic commitment of national policy, vital to the course we were to follow to mass production which was only in the bud.

Yet, the background of our canvas was much broader. We have to accept as given certain mental dispositions that guided us. By religion, by pragmatic observation, and by origin of our early European stock we were toil-willing, rough and ready. This disposition is now called the "work ethic"—held a blessing by many and a curse by some. We were little conscious of it at the time. We were what we were and we did what we did, no doubt with abundant deviation, what we were supposed to do, determined to an extent by a search for a better life than what we had left behind. In this framework private aspirations were free to seek far horizons.

Among other heritages were the profit motives and private ownership of the instruments of production. Individuals, depending on their endowments, vision and energy, could become veritable empire-builders in so richly endowed a land. The gateways were open wide and inviting to men of strength, ambition and, of course, greed. Great exertion could lead to great bonanzas.

However, invocation of another element, namely, the democratic form of government, insured the fashioning of restraints on the excesses that otherwise might have left the public interest destitute. The Sherman Act was followed within decades by the Clayton Act, the Federal Trade Commission and Robinson-Patman Acts, all against monopoly.

These laws attested to the concern for preservation of our system for the greater benefits of all the people.

Yet, not all the components so far mentioned accounted for what was to follow. Many of these constituents were indeed indispensable to the new system. We may still add general commercial honesty, credit financing, education, administration of justice, as other ingredients. However, we had these in common with European and other countries. For differentiation from them we needed something yet more decisive.

This was discovered over a period of time, much as a slow dawn rising out of the dark. As we were making great strides toward mass output of goods, it became evident through the overcast as it were, that mass production needed *mass consumption* as a corollary if mass production was to survive.

An early token of recognition came from Henry Ford when he instituted the $5-per-day wage. Mass production could sharply reduce the cost of his product, but what would it avail him if he built hundreds of thousands of cars if only a few potential consumers could buy them?

Here was the real key to what was to unfold later. *Mass production must be matched by mass consumption.* In that equation lay the dreams of a new line of prospectors for bonanzas richer by far than the golden nuggets and silver lodes of the West! Great industries could be envisioned and brought into being!

Why was this formula not visible to the Europeans and the Orient? The Europeans were trussed in a traditional attitude toward wages, inherited from the feudalistic serf-philosophy of the ruling classes. Wages were to be kept as low as possible. This view long had the support of foremost British economists.

The recognition of the vital link between production and consumption did not, for all that, represent an instant awakening even in this country. Furious battles, principally verbal and political, raged over the issue in the United States; but in time the connection became all but self-evident.

Employee compensation became recognized in this country as the veritable embodiment of an expansive market for the goods and services that could aspire to fill it.

Technology assured more and more production at lower and lower costs. Higher wages, in keeping with higher productivity per man-hour, would assure absorption of the goods streaming from the production lines. Indeed the formula became quite simple: invent or discover a new product for which a potential demand exists because of human needs, desires or fancies; patent it, finance its development, test the market and move into mass production if the public response suggests it; bring down the cost within range of the mass pocketbook. The national market then becomes a reality. The patent-owner, however, knows that when his patent runs out other producers will enter the field. Since he cannot get a new monopoly he seeks to reach the mass market through cost reduction before the gates are flung open for competition. This is always a crucial stage.

The spectacle of a bonanza awaiting a successful pursuit of the formula became almost commonplace. Every human desire was assayed like so much raw ore to test the potential demand for some device or material that might gratify it. Human desires, it was surmised, were indefinitely expansible and therefore offered a national market for anything that had the credentials to cater to it. The surmise was ratified by successive experiences.

Yet a desire by itself was not sufficient. Two conditions must be conjoined to precipitate sales. The price must be low enough to meet the condition of the popular pocketbook and the thicker that pocketbook the brighter the outlook. While a mass of people is necessary for a great market the mass does not of itself make a good market unless it is backed by good income. Otherwise China should be the greatest market in the world.

Money-backed demand, in turn, comes from production. Mass production, backed by good wages, creates the necessary purchasing power to move the goods.

Yet, increased purchasing power does not greatly expand the demand for the *necessities*. As long as people are alive they already consume nearly all the necessities they can use. There is only one stomach per person and it is soon filled. It cannot hold several meals at the same time; but while there are only two feet, any number of shoes can be worn in sequence. Also, one body can wear an endless number of changes of dress, gowns, suits, ornaments and accessories. It is in this field of goods, consumable over and beyond the essential, that an economy flourishes, assuming that it is irrigated by adequate consumer income.

Here then lies the great difference that marked our departure from other industrial economies. By virtue of its discovery of the formula here described the United States became the unsung pioneer in the quest for material abundance in the world. Thus incidentally was Marxism outflanked.

After World War II the war-battered nations, weary, distracted and torn, sought means of recovery and rehabilitation. The United States loomed as the source of the productive power that had swung the tide of battle. Those of the leading industrial countries that were still capitalistic were impressed with our productive prowess, and moved to adopt our system. We extended a willing hand.

The Marshall Plan and its sequelae after a decade or two brought a veritable procession of nations toward mass production, and a dismantling of some national compartments that stood in the way of mass markets. Veritable miracles of rising productivity were performed in the next few decades.

Before long we were confronted with something we had not yet encountered at home in the ominous form it now loomed before us. Not only had the phoenix risen; it was about to overshadow us with its wings. Production expanded so greatly the industrial countries became hungry for foreign markets for their surplus output. They had not yet fully implemented the worker-payroll side of the equation.

With the third decade after World War II their goods invaded our market with a cost advantage that we could not overcome. Their higher productivity joined to still lagging wages pressed heavily on our market with a competitive bite for which, within the confines of our trade policy, we had no effective medication. We had all but dismantled our tariff. Many of our industries looked overseas seeking havens of cheaper production costs. If they could not export to many markets they could at least sell to them from within. The *multinational corporation* became a newcomer to our economic dictionary.

Now there loomed a real dilemma. To remain competitive in the domestic market against the eager imports we must refurbish out our own much vaunted efficiency. Apparently we were being badly outpaced, or at least undersold and therefore outpaced, if the wage-differential was left out of account. The pressure mounted. Yet there was really only one way to reduce costs substantially, and that was through labor displacement by ever more productive machinery. This follows from the widely unknown fact that in this country employee compensation plays a major role in corporate costs of production. The proportion is from 75%–80% (average). No substantial cost reductions can be made without reducing the payroll.

The dilemma is sharper and more intractable than is usually realized, ensconsing a veritable paradox. How, for example, achieve full employment through forced labor displacement?

We have before us the towering fact that we created the mass market precisely by the route of throwing people out of work through mechanization. Why can we then not meet import competition in the same way? A fair question, and it demands an answer.

While mechanization caused unemployment at home, the widened consumer acceptance of the product at the lower prices achieved led in a few years to more jobs. Fortunately the disruption through displacement was not simultaneous among the various industries. Different products were in different stages of development. Displacements in one industry were more than offset by expansion of others that had already met the market test and gained a national market.

Had our economy, however, been based simply on the production and consumption of necessities expansion could have found no footing. A reaper and threshing combine might displace workers, and thus reduce the cost of wheat flour, but the displaced workers would remain displaced because consumers would not eat more bread, cake or biscuits.

If ours were an economy based simply on the production of necessities the impact of imports could be measured quite readily. If we should produce 1½ billion bushels of wheat per year and imported 100 million bushels, the displacement could be determined without too much difficulty. Should imports, however, rise to ½ billion bushels or more our wheat farmers would become deeply alarmed. A third of our wheat farmers would face ruin and many farm workers would be displaced, just as surely as farm machinery displaced them; and with no more assurance of finding reemployment.

Nevertheless the harm would be small compared with the effects imports may produce in the area of *nonessential* goods. Wheat-growing has no growth potential to be snuffed out, remotely comparable to that attributable to the invention and develop-

ment of products that do have a great growth potential, such as had electric lights, telephones, automobiles, refrigerators, radios, and scores of other products. Such products may indeed proliferate to an embarrassing degree, but meantime unlike wheat or corn, they may generate tens of millions of new jobs.

Import competition that simultaneously and on a wide front strikes an economy such as ours, which depends only slightly on the market for *necessities*, may produce a devastating effect, depending on the particular products, their stage of development in this country or their susceptibility to further development if already established, and, of course, on the price of the imported product.

Low-cost imports may indeed defuse one potential growth industry after another or drive them overseas if the imports are not impeded by patent protection or other form of restriction.

The job recoupment and augmentation that followed domestic cost reduction, as described above regarding the nonessentials, leading to greater employment, cannot occur if imports have the right of way, and can head off the patent owner here in his own market. To be sure, if the market is not yet saturated consumption will increase as cheaper imports can be bought, but the added employment that once occurred here now largely takes place abroad. Employment in the industry here either remains static or goes backward. Meantime more new workers come on the scene. The displaced workers as in the case of the farm workers remain displaced because little or no increase in consumption of the *domestically-produced* product occurs. Thus imports that hinder our own developmental progress as a job breeder through new products and new industries, repeat the job disaster of the great production miracle of our agriculture during the past generation. The seven or eight million farm workers who were displaced by farm technology remained unemployed because cost reductions did not beget greater per capita consumption for reasons already noted.

Not only were the farm workers evicted but our agriculture did not hire its share of the added workers coming from population growth. Had the remainder of our economy—the part devoted to the production of nonessentials—not boomed and so absorbed many of the displaced workers we would have been swamped by unemployment.

Whereas our economy was rescued from the ruin that would have been visited upon it by the "miracle" of agricultural productivity by our other economy, i.e., that devoted to the nonessentials, there is no such escape from the usurpation of our market for the nonessentials themselves by imports. We do not have a third world of production, much as some economists point to the service occupations as providing such a haven.

To be sure, patent-holders may save themselves by setting up production abroad or licensing foreign use of the patents; but that does not restore to the domestic front the benefits that accrued to it in terms of employment when the development of the product and its increasing production took place here. The lower costs achieved abroad and the importation of the cheaper goods will, of course, increase domestic consumption, as already noted but American labor is left behind, as are the prospects of full employment.

In this respect imports that head off the development of domestic growth industries, and innovations applied to established products, produce the same effect as the displacement of farm workers by technology. While in the case of imports domestic consumption may increase because of the lower prices and an elastic demand, the growth factor is skimmed of the top by imports, and the market potential for the *domestic* product is reduced to the same flat level as the market for essential agricultural products. The great employment potential of our patent system is thus vitiated. The employment value that resides in elasticity of demand for nonessential goods is transferred abroad. We have left to us the flat land of employment stagnation.

If we have no stomach for a retreat to the drab subsistence level of life or even very far from the present enjoyment of nonessential goods we must look to our home front and restore the conditions that led to the development of mass production and mass consumption. What other course will lead to jobs for millions of new workers? Retreat from foreign investment is not imperative nor a heavy rollback in imports; but until foreign wages catch up with the newly achieved foreign productivity, thus providing the basis for adequate mass consumption abroad, we will be outflanked by our own progeny—that is, unless we adjust to the new reality.

CONSUMERISM AS A CAMPAIGN ISSUE

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, perhaps no other issue has more wide ranging appeal than that of consumerism. In the interest of aiding candidates who wish to discuss consumerism on a substantive rather than purely rhetorical basis the Congressional Action Fund has prepared the following fact paper on consumer hazards and major reform proposals. All those running for office would be wise to acquaint themselves with the facts on the problems facing the American consumer today and what remedies are in sight.

The paper follows:

CONSUMERISM

NOTE.—This chapter was prepared by Stephen D. Brown, a student at the University of Wisconsin (Madison) and staff assistant to Ralph Nader. Editorial assistance was provided by Ellie Stengel, a staff member with Consumer Union in Washington, D.C.

"Consumers, by definition, include us all. They are the largest economic group in the economy, affecting and affected by almost every public and private economic decision. Two-thirds of all spending in the economy is by consumers. But they are the only important group in the economy who are not effectively organized, whose views are often not heard." (President John F. Kennedy, *Special Message on Protecting the Consumer Interest*, March 15, 1962).

A candidate for public office will find consumerism an important campaign issue. If properly publicized and presented, it will evoke wide appeal, for there is general agreement on the need for safer automobiles, improved household appliances or higher quality food products. A strong voice representing consumer interests is a strong voice before any electoral group.

CONSUMER HAZARDS

The following statistics[1] relate to consumer products, defined by the National Commission on Product Safety (1970) as, "including all retail products used by consumers in or around the household, except foods, drugs, cosmetics, motor vehicles, insecticides, firearms, cigarettes, radiological hazards, and certain flammable fabrics."

Overview: Each year twenty million Americans are injured seriously enough to require medical treatment or be disabled for a day or more, in their homes, as a result of incidents connected with consumer products. Of the total, 110,000 are permanently disabled, 585,000 are hospitalized and 30,000 are killed. A significant number could be spared if more attention were paid to hazard reduction. The annual cost to the nation of product-related injuries exceeds $5.5 billion according to the NCPS study.

The role of specific products is, however, difficult to define. The estimated 6,200 killed by home fires and 1,300,000 injured by burns received at home leaves open the question of cause: matches, stoves, wiring, fabrics, or cigarettes? Home-falls kill about 12,000 a year and injure 6,900,000, but again the precise causes are uncertain: high heels, loose treads, rough floors, flimsy ladders, worn stairs, slippery floors, torn carpets, alcohol?

Every hour of the day, on the average, household hazards in America kill three victims. For every one they kill, more than 1,000 suffer injuries. The injuries restrict activities of about half of the victims and force a third of these to take to bed to recover. A tenth of the bedridden require hospital care. Injuries around schools and vacation homes or in recreational areas add to these numbers substantially.

Injuries at home account for more than half of the total that do not involve transportation. The total injured at home is more than four times as many as those injured on highways, more than twice as many as those injured at work. Deaths on highways, however, are double those at home.

The most dangerous years are below age 15. Approximately 7,000 children under 15 die each year in home accidents—a death toll higher than that of cancer and heart diseases combined. More than 2 million children every year are injured while using bicycles or playground equipment.

In the lowest income groups, household risks injure far more women than men, but above middle-income, men are injured more. About a third of the deaths from household hazards occur in kitchen and living-dining areas. Stairs account for about 1 in every 20 deaths from household hazards, and slightly fewer deaths occur in the bathroom. Falls figure in half of these deaths, fires or suffocation in a third, poisoning in about 1 in 20.

The following statistical summary of injuries associated with consumer products is based on HEW estimates:

INJURIES PER YEAR

Appliances (including burns from ranges, coffeepots, vaporizers, irons, sun and heat lamps and other sources, and injuries from wringer washers and other appliances), 500,000.

Cooking devices (including burns from skillets, pressure cookers, and injuries from other cooking devices), 150,000.

Kitchen gadgets and serving utensiles (including knives), 500,000.

Home furnishings (including beds, chairs, tables, stools, sofas, venetian blinds), 500,000.

Home fixtures (including windows, stairs, tubs and showers, doors—including glass doors, hot water in bathrooms), 2,500,000.

Yard and garden equipment (including mowers), 500,000.

Recreational equipment (including swings, slides, seesaws, stationary equipment, bicycles, tricycles, mobile equipment, skates, winter sports, baseballs, footballs, basketballs, other balls, camping, fishing, poisoning

[1] Unless otherwise indicated, these statistics were released by the NCPS under the title "Final Report of the National Commission on Product Safety," June 1970 (Gov't Printing Office).

from airplane glue, hobby equipment, toys), 8,000,000.

Incinerators: burns from, 50,000.

Flammable liquids (including gasoline, lighter fluid, poisoning from lighter fluid, kerosene, turpentine), 125,000.

Heating devices (including burns from furnaces, hot water heaters, room heaters, floor furnaces), 175,000.

Home workshops (including power saws, power drills), 125,000.

Home tools (including ladders, saws, hammers), 750,000.

Laundering, cleaning, polishing products (incl. poisonings from soaps, detergents, cleaners, bleach, disinfectants, deodorizers, furniture polish, lye and corrosives), 250,000.

Flame producing devices (burns), 75,000.

Clothing injuries other than burns, 200,000.

Cosmetics (incl. perfume, toilet water, lotions and creams), 60,000.

Personal use items (incl. shaving equipment), 50,000.

Pesticides (incl. poisoning from insecticides, rodenticides), 75,000.

Containers (incl. cans and jars, bottles), 250,000.

Total injuries, 14,985,000.

Statistics about selected consumer products (investigated by the NCPS):

Architectural Glass: The glass door is a classic example of a product which predictably will be "misused". Every year about 150,000 victims of broken windows, doors, or glass walls discover that what they can't see *can* hurt them. About 100,000 walked through glass doors last year, probably believing the space to be open. If the doors had been safety glazed (tempered glass, or molding on a wire mesh, or lamination on a plastic core), most of the serious injuries would not have occurred.

Color Television Sets: Among the 85 million TV sets in the United States in 1969, including about 20 million color sets, about 10,000 sets caught fire. Most of the fires were in color sets: the incident rate for color versus monochrome was found to be on the order of 40 to 1. The reason for the higher rate of fires in color sets is that they require up to and sometimes more than 25,000 volts. If conductors in the set are not well insulated, the high-voltage forces a short circuit. Resistance to this flow of current builds up temperature to the flaming point.

Fireworks: Fireworks each year cause from 5,000 to 15,000 injuries and some 25 deaths. About 90% of the injuries occur from personal-use fireworks; others result from public display and homemade fireworks. About 43% of the persons injured are said to be between the ages of 10 and 20.

Glass Bottles: Insurance companies reported more claims related to glass bottles than to any other consumer product. Some 5,000 to 7,000 injuries are reported annually. In 1968 bottlers filled more than 30 billion glass containers. (The figure is much higher in 1972.) Of the 430 closed cases on bottle injuries reported by insurers, 80% required medical treatment, many times involving loss of vision, disfigurement, or permanent disability.

High-Rise Bicycles: 70% of bicycles sold in 1968 were high-rise styles (*i.e.*, bikes with raised handlebars). Collisions between bicycles and automobiles alone caused 800 deaths and 38,000 injuries in 1968 (a significant increase from 1967). The Public Health Service estimates that bicycles are associated with approximately 1 million injuries each year, including 120,000 fractures and 60,000 concussions. High-rise styles, with only 45% of the total riders, accounted for 57% of the injuries. (National Safety Council.)

Household Chemicals: Because young children are curious, household chemicals pose a major hazard. Children may suffer chemical burns (from strong detergents) and furniture polish may produce chemical pneumonia if even a small quantity gets into the lungs. Based on tabulations of the Nat'l. Clearinghouse for Poison Control Centers, ingestions of potentially harmful household substances range from 500,000 to 1 million a year.

Infant Furniture: In cribs and playpens, too much space between slats can be a death trap for children who catch their heads in the opening, which admits the body but not the skull. Most of the victims are less than 5 years old. 60% of the injuries were of the head or face (lacerations, contusions, and abrasions). Ill-designed highchairs, play chairs, or dressing tables increase an infant's chances for a bad fall. 1,750,000 infants, or just under half of all current births, will annually sustain at least one bad fall during their first year of life. Skull fracture, nerve damage, and permanent brain injuries have been observed. (Study by Dr. Harvey Kravitz, Northwestern University Medical School.)

Ladders: From 125,000 to 200,000 injuries and 400 to 600 deaths are caused annually by falls from ladders. A NCPS survey of closed insurance claims ranked ladders high among categories of hazardous products: stepladders were eighth, straight ladders 11th. Some studies show ladders accounting for as much as 12% of fatal falls in the house. (NCPS Hearing, Dr. Edward J. Fairchild testimony.)

Power Tools: 125,000 do-it-yourselfers are injured each year from power tool hazards. 75% of victims of powersaw accidents experience severe lacerations mostly to the hands and 11% amputations, usually fingers. In addition to the danger of lacerations is the hazard of severe shock from improper insulation within the tool or the wall socket (where a three-pronged plug with ground wire is needed for full safety).

Protective Headgear: 70% of the 1,359 motorcycle deaths in 1965 resulted from head injuries. Football players in the United States annually suffer from 250,000 to 500,000 brain concussions during play. Of these, 5,000 to 10,000 have serious effects at once. Approximately one player of every six suffers a concussion. Each year, head injuries kill about 15 players.

Rotary Lawn Mowers: Each year the estimated rate of injury is about 150,000 (HEW estimates). About 70% of the injuries from power mowers are lacerations, amputations, and fractures that result from the cutting and crushing action of the fast whirling blade. In addition, there are high-velocity ejections of wire, glass, stones, and debris that can puncture vital body parts.

Toys: U.S. Public Health Service estimates that toys injure 700,000 children each year; another 500,000 a year are injured on swings and 200,000 on slides. Injuries from toys often result from predictable misuse. But statutory law has been no more successful than common law in reducing undue risks in toys. The Federal Hazardous Substances Act doesn't provide for mandatory standards of safety for toys or for proscriptive restraint of hazards before the toys are marketed. Nor has the Act been vigourously enforced.

Other Categories:

Lead Paint: responsible for more than 100 deaths and substantial mental retardation every year among children who eat flakes of paint in old buildings.

Eyeglasses: safety glasses would prevent 90% of the eye injuries at home and at school. Of more than 160,000 school-children who suffer eye injuries each year, 20,000 are hurt wearing ordinary crown-glass lenses on the playground.

Swimming pools: Yearly drownings are approaching 1,000 in the home backyard swimming pools.

Boats: there are nearly 10 million recreational boats in the United States, and in 1967, 4,113 accidents took the lives of 1,312 users.

Cosmetics: injure 60,000 persons (mostly women) annually so seriously as to restrict activity for one day or require medical attention. Injuries include skin eruptions, loss of hair, severe allergic reactions, burns, itching, and lacerations.

There are also social costs of injuries, "including actual millions of dollars unrealized as income taxes as a result of preventable deaths and injuries: $446 million in public expenditures representing 1.7 percent of the current expenditures for health care. Injuries caused 2.1 percent of hospital admissions, filling 18,782 beds for acute care, a number equal to the annual construction of such beds at a capital expenditure of $600 million. The loss to society is tremendous." (Senator Percy in the *Congressional Record*, vol. 118, pt. 17, p. 21852.)

1. Senator Hart [2] talks about needless consumer spending:

At least 10%, and perhaps as much as 30% to 40% of all consumer spending is wasted on excessively priced and deceptively advertised products, and improperly performed and unneeded services.

Deceptive labeling costs an estimated $14 billion (11% of all grocery shopping) in overspending.

Monopolistic pricing costs consumer $45 billion a year.

Automobile repair and maintenance, improperly done, unneeded, or not done at all, costs the consumer $8 to $10 billion per year.

Oil import quotas have increased the cost of fuel oil by an estimated $5 to $8 billion.

Unnecessary insurance coverage (duplicated by more than one policy) costs the consumer an estimated $1 to $3 billion per year.

2. Senator Hart's subcommittee has estimated that 11% of total consumer spending represents overspending which does not include criminal price fixing, lack of product innovation and inflation.

3. $1 billion is spent annually on worthless or misrepresented medical devices and drugs. $300 million is spent annually on worthless arthritis remedies such as "alfalfa tea," "radiation" treatments, copper bracelets, etc. (Testimony of Virginia Knauer, Director, President's Office of Consumer Affairs; before Senate Commerce Committee, December 1969.)

4. The Office of Consumer Affairs [in the New Executive Office Building] receives over 2,000 complaints per month. The FTC receives 1,200 per month. But the White House has no authority to adjust complaints and the FTC may only issue cease and desist orders. (Senate Commerce Committee hearings on Consumer Protection Agency, December 1969 and February 1970.)

MAJOR PROPOSALS

The need to reverse this record of consumer neglect is clear. The Congress is currently considering four major proposals to safeguard consumer interests: the Consumer Product Safety Commission bill which establishes an independent federal agency to represent consumers; no fault legislation which would apply the requirements now in effect in Florida and Massachusetts to the nation as a whole; the Consumer Products Warranties and FTC Improvement Act designed to protect the buying consumer; and the Consumer advocate bill which would establish an ombudsman post within govern-

[2] Testimony before Senate Antitrust and Monopoly Subcommittee, March 7, 1970.

ment to represent consumer interests in all agencies and departments—much as the General Accounting Office does in matters of auditing.

A brief description of each proposal is presented below, with arguments pro and con:

Consumer product safety commission

Pressure is strong to create an independent Federal regulatory agency which would take the place of the Food and Drug Administration. A Senate bill, S. 3419, was approved by the Senate on June 21st by a vote of 69 to 10. Under Title 1, the bill creates an independent Food, Drug and Consumer Product Agency which would establish and enforce regulations to protect consumers against adulteration, misbranding and illegal distribution of food, drugs, devices and cosmetics and against injury from the use of hazardous consumer products when such hazards could be reasonably eliminated or minimized. The Agency would have the authority to set product safety standards with provision for public comment and judicial review, and independent testing labs would be able to contract with the Agency to conduct product safety studies.

Title II transfers all functions of the FDA to the Agency, thereby abolishing the FDA. Title III deals with product safety and authorizes the agency to ban products whose risks could not be made reasonable by establishing safety standards and having products taken off the market which do not conform to established standards. Private citizens would be allowed to bring suits in certain cases to seek injunctions against manufacturers not complying with established standards, or to recover damages. Civil and criminal penalties for violations of existing standards would be set. The importation of any product which does not meet standards comparable to those set for domestically produced consumer products is prohibited. Title VI requires labeling, including warnings, of cosmetics. Under Title V, manufacturers must conduct pre-marketing screening tests for all products that might contain toxic or corrosive substances, and established a registration mechanism for such products.

Under the House bill, H.R. 15003, which is similar to S. 3419, the independent agency would have jurisdiction over consumer products only, excluding food and drugs which are left within FDA. H.R. 15003 also has a somewhat broader definition of "trade secret", or that information protected from public scrutiny.

Opinion differs on a number of features of the legislation. Consumer advocates want an independent Federal regulatory agency while the Nixon Administration, business and industry groups want consumer protection programs to remain in HEW. They also want business to be guaranteed a voice and impact in setting safety standards, whereas consumer advocates would permit the commission to set standards and decide for itself whether or not to use industry standards. In the matter of enforcement, the Nixon Administration wants the Justice Dept. to handle all legal battles and wants no criminal penalty provisions. Consumer advocates want the Agency to be empowered to bring civil suit or criminal action against violators of its consumer product safety standards. The advocates are in favor of a broader scope of coverage for the agency than is the White House. The former want the commission to have control over food, drugs, and consumer products (as in S. 3419), while the latter wants its jurisdiction restricted to consumer products alone (as in H.R. 15003).

No fault

The rising cost of auto insurance has engendered wide-spread public support for reform of the fault-based system and no fault auto insurance is the leading approach being considered in state legislatures and in Congress. No fault has attracted the support of a variety of prominent consumer, labor, and business groups [list] and is being opposed primarily by [list].

Proponents believe that the existing system needs prompt overhauling, that no fault would provide the broadest coverage combined with lowest rates, and that the states have shown that they are unlikely to act. A large number of lawyers are in state legislatures, many of whom engage in, or are sympathetic to those who engage in accident litigation. Opponents argue that the subject is so complex that the states should test various solutions before a national plan is imposed. They challenge predictions of rate reductions and predict higher premiums instead. In addition they contend that the rights of automobile victims would be curtailed and that the proposal is designed to benefit stock insurance companies.

In the House, hearings were completed in 1971 before the Commerce and Finance Subcommittee of the House Interstate and Foreign Commerce Committee, but the bill is given little chance of committee mark-up or floor passage this session of Congress.

In the Senate, S. 945 was reported by the Commerce Committee on June 20, 1972 but was indefinitely tabled by a vote on the floor. Under S. 945, benefits would be paid to automobile accident victims regardless of fault and lawsuits are preserved only in those situations producing serious injury. It would require states to adopt a no fault insurance plan meeting minimum federal standards and to put such a plan into effect within two years of enactment of the national bill. If a state refuses, the federal no fault requirements automatically would become effective. The state would, however, still regulate the federally established plan.

Consumer Product Warranties and FTC Improvement Act

S. 986, the Consumer Product Warranties and FTC Improvement Act, passed the Senate on November 8, 1971.

A large volume of consumer complaints deals with the problem of repairs and consumer dissatisfaction with coverage under warranty. Warranty legislation was introduced to meet four basic needs: 1) the need for consumer understanding of terms of warranties, 2) the need for minimum warranty protection, 3) the need for assurance of warranty performance, and 4) the need for better product reliability.

S. 986 provides for both full and partial warranties for a product as long as they are cleared independently. Products of $5.00 or more in value must carry an easily understandable warranty explaining the conditions and duration of its terms, and a disclaimer of implied warranties is prohibited. Suppliers offering full warranties must repair or replace malfunctioning or defective products within a reasonable time and without charge. Customers may bring suit in state courts, or in Federal courts if the total damages are $10,000 or more. Violation of the warranty law is a violation of the FTC Act. Therefore, regular FTC procedures (cease and desist orders) could be applied to violators. The bill also authorizes the FTC or the Justice Department to seek a permanent injunction to keep the warrantor from making a deceptive guarantee.

In the House, a bill similar to S. 986, H.R. 4809, has been introduced and is awaiting mark-up by the House Interstate and Foreign Commerce Committee.

Proponents and opponents of the legislation argue about the breadth of warranty coverage. Consumer advocates say that it should cover all warranties, written and oral, regardless of the value of the product. The Nixon Administration says that only written warranties should be covered.

Included in this legislation are provisions which would broaden the powers of the FTC. The FTC jurisdiction would be expanded to cover all acts and practices "affecting interstate commerce", and the FTC would have the authority to seek preliminary injunctions to stop unfair or deceptive practices. In addition, the agency would be authorized to issue substantive rules that would have the force and effect of law, rather than serving merely as guidelines to industry. It would be allowed to initiate civil lawsuits to recover penalties from any firm knowingly engaged in unfair or deceptive practices, and to seek penalties up to $10,000 for violation of cease and desist orders, rather than referring cases to the Justice Department.

Consumer advocates and the White House differ on two central issues. Consumer advocates argue that the FTC should have rule-making powers and that the FTC should be empowered to go into court to enforce the FTC orders and subpoenas. The White House argues, with the agreement of business, that the FTC should not have rule-making powers, that each item should be handled on a case-by-case basis. The White House also wants the enforcement power to be in the hands of the Justice Department exclusively rather than in the hands of the FTC.

Consumer Protection Agency (or the consumer advocate bill)

This bill is often confused with the Consumer Product Safety Act. However, the provisions of this act are to empower a "roving" consumer ombudsman and advocate to represent consumer interests in *all* Federal departments and regulatory agencies. This is not to be confused with the Consumer Product Safety Act which sets up a *new* Federal regulatory agency, like the FTC, FCC, or ICC.

On November 14, 1971, the House passed H.R. 10835 which establishes a Consumer Protection Agency with an Administrator and Deputy-Administrator appointed by the President and confirmed by the Senate. It authorizes the Agency to represent consumers in formal proceedings conducted in other Federal agencies, and provides for intervention as a party in any non-punitive adjudicative proceeding. In punitive proceedings, it may participate as *amicus curiae*. The agency may also intervene in or institute a court review of a proceeding by another Federal agency in which it had participated, and in certain instances, intervene in a situation in which it did not participate.

The Senate bill, S. 1177, reported by the Government Operations Committee, is much like the House bill with several exceptions. The Administrator has the right to participate in informal, as well as formal, hearings in Federal departments and agencies and all Federal agencies must give advance notice to the Administrator of informal hearings. In addition, the Administrator has the right to go to court to enforce his authority to intervene in informal proceedings. He also has independent discovery powers and may conduct his own investigations.

The issue of participataion in informal hearings is one on which opinion is sharply divided. Consumer advocates argue that this right is a necessity for adequate consumer representation. The White House says that the requirement is "superfluous" and "an unmanageable burden". Consumer advocates and the White House also differ on the issues of enforcement powers and discovery power. The former say that the Administrator must have the right to go to court to enforce his authority to intervene in informal hearings and that independent discovery power is necessary. The latter would withold the power to enforce and to make independent discovery investigations adding that such discovery power will encourage "free-wheeling investigations".

PROBLEMS OF WELFARE REFORM

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, one of the most pressing problems facing the country today is welfare reform. Yet probably no other problem has been so obscured by self-serving rhetoric and conscious demagoguery.

There are two ways to approach the problem of welfare. One way is to assume that the cost of the welfare program is the main drain on the country's resources, and that the corruption caused by welfare is the main cause of the country's sickness. Many people who should know better have adopted this approach for reasons of their own.

The alternate approach is to accept the goal of caring for the old, the sick, and all our fellow citizens who through forces beyond their control are unable to compete in the fierce battle for survival that the rest of us are so proud of winning. We accept this goal not in the grudging spirit of patronizing charity, but to avoid the shame of indifference and denial.

This approach concentrates on the people that we do not want to lose. It is opposed to the approach of increasing people's sense of being cheated by those whom, outrageously, we think of as luckier than we are, because they do not have to work.

To those of my colleagues who still remember the original ideals of the welfare program and the hope that this Nation could be a real community, I offer the following analysis, prepared by staff members of the congressional action fund. It avoids rhetoric and concentrates on some of the hard questions of welfare reform. It is an important contribution to the job of creating a decent and humane system of welfare.

WELFARE REFORM

NOTE.—This chapter was assembled by CAF staff from materials supplied by Professor Lee Bawden of the University of Wisconsin (Who Are the Poor), by Henry Aaron of the Brookings Institution (Federal Welfare Programs), by Professor James Lyday of the University of Minnesota (Analysis of H.R. 1), and by Jodie Allen of the Urban Institute (Section IV).

WHO ARE THE POOR?

Each of us has in our mind a picture of "the poor". One may think of him as a Black in the ghetto of a big city, another may have the picture of a white alcoholic on Skid Row, and yet another may think of a mother left by her husband to raise a large brood of kids. But the poor cannot be stereotyped: poor people come in all sizes, shapes, and colors, and it is revealing and sometimes surprising to find out who they are.

While the percent of blacks who are poor is more than twice that of whites, three out of every four poor persons in the United States are white.[1]

Actually, the highest percent of "incidence" of poverty occurs among "the original Americans." A 1964 survey revealed that 74 percent of families living on Indian and Eskimo reservation had incomes under $3,000.

The aged make up a disproportionate share of the poor. The incidence of poverty among households headed by a person over 65 years of age is three times that of households headed by a person under 65. Also, persons living alone are three times more likely to be poor than those who are part of a family. It is an indictment against our old-age programs to find that every other person over 65 years of age and living alone is poor.

Households headed by a female are also more prone to be poor: nonwhite households are more than twice as likely—and white households more than three times as likely—to be poor than if headed by a man.

It is common belief that people in the central cities have the greatest likelihood of being poor, but evidence refutes this. In 1964 it was found that the incidence of poverty was 29 percent on farms, 23 percent in rural towns and small cities and only 17 percent in the central cities, and a low seven percent in the suburbs. Of all the people classified as poor in the United States in 1964, a surprising 40 percent of them lived in farm and rural nonfarm areas and only 30 percent resided in cities over 50,000.[2]

A study of the work habits of the poor is also quite revealing. In 1967, 29 percent of the poor were in households headed by an aged (over 65) or disabled person. As expected, this group had a low rate of labor force participation. Another 28 percent of the poor lived in households headed by a female younger than 65. Despite the fact that many had preschool children, that the AFDC program then discouraged working by imposing a 100 percent tax on earnings, and that in many areas full-time wages for untrained women are less than the AFDC payments, nearly one-fourth of the women held full-time jobs and over a third worked part of the time.[3] Thus, less than one half did not work at all.

The remaining 43 percent of the nation's poor in 1967 lived in households headed by an able-bodied male less than 65 years of age. It is surprising to find that over 60 percent of these lived in households in which the male worked full time, and another 35 percent were in households in which the head worked part of the time. This leaves only five percent of the poor but able-bodied male heads less than 65 years of age who did not work at all in 1967.[4]

While the poor can be found with all levels of education, they are in general less well educated than the nonpoor. In fact, two thirds of poor family heads have no more than eight grades of education, while in the general population only one-third have not advanced beyond the eighth grade.

Today the poor number 25.5 million. Together with middle and lower-middle income Americans they receive benefits from the four major federal welfare programs: cash assistance, housing subsidies, food stamps or agricultural goods, and Medicaid/Medicare. Last year 13.8 million people received cash assistance, 2.5 million housing subsidies, 10 million food or food stamps, 18.2 million Medicaid benefits, and 16.5 million Medicare.

FEDERAL WELFARE PROGRAMS

Cash assistance

Public assistance, born in 1935 along with the social security system, was originally aimed at helping widowed mothers bring up their families during the Great Depression. But AFDC grew steadily during the post-war period and began serving families of a different sort: increasingly, the father was absent because of divorce, desertion, or separation. By 1971 only 14 percent of AFDC families were headed by widows or contained an incapacitated male; 76 percent were headed by women who had been divorced, deserted, separated, never married, or were otherwise living apart from their children's fathers. The remaining 10 percent were intact families.

Housing assistance

Since 1937 the United States has provided subsidized housing for low income families. The number of such families has always been vastly larger than the number of subsidized units. As late as 1970, 7.2 million families had incomes of $4000 per year or less, but only 695,515 low rent public housing units were available for occupancy, and only 69 percent were occupied by households with incomes below $4000.

Those welfare recipients who reside in federally assisted housing receive large additional subsidies. The average benefit under the homeownership and rental assistance programs is about $1000. The median rent supplement payment was $936 in 1969. The average benefit in low rent public housing was $803 in 1966.

Medical assistance

In 1971, 17 million people in 48 states and the District of Columbia were eligible for subsidized medical care under the Medicaid program. Most also receive cash public assistance. Under Medicaid, the federal government pays at least half and the states pay the rest of the cost of medical care for selected groups provided that the states offer certain basic medical services. These services must include inpatient hospital care, outpatient hospital services, other laboratory and X-ray services, skilled nursing home services for people 21 or older, home health services to those eligible for skilled nursing home services, and physician services.

Food assistance

Two federal programs provide low income families with free or subsidized food. Food stamps were available 10.5 million people in March, 1971; more than half also received public assistance; more than four million people eligible for food stamps because of low income were not receiving public assistance. Federal budget outlays for food stamps reached $1.6 billion in fiscal year 1971 and will reach $2.3 billion in 1973.

The older, but less important, commodity distribution program provides free food to many low income households in many areas not served by food stamps. Begun in 1935, commodity distribution served four million people in 36 states in March, 1971.

ANALYSIS OF PRESIDENT NIXON'S WELFARE REFORM PROPOSAL: H.R. 1

Under H.R. 1, the Old Age Assistance, Aid to the Blind and Aid to the Disabled programs become one program to be paid for and operated by the federal government. Basic eligibility is not significantly altered under the new program. Individuals who are eligible will be guaranteed that their total income will not fall below $130 a month. (Increasing to $150 a month in two years.) Couples who are eligible will similarly be guaranteed a minimum income of $195 per month (rising to $200 the following year). Some positive incentives to secure earned income are provided by exempting from the base upon which benefits are computed the first $60 of earnings per month, and one third of any additional earnings. (Slightly larger incentives are provided the blind and disabled.) *There is little controversy surrounding these provisions of the bill.*

The remainder of the bill is dedicated to welfare reform and is specified in the bill as "family programs". Simply stated welfare assistance among the rest of the population is restricted to those families containing minor children (less than 18 years old or less than 22 if remaining in school) whose behavior and income fall within the limits perscribed by H.R. 1.

These potentially eligible families are divided into two groups. Workers (or potential workers) are provided assistance under a program administered by the Department of

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Labor. This program is called "Opportunities for Families". The second group of families where no family member is eligible for employment (at the present time) receives benefits under the title "Family Assistance Plan". The benefits and income eligibility conditions for both groups (Opportunities for Families and Family Assistance Plan) are identical. The only substantive difference is that the program administration is split between the Department of Labor and the Department of Health, Education and Welfare and those who are enrolled under the Department of Labor are classified as potentially employable, while those paid by HEW supposedly should not or cannot find work.

Maximum family benefits under both Opportunities for Families and the Family Assistance Plan are specified as equal to $800 per year for the first two family members, $400 for the next three members, $300 for the next two members, and $200 for the next member. The maximum benefit for a family of eight or more persons would be $3600. Benefits would be paid monthly and would be reduced in accordance with the following schedule:

1. No family would be eligible for benefits if its assets exceeded $1500 plus a home and household goods and personal effects whose value did not exceed a "reasonable amount". (What a reasonable amount is, is of course anyone's guess.)

2. The first $60 per month ($720 per year) of earnings are exempt from computation.

3. Earnings in excess of the first $60 per month will reduce benefits by ⅔ of such earnings.

4. No benefits would be paid if the amount payable is less than $10 per month.

In addition to these requirements there are a large number of limiting provisos in the bill. These provisos relate to the earnings of children, benefits which may be paid by state agencies, definitions of earned as opposed to unearned income, etc. Many of these special provisions have a substantial impact on the distribution of benefits under the bill. The effects of five major provisions of the bill will be described in the next section "What is the matter with H.R. 1?"

What is wrong with H.R. 1?

1. H.R. 1 will reduce the incentive to work, and increase the reliance on investigation and compulsion rather than increasing the number of jobs and increasing the financial rewards for self-support.

After the first $720 of earnings, program benefits are reduced by 72¢ for each dollar of earnings. (67¢ as required by H.R. 1 and 5¢ Social Security tax.) As earnings rise, other taxes are included as well. At $3800 the family of four begins to pay income taxes—14¢ on the dollar. The tax on additional income is now 86¢ on the dollar (67¢ H.R. 1 plus 5¢ Social Security plus 14¢ income tax). Furthermore H.R. 1 allows the state to tax earnings above the federal break-even point at a 100 percent tax rate. If states do this then for each dollar of earnings the worker is now losing a dollar of assistance and is paying 5¢ to Social Security and 14¢ in income tax. Thus, for working more and making a dollar more the effect will be to reduce his take home pay by 19¢.

2. The basic payment level is not only substantially below the poverty level, but it is too low to permit the existing mess of welfare programs to be abolished without seriously reducing the incomes of many people.

The basic payment level for a family of four with no other income under H.R. 1 is $2400 a year. In 28 of the 50 states payment levels are higher than this amount. Therefore millions of people will be made worse off by the reform, or the existing system must be retained, or states must add on to the payments made under H.R. 1. (The payment in Connecticut is $4020 and New Jersey $4169. All other states have basic payment for a family of four of less than $3800.)

3. Single persons and couples are not covered by the bill. An effect of this exclusion is the provision of a "first baby" bonus.

The only groups excluded from the protection of H.R. 1 are single persons and couples not otherwise eligible for Social Security benefits. The reason such people were excluded was financial—including such persons would add to the cost of the program. One effect of this exclusion is that a couple with no income and no children gets no assistance, but if they have a baby, they will receive $2000 per year. The central point is that needy people are excluded from coverage and that such exclusion encourages poor people to have children.

4. The work requirements of H.R. 1 are financially meaningless, socially irresponsible, and economically dangerous.

The administration has estimated that at least one person in each of 2.6 million families will be required to register for employment and training under H.R. 1. Some families will have more than one registrant. The bill provides full funding for only 200,000 jobs for these registrants. In the second year the federal government will provide for only 75 percent of the cost of providing these jobs; after three years—50 percent and in the fourth year nothing. The bill contains only 400,000 training slots and the WIN program provides a good example of how effective the Labor Department is in training programs for people on welfare. As of December 31, 1970, of 511,000 AFDC recipients found appropriate for WIN training only five percent got jobs following completion of the WIN program. Even if the program of jobs and training was a great success, the bill requires over two million people to register with the Department of Labor for jobs, without even pretending to provide jobs or training for such persons.

Thus with an unemployment rate which continues to hover around six percent (and has continued to do so for nearly three years), the administration proposes that millions of persons be compelled to register for work—but has no plan to put them to work. The work compulsion segments of H.R. 1 are a fraud and the administration knows they are a fraud.

The work requirements are therefore meaningless because they will not increase employment—since jobs are not created by edicts which say that people must work. The work requirements are socially irresponsible because in talking about work requirements the general public will assume that something meaningful will be done to assure such employment. They are economically dangerous because such provisos are supported as is this one by guarantees that substandard wages (persons are required to accept jobs which pay 75 percent of the minimum wage—$1.20 an hour) are perfectly acceptable—even desirable. The key to economic adequacy for families as for nations does not lie in cutting the wages of those at the bottom. Currying to such sentiments is the mark of a contemptible program.

5. The administration's plan for operating H.R. 1, includes retention of state and local welfare programs, federalization of most of the local bureaucracy, (75,000 according to administration estimates given before the Senate Finance Committee), enlarging the existing investigative and verification systems, dividing the administration of the program between HEW and the Labor Department, and retention of parts of the food stamp and commodity distribution program.

The effect of these and other similar administrative provisions of the bill guarantee that almost every repressive, inefficient, costly and bureaucratic part of the existing welfare structure will be retained in the new system. This is not reform. This is disease.

OTHER REFORM PROPOSALS: A $3,600 AND A $5,500 GUARANTEED INCOME

This section explores the extent to which negative income plans can be relied upon to solve the poverty problem in the United States. The redistributional implications of two alternative income maintenance plans, one with a poverty level guarantee and the other with a $5,500 guarantee, are considered. The distribution of benefits under each of these plans is compared against the incidence of new taxes required to finance them, and new transfer positions are computed by income class and family size. The magnitude of income redistribution in the middle and upper income ranges is shown to be substantial under both of the plans. (Under the $5,500 plan 52 percent of beneficiaries have current incomes of $6,000 or more and receive some 46 percent of total gross benefits; 44 percent of beneficiaries under the $3,600 plan have incomes above $6,000 and receive 25 percent of the benefits.) Comparing this distribution of benefits against the surtax distribution required to finance it, it is seen that, given the structure of the positive and negative tax system, a substantial amount (18 percent under the $5,500 plan and 15 percent under the $3,600 plan) of the redistribution implied is lateral, i.e., from small to large families with the same total income. The total amount of redistribution affected under either plan, however, is probably of far greater significance. The cost of the $5,500 plan would exceed current welfare costs by some $71 billion and would require imposition of a 78 percent surtax on federal personal income taxes to finance it. The $3,600 plan would cost $25 billion and require a 28 percent surtax.

The basic characteristics of the plans considered are shown in Table 1. For both plans benefits are reduced by 50¢ for each dollar of earnings above $720 (the "disregard" is assumed to cover unavoidable work-related expenses). The break-even point is thus $7920 for a family of four under the $3600 plan and $11,720 under the $5500 plan. Except for Public Assistance, benefits are reduced dollar for dollar for all sources of unearned income including unemployment compensation. Social Security, and veterans pensions as well as property income.[5] Current Public Assistance benefits are ignored in computing income maintenance entitlements for a given family. However, such benefits are then subtracted from the new transfer payments, which are computed so that only net costs of the income maintenance plan over and above current welfare costs are shown in the estimates.

The computations employ the provisions for personal exemption and minimum standard deductions effective under current law in 1971. Since the Current Population Survey does not require reporting of realized capital gains, an imputation of 15 percent of the sum of property and self-employment income is made in computing taxable income. A further and more important adjustment must be made to account for the fact that the income surveys conducted by the Bureau of the Census generally account for only about 89 percent of comparable total money incomes aggregates, such as those which can be derived from the personal income series prepared by the Office of Business Economics. However most of the underreporting is known to be property income (CPS estimates of wage and salary income are 97 percent of those computed by OBE). Since the "missing" property income can be assumed to be primarily concentrated in the upper income classes, its exclusion should not significantly affect net program costs. However, on the tax

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revenue side, the effect of the underreporting is to understate projected personal income tax revenues by almost $12 billion out of a total projected revenue figure of about $93 billion in 1971. Because of the difficulty of imputing the underreported income to families on the basis of their reported incomes and characteristics, adjustment has been made by simply reducing the program costs by the amount of surtaxes which the missing taxes would have generated had they been included in the computations.[6] The result of this procedure is that, even ignoring induced effects, the amount of net transfer implied by the $3600 plan is understated by about nine percent and by about 12 percent for the $5500 plan. Nonetheless the amount of the redistribution accounted for is still of sufficiently great magnitude to be of considerable interest.

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TABLE 1.—GUARANTEE LEVELS AND UPPER LIMITS OF COVERAGE ALTERNATIVE INCOME MAINTENANCE PLANS ($3,600 AND $5,500)[1]

Family size	$3,600 plan		$5,500 plan	
	Basic guarantee	Break-even income[2]	Basic guarantee	Break-even income[2]
1	$1,125	$2,970	$1,675	$4,070
2	2,250	5,220	3,350	7,420
3	2,925	6,570	4,425	9,570
4	3,600	7,920	5,500	11,720
5	4,275	9,270	6,575	13,870
6	4,950	10,620	7,650	16,020
7	5,625	11,970	8,725	18,170
8	$6,300	$13,320	$9,800	$20,320
9	6,975	14,670	10,875	22,470
10 plus	7,650	16,020	11,950	24,620

[1] Basic characteristics of plans: $3,600 plan—$1,125 basic payment for each of 1st 2 family members, $675 payment for incremental family members. $5,500 plan—$1,675 basic payment for each of 1st 2 family members, $1,075 payment for incremental family members.

Benefit reduction formulae (tax rates)—both plans. 50 percent on earned income above $720. 100 percent on all unearned income except current public assistance benefits. 0 percent on public assistance and the 1st $720 of earned income.

[2] Earned income above Federal income taxes paid. Families with total family income in excess of the break-even point may thus be eligible for some payment because of the income tax deduction. Families with total incomes in excess of the break-even point may also be eligible for benefits if they currently receive public assistance benefits superior to those provided under the plans considered.

As shown in Table 2 the cost of transfers unde the $5,500 plan would be some $70.7 billion exclusive of current welfare costs of almost $3 billion and estimated administrative costs of some $2 billion. The plan would distribute benefits to some 34 million recipient units comprising about half the population of the United States. This huge cost is, of course, hardly surprising because the basic guarantee is, as observed earlier, superior to the earnings of a large part of the labor force. Given the estimated federal personal income tax revenues of some $93 billion in 1971, a surtax of 78 percent would be required to finance the plan—so that, for example, a taxpayer now paying a marginal tax of 35 percent of income would instead pay 62 percent on his last dollar of income. Looking at the distribution of coverage and gross benefits (i.e., benefits before imposition of the surtax) across income class, it is seen that close to half of the recipient families are in income classes not commonly thought of as poor. Fifty-two percent of beneficiaries have incomes of $6,000 or more and these families receive 46 percent of the total gross benefits; 36 percent of beneficiary families have incomes of $8,000 or more and receive about 30 percent of the total transfers. The average benefit per family remains relatively constant across the middle income ranges because, given the structure of the plan, the incremental income is offset by the increasing density of large families in the covered population in higher income brackets.

Table 3 shows the distribution of gross benefits by family size. As would be expected, given that the benefit levels are adjusted for family size, a disproportionate amount of the gross benefits under the plan are received by relatively large families. Thus, while families of five or more account for only 30 percent of recipient families they receive 51 percent of total benefits. Families of seven or more, while only eight percent of the caseload, command 20 percent of the payments.

TABLE 2.—DISTRIBUTION OF COVERAGE AND GROSS BENEFITS AND AVERAGE FAMILY BENEFITS BY INCOME CLASS, $3,600 AND $5,500 INCOME MAINTENANCE PLANS

Total family income	$3,600 plan					$5,500 plan				
	Percent of families[1]	Cumulative percent of families	Percent of gross benefits	Cumulative percent of gross benefit	Average benefit per family	Percent of families[1]	Cumulative percent of families	Percent of gross benefits	Cumulative percent of gross benefit	Average benefit per family
	[2] 18,566		[2] 24,908,000			[2] 34,022		[2] 70,653,000		
Negligible or $0	3.2	3.2	5.1	5.1	$2,168	1.7	1.7	2.7	2.7	$3,273
$1 to $999	9.1	12.3	9.8	14.9	1,450	5.0	6.7	5.7	8.4	2,367
$1,000 to $1,999	13.6	25.8	13.7	28.6	1,358	11.0	17.7	9.1	17.5	1,725
$2,000 to $2,999	11.6	37.4	12.7	41.3	1,470	8.8	26.5	9.1	26.6	2,161
$3,000 to $3,999	9.2	46.6	12.6	53.9	1,835	8.1	34.5	9.1	35.7	2,339
$4,000 to $4,999	10.1	56.7	11.5	65.4	1,517	6.9	41.4	9.1	44.8	2,740
$5,000 to $5,999	9.6	66.3	9.7	75.1	1,350	7.0	48.4	8.9	53.7	2,627
$6,000 to $6,999	8.1	74.4	7.8	82.9	1,299	7.2	55.6	8.3	62.0	2,409
$7,000 to $7,999	7.7	82.1	5.9	88.8	1,022	8.4	64.0	8.0	70.0	1,985
$8,000 to $8,999	7.2	89.3	4.7	93.5	873	7.9	71.9	7.8	77.8	2,034
$9,000 to $9,999	4.5	93.8	2.9	96.4	858	6.6	78.5	6.2	84.0	1,968
$10,000 to $10,999	3.0	96.8	1.6	98.0	732	6.2	84.7	5.1	89.1	1,694
$11,000 to $11,999	1.7	98.5	1.1	99.1	843	5.0	89.7	4.1	93.2	1,715
$12,000 to $12,999	.6	99.1	.4	99.5	887	3.2	92.9	2.0	95.2	1,313
$13,000 to $13,999	.4	99.5	.2	99.7	800	2.5	95.4	1.8	97.0	1,470
$14,000 to $14,999	.3	99.8	.2	99.9	750	1.9	97.3	1.3	98.3	1,379
$15,000 to $19,999	.2	100.0	.1	100.0	1,125	2.5	99.8	1.6	99.9	1,313
$20,000 and over	0	100.0	0	100.0	973	.2	100.0	.1	100.0	1,438
Total families	100.0	100.0	100.0	100.0	1,342	100.0	100.0	100.0	100.0	1,077

[1] Unrelated individuals are counted as 1 person families. [2] In thousands.

TABLE 3.—DISTRIBUTION AND COVERAGE AND GROSS BENEFITS BY FAMILY SIZE $3,600 AND $5,500 INCOME MAINTENANCE PLANS

Family size	$3,600 plan				$5,500 plan			
	Percent of families[1]	Cumulative percent of families	Percent of gross benefits	Cumulative percent of gross benefits	Percent families[1]	Cumulative percent of families	Percent of gross benefits	Cumulative percent of gross benefits
	[2] 18,566		[2] 24,908,000		[2] 34,022		[2] 70,653,000	
1	14.2	14.2	6.0	6.0	13.4	13.4	4.9	4.9
2	21.8	36.0	15.0	21.0	23.3	36.7	14.1	19.0
3	15.1	51.1	13.4	34.4	16.3	53.0	13.3	32.3
4	15.0	66.1	14.4	48.8	17.2	70.2	16.6	48.9
5	13.5	79.6	14.9	63.7	13.2	83.4	16.8	65.7
6	9.4	89.0	12.5	76.2	8.4	91.8	13.5	79.2
7	5.2	94.2	9.1	85.3	4.2	96.0	8.6	87.8
8	2.7	96.9	5.7	91.0	2.0	98.0	5.0	92.8
9	1.5	97.4	3.7	94.7	1.0	99.0	3.0	95.8
10 plus	1.6	100.0	5.4	100.0	1.0	100.0	4.1	100.0
Total families	100.0		100.0		100.0		100.0	

[1] Unrelated individuals are counted as 1 person families. [2] In thousands.

The $3600 plan, while it provides a basic guarantee considerably inferior to current poverty standards, is still a program of imposing magnitude. Financing the plan from the current tax base would require the imposition of a 28 percent surtax to meet the estimated new transfer cost of $25 billion plus administrative overhead. Nonetheless, the amount of redistribution effected would still be less than that currently carried out through the Social Security program, which, in 1969, transferred some $27 billion from wage and salary earners to aged and disabled retirees and survivors of covered workers.

As shown in Table 2, even with the lower guarantee there is a considerable amount of benefit leakage into the middle income classes. Forty-four percent of beneficiary families have incomes of $6000 or better and receive about 25 percent of the benefits. Eighteen percent have incomes of $8000 or more and receive 11 percent of total benefits. It is, of course, fully realized that much of the leakage into higher income brackets is justified by the notion that larger families have greater needs than smaller ones and hence are deserving of transfer support even if their income substantially exceeds popular notions of poverty. Preservation of work incentives through the tapering of benefits explains the residual leakage. But this of course is merely to reiterate the premises upon which the income maintenance plans considered were constructed. There is still a question whether such redistributional plans, in operation, are consonant with popular notions of equity and how such plans might be integrated into a society in which wage income is related to productivity rather than to family need (i.e., size).

The problem is put into sharper focus when we consider both sides of the coin, i.e., the benefit distribution and the corresponding revenue raising. Table 4 shows the distribution of coverage and net benefits by income class when incremental benefits are reduced by the surtax required to finance them. The net benefits as well as the number of net beneficiaries have, of course, declined since, for many families, what the assistance office gives with one hand, the Internal Revenue Service will now take with another. The effect is most pronounced in the $5500 plan where recipient units drop 17 percent and benefits by 15 percent as the result of the larger number of positive taxpayers covered by the plan and their relatively larger positive tax payments.

TABLE 4.—DISTRIBUTION OF NET BENEFITS BY INCOME CLASS $3,600 AND $5,500 PLANS

Income class	$3,600 Plan					$5,500 Plan				
	Number of net benefits families [1]	Cumulative percent of net benefits families	Percent of net benefits	Cumulative percent of net benefits	Average net benefit families	Number of net beneficiary families [1]	Cumulative percent of net benefits families	Percent of net benefits	Cumulative percent of net benefits	Average net benefit per family
Number in thousands	[2] 17,196		[2] 23,688,000			[2] 28,231		[2] 59,845,000		
Negligible or more	3.4	3.4	5.4	5.4	$2,168	2.1	2.1	3.2	3.2	$3,272
$1 to $999	9.8	13.2	10.3	15.7	1,450	6.0	8.1	6.7	9.9	2,367
$1,000 to $1,999	14.6	27.8	14.5	30.2	1,359	13.2	21.3	10.7	20.6	1,725
$2,000 to $2,999	12.3	40.1	13.3	43.4	1,489	10.5	31.8	10.7	31.3	2,148
$3,000 to $3,999	9.8	49.9	13.1	56.5	1,832	9.1	40.9	10.4	41.7	2,420
$4,000 to $4,999	10.8	60.8	11.6	68.1	1,478	7.9	48.8	10.1	51.8	2,719
$5,000 to $5,999	9.5	70.3	9.5	77.7	1,386	8.2	57.0	9.4	61.2	2,445
$6,000 to $6,999	8.2	78.5	7.6	85.2	1,266	7.9	64.9	8.4	69.6	2,236
$7,000 to $7,999	7.0	85.5	5.4	90.6	1,059	7.1	72.0	7.5	77.1	2,256
$8,000 to $8,999	5.5	91.0	4.1	94.7	1,017	7.8	79.8	7.0	84.1	1,888
$9,000 to $9,999	4.1	95.1	2.4	97.1	794	5.5	85.3	5.2	89.3	1,973
$10,000 to $10,999	2.5	97.6	1.3	98.3	701	5.4	90.7	3.9	93.2	1,510
$11,000 to $11,999	1.2	98.8	.9	99.2	1,029	3.3	94.0	2.9	96.1	1,835
$12,000 to $12,999	.4	99.2	.3	99.6	1,039	2.0	96.0	1.3	97.4	1,358
$13,000 to $13,999	.3	99.5	.2	99.8	792	1.6	97.6	1.1	98.5	1,414
$14,000 to $14,999	.2	99.7	.1	99.9	824	1.1	98.7	.7	99.2	1,475
$15,000 to $20,000	.1	99.9	.1	100.0	1,208	1.1	99.8	.8	99.9	1,508
$20,000 and over	(3)	100.0	.0	100.0	760	.1	100.0	.1	100.0	1,241
Total families	100.0		100.0		1,378	100.0		100.0		2,120

[1] Unrelated Individuals are counted as 1 person families.
[2] In thousands.
[3] Less than 0.1 percent.

TABLE 5.—DISTRIBUTION OF NET BENEFITS AND LOSSES BY INCOME CLASS AND FAMILY SIZE

[Dollar amounts in millions]

Income class	Family size						Sum of net benefits	Sum of net losses	Ratio losses/benefits
	1 to 2	3 to 4	5 to 6	7 to 8	9 and over	Total			
$3,600 plan:									
Negligible to $999	$1,957.23	$1,080.50	$474.08	$163.31	$46.12	$3,721.24	$3,721.24	0	0
$1,000 to $2,999	2,367.77	2,158.01	1,244.12	570.23	210.55	6,550.69	6,566.73	$16.05	(1)
$3,000 to $4,999	458.04	1,998.65	1,650.85	908.31	574.29	5,590.14	5,846.19	256.04	.04
$5,000 to $6,999	−619.10	1,023.80	1,562.24	834.51	561.95	3,363.39	4,048.08	684.69	.17
$7,000 to $8,999	−1,088.19	−263.51	1,136.31	608.98	309.66	703.26	2,244.10	1,540.83	.69
$9,000 to $10,999	−1,087.91	−884.82	113.23	348.24	244.22	−1,267.04	868.11	2,135.15	2.46
$11,000 to $12,999	−950.28	−1,023.25	−363.44	89.32	177.26	−2,069.38	292.51	2,362.89	8.08
$13,000 to $14,999	−839.42	−1,032.83	−465.18	−63.89	58.15	−2,343.14	70.61	2,413.75	34.18
$15,000 to $19,999	−1,421.83	−2,002.36	−832.58	−174.94	−1.05	−4,432.74	29.47	4,462.21	151.42
$20,000 to $24,999	−728.80	−1,142.00	−542.24	−110.77	−21.47	−2,545.28	.76	2,546 04	3,350.05
$25,000 and over	−1,550.91	−2,302.81	−1,291.10	−235.19	−59.34	−5,439.35	0	5,439.39	
Total	−3,503.38	−2,390.60	2,686.29	2,938.16	2,100.32	1,830.79	23,687.81	21,857.02	.92
$5,500 plan:									
Negligible to $999	3,205.17	1,665.57	738.50	256.41	72.13	5,937.79	5,937.79	0	0
$1,000 to $2,999	5,769.39	3,707,96	2,029.77	930.09	338.72	12,777.91	12,810.24	33.24	(1)
$3,000 to $4,999	1,743.30	4,340.09	3,106.37	1,586.10	972.01	11,747.89	12,305.11	557.23	0.05
$5,000 to $6,999	−556.28	3,679.63	3,567.22	1,688.25	1,031.24	9,410.04	10,643.36	1,233.32	0.12
$7,000 to $8,999	−2,645.73	2,506.27	3,900.37	1,475.11	657.13	5,893.15	8,671.44	2,778.30	0.32
$9,000 to $10,999	−2,985.05	−326.59	2,951.14	1,182.70	575.99	1,393.15	5,390.40	3,992.20	0.74
$11,000 to $12,999	−2,609.93	−2,211.56	1,111.64	810.40	529.18	−2,370.24	2,515.93	4,886.17	1.94
$13,000 to $14,999	−2,305.46	−2,829.43	−224.02	524.82	310.74	−4,523.35	1,075.97	5,599.33	5.20
$15,000 to $19,999	−3,905.01	−5,492.99	−2,076.65	34.01	269.48	−11,171.16	457.49	11,628.65	25.42
$20,000 to $24,999	−2,001.64	−3,136.47	−1,487.37	−283.18	17.22	−6,891.44	36.86	6,928.30	187.95
$25,000 and over	−4,259.55	−6,324.62	−3,545.98	−645.94	−160.85	−14,936.93	0	14,936.93	
Total	−10,550.77	−4,421.14	10,070.98	7,558.74	4,613.01	7,270.83	59,844.61	52,573.77	.88

[1] Number less than 0.01 percent.

Of most interest is Table 5 which show, by income class and family size, the distribution of both net losses and net benefits under each plan. As is immediately apparent there is a sizeable amount of redistribution going on under both plans not only downward across income classes but also horizontally within each income class from larger to smaller families. Furthermore, some of the net losers, even under the $5,500 plan, are far from wealthy (e.g., single persons earning between $3,000 and $4,000 and couples earning from $4,000 to $5,000) whereas families of size 10 or more remain net beneficiaries up to $25,000 of income. Looking at family size redistribution alone, it is seen that under both plans families of four or less lose disposable income in the aggregate while those with five or more members gain. The last three columns of Table 5 show the amount of such horizontal redistribution within income classes.[7] Thus under the $5,500 plan small sized families with incomes between $4,000 and $4,999 experienced net losses of some $432 million while larger sized families received net benefits of $6.1 billion. The loser families thus paid some seven percent of the costs of providing benefits to the gainer families. In the income class between $10,000 and $11,000 almost all (93 percent) of the income redistribution is horizontal. From this viewpoint, it is seen that only above that income level do net losers begin to contribute to downward redistribution. Thus computed, the total amount of horizontal redistribution occurring under each of the plans is $3.8 billion under the $3,600 plan or 15 percent of total transfers and $12.7 billion under the $5,500 plan or 18 percent of total transfers.[8] Although the overall pattern of redistribution is, as one would expect, predominantly downward in the income distribution, there are some interesting practical consequences of this horizontal shift.

Let us suppose that eventually, as logic might suggest, the two tax systems—positive and negative—are integrated so that for each pay period a worker receives a check which, depending upon his income class and family size, has either been reduced by his net positive tax liability or increased by his net negative tax entitlement. This situation would arise under the $5,500 plan where worker A earning about $7,000 a year and with a wife and no children would receive an annual pay check some $370 lower than he received before, while his coworker earning the same nominal wage for the same work would, if he had two children, receive in effect an annual net bonus of about $1,800 and, if he had three, of about $2,900. To the extent that some people such as worker A may, perhaps increasingly as time goes on, regard the number of children one has a discretionary matter, (not totally unlike other consumption choices such as how many cars to own) they may well feel not a small bit "cheated".

Of course opposition to this horizontal redistribution is not likely to compare in magnitude with that directed against the imposition of a 78 percent surtax on middle and upper income families. If one seriously considers the establishment of a minimum income guarantee even approaching the $5,500 level, clearly some method must be found to reduce the total magnitude of the redistribution. The following alternatives might be considered:

1. Restrict benefits for additional family members, at least above the lowest income levels. This would, of course, require careful attention to avoiding "notches," or income reversals, as the family member bonus is phased out.

2. Minimize interregational redistribution by retaining area differentials in welfare standards. A good deal of the redistribution impiled by a national income maintenance standard occurs between high wage regions, such as the North, and low wage areas, such as the South. For example, under Family Assistance about 43 percent of the families covered will live in the South. Most of this regional imbalance is, of course, due to the fact that persons in the South are, in a real sense, poorer. However, a single national guarantee level is still inequitable because it provides a superior standard of living to those living in areas where the real cost of living is lower. There are however, both practical and theoretical problems in defining geographic welfare differentials. The current welfare system makes a rough adjustment for such differences by allowing each state to develop its own needs standard. Furthermore each state is allowed to decide what proportion of that need standard it can afford to pay. The result is that, despite compensatory matching formulae for the poorer states, federal dollars distributed very unevenly among equally poor people, with a disproportionate amount going to the richer states which have, typically, not only higher needs standards but more resources to meet them. To the extent that variations in state standards exceed cost-of-living differentials, the current system provides at least a prima facie incentive for the poor to migrate to states—typically urban states—where welfare standards are higher. If they are unable to obtain jobs in these areas, their migration may not only aggravate urban congestion but, further, raise true welfare costs (over and above the previously unmet need) by the real increase in the cost of living in an urban situation. The establishment of a national welfare standard should reverse this incentive.

The actual and potential impact of income maintenance on migration is not well understood, however. But there are other reasons for arguing against geographic welfare differentials. The most important is that it is very difficult to establish needs standards which reflect true differences in the cost of living. For example, it may be argued that the most commonly used cost of living indices reflect primarily differences in average purchasing power and the quality of available goods (particularly housing) rather than true economies of location.[9] Furthermore, on the basis of the data we do have, it appears that there is at least as great variation in living costs within geographical areas as among them, so that the use of conventional state boundaries to demarcate welfare standards is not justifiable.[10] Nonetheless given the unlikelihood of reducing welfare standards in the present high-payment states, the pressure by these states for maintenance of federal sharing in these benefits, and the extremely high cost of providing comparable benefits nationwide, it seems realistic to assume that state-by-state welfare differentials will persist. However, an increasing proportion of the difference may be provided in the form of in-kind benefits and services tailored by states and localities to their varying needs, with cash benefits increasingly financed and administered from the federal levels.

3. Replace most if not all other government transfer programs by a single integrated income maintenance program. This result can be achieved indirectly by offsetting other transfer income dollar-for-dollar against the income maintenance benefit. The imposition of the "100 percent tax" on other transfer income, given an income maintenance program of substantial level and coverage, should severely diminish working class support for work-related transfer programs such as unemployment insurance, workmen's compensation, and even Social Security inasmuch as, within broad income ranges, there would be no net benefit accruing from the contributions of such programs. However, the net cost saving from such integration would not be as large as might be imagined because, for much of the population, we would simply be substituting one form of transfer for another. However, savings would result from minimizing the leakage of benefits to relatively affluent families, which occurs under programs which are not specifically tailored to total family need.

There is of course an appealing neatness about abolishing the current hodge-podge of income maintenance programs, with their varying types of inequity and inadequacy, and replacing them by a smoothly tapered, fully integrated system. There is also perhaps a danger in such a move. Most of our income maintenance systems—such as Social Security, Unemployment Insurance, and Workman's Compensation—are still clearly tied to the maintenance of work effort and productivity. For this very reason they in large part serve the working class. In fact, under these programs, this very restriction of benefits to persons with stable earning histories has given impetus to the broadening of the public assistance type of coverage to those who, for one reason or another, can't make it in the world of work.

There is simply no way of accurately measuring the economic and social effects of shifting the emphasis in income maintenance programs from the notion of self-protection to that of guaranteeing minimum need satisfaction. The issue will no doubt be debated for many years to come. In any case, it is unlikely that the problems of providing an adequate level of living for the nation's poor can be solved through a single structural reform of our income maintenance system. As the needs of the poor are diverse so must the tools to meet them be, and it is likely that, despite the realization of much-needed reform in national income maintenance programs, we will continue to place partial reliance on a variety of categorical and in-kind programs—including social services; housing, health, and day care subsidies; emergency and special needs cash assistance; and wage-related subsidy and manpower programs for the employable poor.

FOOTNOTES

[1] Unless otherwise indicated, data are for 1967. Many of the statistics in this section are taken from the 1969 *Economic Report of the President*, Chapter 5 of the Annual Report of the Council of Economic Advisors, pp. 151–179.

[2] President's National Advisory Commission on Rural Poverty, *The People Left Behind*, U.S. Government Printing Office, May, 1968, p. 3.

[3] Worked "part of the time" means held a full-time job part of the year or a part-time job all or part of the year.

[4] Wilbur J. Cohen, "A Ten-Point Program to Abolish Poverty", *Social Security Bulletin*, December, 1968.

[5] The ultimate effect of this 100 percent tax on all sources of transfer income other than income maintenance would, given a relatively high benefit level, be to drive these other programs out of existence since few, if any of them, provide comparable benefits, especially for large families, and no net advantage would accrue to the majority of their recipients. However, taxing such benefits at 50 percent or zero percent would raise program costs by several billion dollars.

[6] Thus in the $5500 plan the net cost is some $70.7 billion in transfers plus an estimated $2.0 billion in administrative costs. Assuming tax revenues of $93 billion in 1971 the required surtax to meet this cost is 78 percent rather than the 89 percent surtax needed to generate the required revenues from the reported tax base.

[7] The first of the three columns is the sum, computed on a family by family basis, of the

benefits in excess of new taxes received by all families, within a given income class, whose benefits exceed their surtaxes. The "sum of net loss" column is similarly computed for all net loser families. The sums of the two columns are not equal because of the unreported income problem discussed earlier.

[8] The amount of horizontal transfer is computed as the sum of all net losses for income classes in which net benefits exceed net losses, plus the sum of all net benefits for income classes in which net losses exceed net benefits.

[9] See "Area Cost of Living Differentials" in The President's Commission on Income Maintenance Programs, Background Papers. pp. 87–93.

[10] *Ibid.*

NATIONAL CITIZEN DAY

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker on September 17 I was privileged to attend the 34th annual National Citizen Day Observance in Columbus, Ohio. This cooperative community program is sponsored by patriotic, civic, religious, education, and service organizations to honor our newly naturalized citizens. One of the new citizens, Mario Rolando Diaz, spoke simply, but eloquently, about what it was like to live in the Cuba he left and what he has come to feel about his new home in America. His words would give us pause to reflect upon a way of life and the freedoms we so often take for granted.

Fellow Americans.

It is indeed a great honor for me to give the response for the New Citizens.

My native land is Cuba and I was forced to leave it because there was no freedom there. Most of the Cuban believed in a man said he was a democrat and made many promises for better living and free elections in 18 months (he has almost 14 years). I am going to make everybody the same he said, and certainly he did it—he made everyone equal, but in the lowest level of poverty and hunger.

When my wife and I arrived in this great country, we had nothing but the clothes we were wearing. As you know, when you decide to abandon a communist country. You must leave them all your properties—your home, furniture, car, bank account, everything you own; the only thing you can take with you are your clothes because they can't send you here nude, and your brains, over which they have no control.

We started a new life here, with the generous help of the American people. That is why we have become citizens of the most generous nation of the world, "One Nation Under God, Indivisible, with Liberty and Justice for All."

We are able to appreciate all of this because of our sad experience of having lived in a communist system. Against our will.

We are proud to be American citizens. During the preparation period we learned many things, not only our rights, but also we learned our duties and responsibilities and we shall continue studying to learn more about our new country, its ideals, achievements and goals, and realize contributions we as new citizens can make toward all of this.

In that way we think we can repay your generous hospitality and the privilege of being an American and will be able to help to preserve the dreams of peace and security of our country.

God bless America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PATTEN (at the request of Mr. O'NEILL), from Wednesday, September 20, through Friday, September 29, on account of official business (House delegation to Interparliamentary Union Conference).

Mr. HOSMER at the request of Mr. ARENDS), for the week of September 25, on account of attendance at the International Atomic Energy Conference at Mexico City.

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. MADDEN, for 30 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. FLOOD, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. VAN DEERLIN.

Mr. MADDEN.

Mr. MCKAY to extend his remarks immediately following Mr. SIKES on the bill, H.R. 16754.

Mr. SIKES and to include extraneous matter and tabulations on the bill, H.R. 16754.

Mr. DELLUMS and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $467.50.

Mr. DELLUMS and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $722.50.

(The following Members (at the request of Mr. HOGAN) and to include extraneous matter:)

Mr. MINSHALL in two instances.

Mr. SNYDER.

Mr. BLACKBURN.

Mr. SHRIVER in two instances.

Mr. WYMAN in two instances.

Mr. MCDADE.

Mr. CÓRDOVA.

Mr. NELSEN.

Mr. ARCHER.

Mr. SPRINGER in two instances.

Mr. ARENDS.

Mr. KEATING.

(The following Members (at the request of Mr. MAZZOLI), and to include extraneous matter:)

Mr. DENT.

Mr. BEGICH in two instances.

Mr. REUSS.

Mr. MANN in six instances.

Mr. GRIFFIN in two instances.

Mr. NATCHER.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. EVINS of Tennessee in two instances.

Mr. RODINO.

Mr. ROY.

Mr. FLOOD in two instances.

Mr. ZABLOCKI.

Mr. HUNGATE.

Mr. HANNA in three instances.

Mr. STOKES in two instances.

Mr. WOLFF.

Mr. BINGHAM in two instances.

Mrs. MINK.

Mr. PRICE of Illinois.

SENATE BILLS, JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills, joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 164. An act to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums; to the Committee on Government Operations.

S. 244. An act to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife and outdoor recreation agencies; to the Committee on Government Operations.

S. 555. An act to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

S. 718. An act to create a catalog of Federal assistance programs and for other purposes; to the Committee on Government Operations.

S. 2280. An act to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such Act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances; to the Committee on Interstate and Foreign Commerce.

S. 2300. An act for the relief of J. B. Riddle; to the Committee on the Judiciary.

S. 2567. An act to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 3327. An act to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 3716. An act to amend the Public Health Service Act to provide for continued assistance for health facilities, health manpower, and community mental health centers; to the Committee on Interstate and Foreign Commerce.

S. 3947. An act to prevent the unauthorized manufacture and use of the character "Woodsy Owl," and for other purposes; to the Committee on the Judiciary.

S.J. Res. 236. Joint resolution to authorize and request the President to proclaim the week beginning October 15, 1972, as "National Drug Abuse Prevention Week"; to the Committee on the Judiciary.

S.J. Res. 251. Joint resolution to designate the week which begins on the first Sunday in March of each year as "National Beta Club Week"; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4383. An act to authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes;

H.R. 7614. An act to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes;

H.R. 9032. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket numbered 91, and for other purposes;

H.R. 9135. An act to amend the Act of August 19, 1964, to remove the limitation on the maximum number of members of the board of trustees of the Pacific Tropical Botanical Garden;

H.R. 10486. An act to make the basic pay of the master chief petty officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other Armed Forces, and for other purposes;

H.R. 13697. An act to amend the provisions of title 14, United States Code, relating to the flag officer structure of the Coast Guard, and for other purposes;

H.J. Res. 135. Joint resolution to authorize the President to issue a proclamation designating the week in November of 1972 which includes Thanksgiving Day as "National Family Week";

H.J. Res. 807. Joint resolution authorizing the President to proclaim the second full week in October of 1972 as "National Legal Secretaries' Court Observance Week"; and

H.J. Res. 1232. Joint resolution designating, and authorizing the President to proclaim, February 11, 1973, as "National Inventors' Day".

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on September 22, 1972, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 6575. An act to amend the act entitled "An act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma," approved October 31, 1967 (81 Stat. 337);

H.R. 7616. An act to amend section 715 of title 32, United States Code, to authorize the application of local law in determining the effect of contributory negligence on claims involving members of the National Guard;

H.R. 8215. An act to provide relief for certain prewar Japanese bank claimants;

H.R. 12207. An act to authorize a program for the development of tuna and other latent fisheries resources in the Central, Western, and South Pacific Ocean;

H.R. 14173. An act for the relief of Walter Eduard Koenig;

H.R. 15865. An act for the relief of Richard L. Krzyzanowski;

H.R. 15927. An act to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, to simplify administration of the act, and for other purposes; and

H.J. Res. 1193. A joint resolution to provide for the designation of the week which begins on September 24, 1972, as "National Microfilm Week."

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 26, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2354. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for fiscal year 1972, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

2355. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to define the scope of tort liability of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

2356. A letter from the Acting Assistant Secretary of Commerce for Administration, transmitting the report for fiscal year 1972 on Commerce Department commissary activities outside the continental United States, pursuant to 15 U.S.C. 1514(b); to the Committee on Interstate and Foreign Commerce.

2357. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled, "Typical Electric Bills, 1971"; to the Committee on Interstate and Foreign Commerce.

2358. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to authorize the creation of an international center to make sites available for chanceries of foreign embassies in Washington and for a new headquarters for the Organization of American States; to the Committee on Public Works.

2359. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 25, 1972, submitting a report, together with accompanying papers and illustrations, on Pascagoula River Basin, Miss. and Ala., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted March 14, 1961, and June 7, 1961 (H. Doc. No. 92–359); to the Committee on Public Works and ordered to be printed with illustrations.

2360. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 1, 1972, submitting a report, together with accompanying papers and illustrations, on Pearl River Basin, Miss. and La., requested by resolutions of the Committee on Rivers and Harbors, House of Representatives, adopted June 6, 1939, and Committee on Public Works, House of Representatives, adopted June 30, 1960 (H. Doc. No. 92–282); to the Committee on Public Works and ordered to be printed with illustrations.

2361. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 11, 1972, submitting a report, together with accompanying papers and an illustration on Perry County Drainage and Levee Districts Nos. 1, 2, and 3, Missouri, authorized by the Flood Control Act approved July 24, 1946 (H. Doc. No. 92–360); to the Committee on Public Works and ordered to be printed with an illustration.

2362. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 14, 1971, submitting a report, together with accompanying papers and illustrations, on Spring River and tributaries, Mo., Kans., and Okla., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted May 24, 1963, and May 8, 1964 (H. Doc. No. 92–361); to the Committee on Public Works and ordered to be printed with illustrations.

2363. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 30, 1972, submitting a report, together with accompanying papers and an illustration, on Little River Inlet, N.C. and S.C., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted September 23, 1965, and two resolutions of the Committee on Public Works, House of Representatives, adopted October 5, 1966, and October 19, 1967 (H. Doc. No. 92–362); to the Committee on Public Works and ordered to be printed with an illustration.

2364. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 2, 1970, submitting a report, together with accompanying papers and an illustration, on Point Place, Toledo, Ohio, requested by a resolution of the Committee on Public Works, House of Representatives, adopted October 5, 1966 (H. Doc. No. 92–363); to the Committee on Public Works and ordered to be printed with an illustration.

2365. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated December 6, 1971, submitting a report, together with accompanying papers and illustrations, on Edwards Underground Reservoir, Guadalupe, San Antonio and Nueces Rivers and tributaries, Texas, authorized by section 209 of Public Law 86–645, approved July 14, 1960 (H. Doc. No. 92–364); to the Committee on Public Works and ordered to be printed with illustrations.

2366. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 1, 1972, submitting a report, together with accompanying papers and illustrations, on Virginia Beach, Va., requested by a resolution of the Committee on Public Works, House of Representatives, adopted April 14, 1964 (H. Doc. No. 92–365); to the Committee on Public Works and ordered to be printed with illustrations.

2367. A letter from the Administrator of Veterans' Affairs, transmitting two reports of the Veterans' Administration for fiscal year 1972 on programs for the sharing of medical facilities and for exchange of medical information, pursuant to 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

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 ASPINALL: Committee of conference. Conference report to accompany H.R. 7742 (Rept. No. 92–1430). Ordered to be printed.

Mr. ASPINALL: Committee of conference. Conference report to accompany H.R. 8694 (Rept. No. 92–1431). Ordered to be printed.

Mr. ASPINALL: Committee of conference. Conference report to accompany H.R. 10858 (Rept. No. 92–1432). Ordered to be printed.

Mr. ASPINALL: Committee of conference. Conference report to accompany H.R. 6797 (Rept. No. 92–1433). Ordered to be printed.

Mr. ASPINALL: Committee of conference. Conference report to accompany H.R. 3337 (Rept. No. 92–1434). Ordered to be printed.

Mr. JOHNSON of California: Committee of conference. Conference report to accompany S. 166 (Rept. 92–1435). Ordered to be printed.

Mr. MILLER of California: Committee of conference. Conference report to accompany H.R. 10243 (Rept. No. 92–1436). Ordered to be printed.

Mr. COLMER: Committee on Rules. House Resolution 1132. A resolution waiving points of order against H.R. 16754. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1437). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1133. A resolution providing for agreeing to House Joint Resolution 1227. Joint resolution approving the acceptance by the President for the United States of the Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms (Rept. No. 92–1438). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 1135. A resolution providing for the consideration of H.R. 1121. A bill to provide for the establishment of the Gateway National Seashore in the States of New York and New Jersey, and for other purposes. (Rept. No. 92–1439). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 1136. A resolution providing for the consideration of H.R. 16645. A bill to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes (Rept. No. 92–1440). Referred to the House Calendar.

Mr. PERKINS: Committee on Education and Labor. H.R. 12006. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes; with an amendment (Rept. No. 92–1441). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1316. An act to amend section 301 of the Federal Meat Inspection Act, as amended, and section 5 of the Poultry Products Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State under such sections; with amendments (Rept. No. 92–1442). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 16656. A bill to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; with an amendment (Rept. No. 92–1443). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 16792. A bill to promote the development within the United States and foreign countries of American arts and handcrafts; to the Committee on Interstate and Foreign Commerce.

H.R. 16793. A bill to prohibit the use of certain small vessels in U.S. fisheries; to the Committee on Merchant Marine and Fisheries.

By Mr. CLANCY (for himself and Mr. DEVINE):

H.R. 16794. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers and firefighters killed in the line of duty; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 16795. A bill to amend the Internal Revenue Code of 1954 to permit the authorization of means other than stamps on containers of distilled spirits as evidence of taxpayment; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 16796. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest land owners, and for other purposes; to the Committee on Agriculture.

H.R. 16797. A bill to provide for the participation of the United States in the International Exposition on the Environment to be held in Spokane, Wash., in 1974, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HANLEY:

H.R. 16798. A bill to amend section 1033 of the Internal Revenue Code of 1954 to provide that the sale of livestock shall be treated as an involuntary conversion where the taxpayer sold such livestock solely on account of the destruction of the barn or other facility used to house such livestock; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 16799. A bill to establish a program to assist individuals and State and local governments in economically depressed areas; to the Committee on Public Works.

By Mr. McDADE:

H.R. 16800. A bill to amend the Internal Revenue Code of 1954 to provide that taxpayers shall not be required to reduce the amount of casualty loss deductions by the amount of reimbursement anticipated from the cancellation of certain Federal loans made in the case of certain disasters; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 16801. A bill to amend title 18 of the United States Code to provide rules for the treatment of prisoners in Federal correctional institutions; to the Committee on the Judiciary.

By Mr. REID (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BINGHAM, Mr. CONYERS, Mr. CORMAN, Mr. DELLUMS, Mr. DIGGS, Mr. DRINAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. FRASER, Mr. FULTON, Mr. GREEN of Pennsylvania, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. KASTENMEIER, Mr. KOCH, Mrs. MINK, and Mr. MITCHELL):

H.R. 16802. A bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. REID (for himself, Mr. MOLLOHAN, Mr. MURPHY of New York, Mr. NIX, Mr. RANGEL, Mr. RODINO, Mr. ROSENTHAL, Mr. SCHEUER, Mr. SEIBERLING, Mr. STOKES, Mr. THOMPSON of NEW JERSEY, and Mr. WOLFF):

H.R. 16803. A bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964; and for other purposes; to the Committee on Education and Labor.

By Mr. ROBERTS:

H.R. 16804. A bill to rename the Mineola dam and lake as the Carl L. Estes dam and lake; to the Committee on Public Works.

By Mr. ROGERS:

H.R. 16805. A bill to amend Public Law 91–508 to limit the disclosure of bank records by financial institutions, and for other purposes; to the Committee on Banking and Currency.

By Mr. YOUNG of Florida:

H.R. 16806. A bill to amend title 38 of the United States Code to provide that one-half of any social security benefit increases provided for by Public Law 92–336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

H.R. 16807. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits at least half of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. MAHON:

H.J. Res. 1306. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes; to the Committee on Appropriations.

By Mr. BURLISON of Missouri:

H.J. Res. 1307. Joint resolution providing for a special deficiency payment to certain wheat farmers; to the Committee on Agriculture.

By Mr. SEIBERLING:

H. Con. Res. 709. Concurrent resolution on the need for national commitment to find a system for settling international disputes without war; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. DOW:

H.R. 16808. A bill for the relief of Howard Lindberg; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 16809. A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Calvin O. Schofield; to the Committee on the Judiciary.

By Mr. HOWARD:

H. Con. Res. 710. Concurrent resolution extending the greetings and felicitations of Congress to the American Public Health Association on the occasion of the 100th anniversary of its founding; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

285. The SPEAKER presented a petition of the Board of Representatives, Dutchess County, N.Y., relative to legislation proposed by Hon. HAMILTON FISH, to amend the National Housing Act, which was referred to the Committee on Banking and Currency.

SENATE—*Monday, September 25, 1972*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

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

O Lord, our Father, Almighty and Everlasting God, who hast safely brought us to the beginning of this day, defend us in the same with Thy mighty power, and grant that this day we fall into no sin, neither run into any kind of danger; but that all our doings may be ordered by Thy governance, to do always that which is righteous in Thy sight, through Jesus Christ our Lord.

O Lord God, who hast called us, Thy servants, to ventures of which we cannot see the ending, by paths as yet untrodden, and through perils unknown, give us faith to go to our tasks with good courage in the sure knowledge Thy hand is leading us and Thy love supporting us.

We pray in the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 22, 1972, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the District of Columbia Committee; the Interior and Insular Affairs Subcommittee on Parks and Recreation; and the Labor and Public Welfare Subcommittee on Education be authorized to meet during the session of the Senate today.

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

EXECUTIVE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

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

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

U.S. TAX COURT

The second assistant legislative clerk read the nomination of Darrell D. Wiles, of Missouri, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed; and without objection the President will be immediately notified of the confirmation of this nomination.

LEGISLATIVE SESSION

Mr. MANSFIELD. 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.

ORDER OF BUSINESS

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

(The remarks Mr. BEALL made on the introduction of S. 4023 are printed in the Routine Morning Business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that a member of the staff of the Health Subcommittee of the Committee on Labor and Public Welfare, Dr. Larry Horowitz, be permitted on the floor during the transaction of routine morning business today.

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

ADMINISTRATION'S OPPOSITION TO RECENT HEALTH LEGISLATION

THE NIXON HEALTH RECORD

Mr. KENNEDY. Mr. President, last week the Senate passed three landmark pieces of health legislation: The HMO bill, which provides a real alternative to traditional fee-for-service solo practice; the DES bill, which bans this known cancer-causing substance from cattle feed; and the Health Facilities, Manpower, and Community Mental Health Centers Act, which extends and improves the authorities for eight vitally important health programs.

Astonishingly, the Nixon administration has opposed each and every one of these measures. In fact, the administration has opposed each of the last 11 pieces of health legislation considered by the Senate Subcommittee on Health. In testifying against all this legislation, the administration has effectively:

Opposed the improvement of our medical libraries;

Opposed the provision of doctors to doctorless counties;

Opposed the provision of more money for hospital construction and modernization;

Opposed the banning of a known cancer-causing substance from our food supply;

Opposed the strengthening and expansion of our community mental health centers program;

Opposed the training of allied health personnel;

Opposed the expansion of our communicable disease control programs.

This is a record of negativity unparalleled in recent times.

In 1969 President Nixon admitted that the Nation faced a massive health-care crisis which, if not met in the "next 2 or 3 years," would cause "a breakdown in our medical care system which could have consequences affecting millions of people throughout the country." The administration is willing to suffer those consequences. I am not; my Democratic colleagues are not. And even my Republican colleagues in the Senate broke with the President and joined with us to pass the three health bills last week by overwhelming majorities.

But this administration has done more than just oppose the passage of new health legislation. The President has set unprecedented records by vetoing two of the last three health appropriations bills—appropriations for all the existing health programs. Richard Nixon's latest veto message accused the Congress of fiscal irresponsibility. Yet it is the President's proposed budget which is irresponsible. His budget would not allow the maternal and child health service to provide care for one additional mother or child; would not permit one new comprehensive neighborhood health center to be opened; would continue services to only 2½ percent of the mentally retarded children in this country.

Is his really the kind of fiscal responsibility the American people want? I think not. I think the people recognize that this veto, like its predecessor, represents a desperate attempt on the part of the President to pay for the enormous costs of his tragic bombing policy in Vietnam. I do not think this Nation is prepared to pay for bombs with the dollars needed to assure the health of their children. I do not believe the Nation's children, the mentally retarded, the poor, the old and the sick ought to pay for the bombing of Vietnam. It is more than the Nation's spirit that has been drained by the continuation of this war.

We in the Senate will continue to try our best to reorder this Nation's priorities. We will continue to pass health legislation with or without administra-

tion support, and we will continue to appropriate whatever funds are necessary to solve the health care crisis. We have no alternative. No one else is looking after the health interests of the men, women, and children of America.

Mr. President, in the health field, as in so many other fields, this administration's programs favor the strong over the weak, big business and organized medicine over the individual citizen. The President's health program is little more than a windfall for the insurance industry. The President would provide a patchwork of new insurance coverages for selected groups of Americans. It is a program which totally excludes one out of five Americans. But his program ignores the necessity to increase our capacity to provide care; it ignores the urgent need to establish quality control mechanisms in our health care system; it ignores the fact that the same bankrupt institutions that cannot keep up with the payment of benefits today would have an added burden placed upon them by this program. Instead of providing an incentive for doctors to practice in rural and inner-city areas, President Nixon's program would start a gold rush of insurers into these areas.

I say the health insurance industry has been a catastrophic failure in America. I say the average citizen should not have to mortgage his future because he did not read the fine print in his insurance policy. I believe that the $14 million insurance companies paid out in 1970 to hospitals and physicians could have been better spent; it could have been used as leverage to change the system, to develop quality standards, to provide incentives to develop new and better ways to deliver health care. Mr. President, the health of our people is far more important than the health of the insurance industry. That is why I have proposed a system of national health security: to help reorder our priorities.

I want hospitals to be primarily concerned with the patient's illness, not with the status of his insurance coverage. I want every parent in this country to know that his child can get whatever health services he needs—no father ought to ask himself if his sick child can get by without seeing a doctor because of the expense involved.

With Richard Nixon's record of support of, and faith in, the bankrupt insurance industry, it is little wonder that the Price Commission has allowed insurance company price increases of up to 55 percent.

Mr. President, when Richard Nixon took office, he asked to be judged by deeds, not words. Here are some of his deeds in the health field:

First, the first Nixon budget cut medical research by 20 percent and resulted in the closing of 19 research centers.

Second, he closed a proposed measles vaccination program in spite of predictions of a serious recurrance in 1972–73. The last epidemic of rubella resulted in more than 25,000 deaf children.

Third, he vetoed two of the last three health appropriations bills. That veto said, in effect:

That $8 million additional dollars was too much to spend on a program to control the diseases that account for half of all the deaths in this country—heart disease, cancer, and stroke;

That $3 million additional dollars was too much to spend for vaccination programs in spite of their proven effectiveness;

That $35 million additional dollars was too much to spend to control the diseases affecting the working men and women of this country—the occupational hazards like the dreaded black lung disease;

That $46 million additional dollars was too much to spend to look after the health needs of new infants and their mothers, as well as the elderly.

Mr. President, this is a sorry record, indeed. Perhaps if all the sick in this country could band together and contribute to his campaign, Mr. Nixon would take their problems more seriously. But pregnant women, children, the elderly the retarded, millions of middle-income working Americans, and the poor, have no Dita Beard to lobby on their behalf and they cannot expect the same favors as granted to ITT.

Dr. Stanley Yolles, a former Assistant Surgeon General and Director of the National Institute of Mental Health, a veteran of 30 years Government Service to both Republican and Democratic administrations, accused the Nixon Administration, at the time of his resignation, of a "lack of commitment to supporting mental health services for children; curtailment of research support and mental health professionals; substitution of rhetoric for monetary support in Federal drug abuse and alcohol control programs, and the introduction of partisan, political consideration in the appointment of individuals to scientific positions."

Mr. President, the American people are not deceived by Mr. Nixon's rhetoric. They will judge by what they see and experience—and what they see and experience are rising doctor bills, rising hospital bills, inadequate insurance coverage, epidemics of venereal disease, a proliferation of drug abuse, and a bankrupt administration, unable or unwilling to meet these problems. They will see all these things and then they will judge and their judgment will be that by his own standards, Mr. Nixon's health program is a dismal failure.

Mr. President, in the brief time that is remaining I would like to go over some of the statements that were made by the President in his 1971 health message to Congress, and to compare those statements with his actions in the health field.

In the health message of 1971 President Nixon said:

> We must reaffirm, and expand the Federal Commitment to biomedical research.

The facts are that this administration, in its first year in office cut medical research by 20 percent, which resulted in the closing of 19 research centers.

President Nixon said:

> I am announcing today a comprehensive national health insurance program to provide adequate health insurance for the American people.

The fact is, that a careful review of his health insurance proposal reveals that it excludes 1 out of every 5 Americans. If a person is married and poor but does not have children, he is excluded from the program.

President Nixon said:

> We must immediately cut down on the 14,000 deaths and more than 2 million disabling injuries which result each year from occupational illnesses and accidents.

We passed legislation to permit thousands of new inspectors to be placed in the mills and factories of this country, and only 400 of them are there now. We can afford to have 150,000 men in Southeast Asia to look after the security of the South Vietnamese, but we cannot afford to put the required number of men in the plants of this country to look after the health and safety of this Nation's workers who toil in our plants and factories. In addition, the appropriations bill vetoed by the President contained $35 million earmarked for diseases affecting workers, including the dreaded black lung disease.

President Nixon said:

> When we talk about health programs we should not forget our efforts to protect the Nation's food and drug supply.

The fact is the administration just recently opposed the banning of the known cancer-causing substances, DES, from the Nation's food supply. What kind of protection is that?

The President's health message went on:

> Barriers to development of HMO's include archaic state laws which prohibit or limit the group practice of medicine in 22 states.

Yet, on August 14 the administration changed its view and opposed the preemption of restrictive State laws. The department spokesman said, "Conceptually, the new policy position is a major retreat."

So in his health message he pledged to do something about restrictive health laws, but on August 14, he backed away from that commitment.

Quoting again from the 1971 health message:

> The Federal Govt. should supplement these efforts by supporting out patients clinics in areas which still are underserved. These units can build on the experience of the Neighborhood Health Centers.

The fact is that the President's proposed budget would not allow one additional neighborhood health center to be opened. These facilities reach out into the rural as well as the urban areas to provide comprehensive health services. On the one hand the President said these are the kinds of facilities that should be used as models for the delivery of health care, but on the other hand his proposed budget would allow no new centers to be built in spite of the need for them in this country.

Mr. President, you find these contradictions throughout. On the one hand, there is the President's message on health, and when the time comes for appropriations to implement that message an entirely different song is sung. No one knows that better than the distinguished Senator from the great State of Washington.

Quoting again from the health message:

> It is important that we produce more health professionals and that we educate more of them to perform critically needed services.

But once again the administration's actions were contradictory. The President vetoed legislation to provide more family doctors for this Nation. That was in spite of the overwhelming support of the bill in the Senate and House.

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

Mr. KENNEDY. I yield.

Mr. MAGNUSON. To my mind, the false sense of priorities involved——

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. CRANSTON. Mr. President, I yield 1 minute of my time to the Senator from Washington.

The PRESIDING OFFICER. The Senator from California yields 1 minute of his time to the Senator from Washington.

Mr. MAGNUSON. The priorities are misplaced. The point is that even if these figures could be disputed, I know, and the Senator from Massachusetts and the Senator from California know, we are meeting only about one-third of the real needs of the people. There is no argument when there is an overkill of defense weapons, but there is a big argument when there is an underkill on the health and education needs of the American people. That is the best way I can describe it—an overkill on one side and an underkill on the other. I would say we are not meeting at least 40 percent of the needs of the people, after listening to all the witnesses and all the testimony, in the field of health, education, and welfare.

Mr. KENNEDY. As I understand it, the President said the vetoed bill provided an additional $2.1 billion for HEW—what was the final appropriation?

Mr. MAGNUSON. The final figure was $30.5 billion. I will put the figures in the RECORD.

Mr. KENNEDY. The vetoed bill was $2.1 billion over his request. Yet we are exporting over $5 billion in military equipment a year. This was $2.1 billion over the request.

Mr. MAGNUSON. They choked on this $2.1 billion down there at the same time we are talking here about a bill on foreign aid which provides for more than that amount—which may be needed, too. I do not object to that, but they do not choke on the fact that—the figures are a little elusive, depending on whom one believes down there—we spend at least $1 billion a month, not a year, but a month, chasing little people in black pajamas all over Southeast Asia. This is what I mean by priorities.

Mr. KENNEDY. I hope we will have a chance to talk a little more about that later.

I thank the Senator from California for yielding.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the Senator from California is recognized for 14 minutes, having yielded 1 minute to the Senator from Massachusetts.

NIXON ADMINISTRATION'S FAILURE TO PROVIDE FOR VETERANS MEDICAL NEEDS

Mr. CRANSTON. Mr. President, the distinguished Senator from Massachusetts (Mr. KENNEDY) has clearly articulated the critical state of federally supported health programs—a subject he knows so thoroughly and feels so deeply. The Senator from Washington (Mr. MAGNUSON), by his comments, has brought his very great expertise and compassion to bear, also, on this most vital subject.

I rise to address the critical state of one component of the Nation's health system—the Veterans' Administration system of hospitals and clinics—and the Nixon administration's resistance to building up this system to meet the increasing pressures placed upon it by the growing numbers of veterans from previous conflicts now needing medical care, and the large numbers of veterans from the present conflict in Southeast Asia requiring intensive hospital care or rehabilitation.

When we discuss health programs and the deficiencies of the Nixon administration in meeting national needs, we must not overlook one of the major national resources in health care—the Veterans' Administration system of hospitals and clinics.

The Veterans' Administration's 167 hospitals and 202 clinics have been attempting to provide quality care to the Nation's veterans under extremely difficult conditions. These difficult conditions have been created primarily by the budgetary restrictions and personnel ceilings mandated by the administration.

The first hint of the disastrous policies which this administration would follow was dropped in 1969 when the administration recommended a reduction in the fiscal year 1970 budget request of the Johnson administration of some $70 million. This cut would have meant a reduction of 3,600 in the number of personnel helping disabled veterans in VA hospitals.

Congress met this shortage by appropriating a substantially increased amount over the President's request, and by adopting a supplemental appropriation which brought total budget authority for medical programs up to $1.6 billion in that year.

The next year, fiscal year 1971, following this positive action by Congress, the administration proposed a budget for VA medical care of $1.7 billion, trumpeted as a record amount for this purpose. However, investigation by the Subcommittee on Veterans' Affairs, which I then chaired, and a very careful scrutiny of the budget, indicated that actually, it was at best a standstill budget. And that it was indeed a regressive one.

This proposed administration figure was still $50 million below the level estimated as necessary for fiscal year 1971, a full year previously, by the VA's own medical experts. Since the time those estimates had been put together, the demands for care and the cost of providing it had inflated beyond all expectation. Congressional action resulted in a final appropriation for fiscal year 1971 of over $1.9 billion.

Again in fiscal year 1972, the administration's budget requests were seriously below need. The fiscal year 1972 request for the medical care item, although nominally $124.7 million more than appropriated for the previous fiscal year, was in no way a step ahead. About half of the proposed increase would have been eaten up by inflation on fixed charges on capital items, such as utility charges. Half of the remaining $60 million or so in the President's request would have been largely eroded by realization of a higher average salary per employee than had been budgeted.

Congress again met the issue squarely and enacted an increase of more than $200 million, enabling the VA to provide an adequate level of care to the Nation's veterans for 1 more year.

By fiscal year 1973, as a result of congressional initiatives and over the administration's stanch protests, some $376 million had been added over this administration's requests for medical care for veterans.

With the funds included in this years' 1973 appropriation, the amount added is now over $450 million—almost a half billion dollars—and this effort could culminate by the end of 1973 in an increase of about 20,000 health care workers in VA medical facilities since fiscal year 1971.

Had the administration been successful in maintaining its limited recommended level of funding, this increase in personnel would have been impossible. It should be emphasized that a principal deficiency in VA hospitals had been a gross lack of staff prior to congressional efforts to increase staffing. This inadequacy had come at a time when the VA was trying to activate some 150 badly needed specialized medical services—such as intensive care units, coronary care units, open heart surgery units, pulmonary function units, and more spinal cord injury centers—all of which require intensive staffing, which drains off staff available for the core hospital.

The VA hospitals had an overall staff-to-patient ratio of less than 1.5 to 1, as compared to staffing ratios of about 2.7 to 1 for community hospitals.

This serious deficiency in staff-to-patient ratios was all the more alarming when more and more of the VA patient population included veterans of the Southeast Asia conflict.

This war in Southeast Asia, with relationship to the wounds suffered by the men serving there, is totally different from any other war we have fought. New, modern destructive devices range from high caliber rifles which inflict

shattering wounds to light caliber weapons and new types of mines and other traps used in close combat and guerrilla warfare. These new weapons are creating wounds that are unprecedented in their destructive and crippling nature.

At the same time, now, with helicopters to lift fallen men from battle the moment they have fallen, and fly them in a matter of minutes to field hospitals, these men receive medical care far earlier, after they are wounded, than in prior wars. And they receive better care, due to new medical advances and wonder drugs which were not available before.

For these reasons, more badly wounded men—10 percent more—are surviving this war than ever before in the history of any war we have fought.

These courageous men require intensive care, creating a greater demand for staff and specialized equipment.

And it was in the face of this demand and the existing low levels of staffing in 1970, 1971 and 1972 that the Nixon administration consistently fought our efforts to provide funds to live up to our obligation to our wounded and disabled veterans.

The slow but steady growth in the numbers of personnel in VA hospitals is a step ahead, but still not fully adequate in relation to the need. Nevertheless, these steps would not have been taken without the consistent support provided by the congressional leaders in the House and Senate responsible for overseeing the Veterans' Administration budget and program. I would like at this time to bring this body's attention to the outstanding leadership provided by the distinguished Senator from Rhode Island (Mr. PASTORE) in gaining increased appropriations for the Veterans' Administration each year of the last four, and in being consistently agreeable to suggestions and recommendations made for greater, funding for the VA medical program. Support for the health needs of veterans has been supported in Congress by Democrats and Republicans alike. Republican Senators and Representatives have been just as unwilling as their Democratic colleagues to follow the nonleadership of President Nixon.

The growth of the VA medical care system in the last 3 years has been accomplished only by continual diligence and persistence on the part of Congress.

The administration tried to stifle Congressional funding efforts by bureaucratic controls: By issuing directives limiting the average daily census allowed in VA hospitals, and ordering a rollback in the average grades of General Schedule employees of the VA.

DAILY CENSUS CUTBACK

In 1971 OMB ordered a reduction in the average daily patient census of over 5,000 veterans. At that time, I agreed philosophically with the VA objection to the census minimum that such a requirement might run counter to sound medical judgment. Indeed I firmly believe the admission or discharge of a patient to a VA hospital is properly left to a physician's professional judgment.

But that same principle supported, indeed demanded, we set a census minimum in the law to prevent the census cutback ordered by the Office of Management and Budget.

For it was in order to save money and cut back the VA that the OMB arbitrarily required this rollback to 79,000 from a cumulative projected census of about 84,500 for fiscal year 1971.

No medical judgment was ever involved in this OMB decision.

Quite the opposite.

OMB's effort was totally contrary to medical judgment.

When, during fiscal year 1971, physicians were left to decide how best to handle admissions and discharges of sick veterans, the VA cumulative average daily census through April 1971 was running at 84,647—far above the fiscal year 1971 budget estimate of 83,000.

During that period, the VA was experiencing an almost unprecedented level of demand, as evidenced by record high monthly hospital applications and actual admissions and the highest waiting list for domestic VA hospitals in 4 years. That is why the VA fiscal year 1972 budget submission to the OMB was premised on an average daily census of 84,371, not 79,000.

And that is why a minimum census requirement, such as the Congress inserted in the appropriations act was—quite regrettably—absolutely necessary.

Otherwise, this census cutback would have been implemented by closing beds and wards.

EFFECT OF AVERAGE GS GRADE ROLLBACK

Mr. President, another OMB effort to frustrate the effectiveness of congressional initiatives was implementation of an OMB bulletin which directed the VA to achieve an average grade reduction of general-schedule employees by January 10 of a grade by June 30, 1972. This was followed by OMB Bulletin No. 72-5 directing fixed reductions in full time personnel and total employment ceilings. On the latter, the VA was, by and large, given the benefit of the doubt, but the effect of the grade rollback requirement was alarmingly eroding the quality of patient care.

The present rollback has already caused unacceptable chaos and damaged morale. It arbitrarily forced the hiring of untrained personnel at lower GS levels when trained professionals and technicians were available to hire. It caused turnover—requiring new training costs and patient care disruption for replacements—or resentment among those denied long overdue promotions. It resulted in serious depression of advancement opportunities for the lower-paid patient care personnel, especially trainees promised upgrading opportunities in good faith when hired. It lead to wholesale abuse of civil service job classification standards and temporary appointments and promotions.

It widened the disparity between GS and the wage board grades—the latter not included in the OMB bulletin. It placed restrictions on filling openings at high levels for assistants and deputies. If eliminated the policy of assigning tasks from title 38—excepted positions to GS positions. And finally, it resulted in the overall slowing down in the filling of positions while the impact on the grade level is calculated and replacements are sought at far lower GS grades with lower commensurate skills than the individual being replaced.

This is a bleak picture for the veteran patient who finds himself in the care of more and more unskilled trainees rather than experienced health care workers and who has to remain in the hospital extra days while waiting longer for X-ray and laboratory results.

Yet this was the administration's approach, and again, the only hope for the veterans was in action by the congressional appropriations committees' directing that this circular not be implemented in fiscal year 1973.

Is this administration's penny-pinching, short-sighted approach what the people of the United States want for their veterans? I say "No."

I say they want them to have the finest level of medical care possible—the level of care which the dedicated personnel of the Veterans' Administration hospitals are fully capable of giving if they are provided with the supporting personnel and the necessary equipment, medicines, and physical facilities to do so.

They have been hindered in these efforts by arbitrary and heartless decisions by this administration. Congress has tried in every way possible to insure they have the funds, equipment, medicines, and facilities necessary to provide the first-quality, compassionate care our nation's veterans deserve, and which I am sure all Americans believe they must be provided.

Congress can be counted on to continue to be vigilant to achieve this crucial goal. We must not let our high obligation to our Nation's war wounded be relegated to a low priority, as this administration has consistently sought. Instead, it must be our highest priority.

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator's time has expired. Under the previous order, the Senator from Washington (Mr. MAGNUSON) is recognized for not to exceed 15 minutes.

THE LABOR-HEW APPROPRIATION VETO

Mr. MAGNUSON. Mr. President, I first want to compliment the Senator from Massachusetts and the Senator from California on their very keen analysis of the matter of priorities in this country, particularly as it relates to the HEW veto.

By any measure, the Labor-HEW bill is impressive. A $29.6 billion dollar measure can be equally confusing and we can easily lose sight of what is really at stake.

The Labor-HEW appropriation sets forth the Federal share, or support, for hundreds of State and local health and education programs.

The Congress approved increases in the 1973 levels of funding in that vetoed bill. The Congress approved increases in those State and local health services and education programs in very specific areas.

By his veto, the President alone decreed that our Nation would not increase those services or expand the coverage and participation in those programs.

For a moment, let me set the record straight and cite a few examples of what that veto means in just the health field.

First. Approximately 150,000 fewer school-aged, handicapped children would be served and 1,500 fewer teachers of the handicapped would be trained.

Second. Approximately 30,000 crippled children would not receive medical services.

Third. Six hundred fewer physicians would be trained in the new specialty of family medicine.

Fourth. About 10,500 nursing students would be turned away when they seek scholarship aid to continue their education.

Fifth. Grants which would produce an additional 560 first-year places in medical and related schools would not be funded because the President's budget requested zero for medical school construction grants—even though there is a continuing shortage of 50,000 doctors right now.

Sixth. Grants which would produce an additional 1,650 first-year places in nursing schools would not be funded again because the President's budget requested zero for nursing school construction grants—even though the shortage of nurses may be even greater, as I have pointed out, than the shortage of doctors.

Seventh. Hospitalization costs for migrant farm workers and their families would not be funded.

Eighth. Construction of 4,000 hospital beds in eight public health centers and 46 new general hospital projects would not be funded because the President's budget requested zero for hospital construction grants.

Ninth. Construction of 2,400 beds in about 40 nursing homes and chronic disease projects would not be funded because the President's budget requested zero for long-term care construction grants.

Tenth. Modernization of 4,000 hospital beds in 55 Hill-Burton projects would not be funded because the President's budget requested zero for hospital modernization.

Eleventh. Construction of the experimental children's hospital in Washington, D.C. would be crippled by the loss of a special $12 million experimental hospital grant because the President's budget requested zero for this important facility—which, when successfully proven, would provide a model that could be replicated throughout the Nation.

Twelfth. The initiation of a "Life Plan" in the area of kidney disease that could result in saving the lives of 10,000 to 20,000 Americans each year who now die because of the lack of life-saving kidney machines would not become a reality.

Thirteenth. Twenty-five new specialized care units for premature babies would not be established—even though this new development provides a promising way of reducing infant mortality.

Fourteenth. Additional research funds for sudden infant death—or crib death—would not be made available to the National Institutes of Health.

There are literally hundreds of cases in which this happens, and we do not know enough about it yet to find out just how we can prevent it.

Fifteenth. Approximately 250 fewer doctors and nurses would be sent into medically underserved areas of our Nation where the existing health manpower is inadequate or nonexistent. Money was provided for the emergency Health Service Corps, but not enough.

Sixteenth. About 225,000 men, women, and children who might otherwise be helped in local community mental health centers, drug-abuse treatment centers, alcoholic treatment centers, and through the maternal and child health programs will not be able to receive such assistance.

I could go on and on and on. This is just a partial list of the health programs involved in that Labor-HEW bill that was vetoed.

These are just a few of the vital health programs, important to millions of Americans, that will not be expanded because of that veto.

An overwhelming majority in Congress determined that these programs should be expanded and these health services made available. By his veto, the President decreed otherwise.

Because of that veto, those shortages in health manpower will continue, those additional health services will not be rendered, and much additional biomedical research will not be conducted.

This is what President Nixon's veto of the original 1973 Labor-HEW Appropriations Act really means in human terms for millions of our fellow citizens.

Let us talk now about the money element. Chairman George Mahon of the House Appropriations Committee said:

> I would hazard the prediction that the annual appropriation bills, for fiscal 1973 at this session, will total perhaps $2 to $3 billion less than the related appropriation requests.
>
> Nine regular appropriation bills for fiscal 1973, plus the Disaster Relief appropriation bill, making 10 of the bills for 1973 have already been signed into law. At this moment, in bills signed into law, we are $322 million above the President's budget requests.
>
> But, the Defense Appropriation bill, which is $4.3 billion below the budget, and foreign aid, which is some $967 below the requests, have yet to reach final Congressional action.
>
> Passage of these bills, at such levels below the President's requests, would leave us almost $5 billion below his budget.

This is where priorities come in, and I do not understand anyone with any sense of priorities who could complain about an increase in health, education, and welfare, particularly in the health field, when we are going to be $5 billion below the total budget.

As I said earlier to the Senator from Massachusetts, this false sense of priorities seems to be almost a fetish with certain people in this administration. We can spend all this money on foreign aid, and I suppose some of it should be spent. We can spend all this money on Vietnam, about a billion dollars a month, as I said before, chasing little people in black pajamas all over Southeast Asia.

Perhaps that procedure meets with the approval of many. But when we have certain capacities and capabilities in this country and when we are going to have a budget that is $5 billion under the Presidents' request over-all, and inasmuch as Congress lowered the President's budget over the last 3½ years or 4 years some $12 billion, I cannot see all this concern over an additional $1.7 billion to meet the human needs of this country.

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

Mr. MAGNUSON. I yield.

Mr. KENNEDY. The Senator from Washington was the architect of the emergency Health Personnel Act to provide medical personnel to underserved areas. I am sure the Senator recalls that, because he was active in its development.

Does the Senator recall that in the 1971 health message the President said:

> We will mobilize a new National Health Service Corps made up of largely public spirited young professionals in areas which are now plagued by critical manpower shortages.

I recall—and I wish the Senator would refresh my recollection if I am incorrect—that, first of all. The President never asked for funds for this program the first year, and then he asked for inadequate funds.

Mr. MAGNUSON. Yes.

Mr. KENNEDY. They delayed getting it started. Then they opposed legislation extending the program in testimony before the Senate Health Subcommittee. Finally, when they sent some health personnel into the field, they sent them only to communities with a sound financial base rather than to the areas which were most underserved. There is nothing in the law about communities needing to have the ability to pay for these services in order to qualify for the program.

We realize that there are about 140 counties in this country that have no physicians whatever. This legislation was intended to send needed health manpower into these underserved areas. I know that this is a program in which the Senator from Washington is particularly interested. I would like to hear his views on this.

Mr. MAGNUSON. I have a deep interest in it, because I authored the original bill, with the help of the Senator from Massachusetts and others. There are still going to be very few of these people.

It seems to me that their sense of priorities downtown was all wrong, because we intended it to go—and that is the legislative history—in those places that needed it the most and where, in some cases, they could not pay any fees or could pay just a little. That rule has been violated. There is no question about it.

They delayed the program 18 months. Now they say we are going into some places, but they cut the money again on that, and severely limited the number of doctors, nurses and others who can serve.

One can pick up a paper almost every week in any given area and find how happy the people are in certain areas—in the ghettos or in the poor rural communities that finally have a doctor show

up. The Emergency Health Service Corp. are dedicated people, and they know how to handle these problems. This increase is cut out in this bill.

This is typical of the problems we face with human need programs. The Congress, over and over again, tries to meet these needs—with sound legislation and with more adequate appropriations—especially in the health manpower field. That is the keystone of getting to the problems in the delivery of health care in our Nation.

Mr. KENNEDY. That is one of the classic examples of the President saying one thing—that he wants a vital national health service corps, and doing another—he actually vitiated the effect of the program and opposed its extension.

I recall, as the Senator from Washington does, all the publicity on the war on cancer. The Senator will remember that legislation was initially developed by the Senator from Texas. The Senate Health Subcommittee held hearings. We acted on the legislation. The administration blocked its enactment until the President put in his own program; and then we had all the publicity about that down at the White House as if Congress was never involved. Yet the vetoed HEW appropriation bill contained $60 million additional for the war on cancer over the President's proposed budget. The vetoed bill contained $65 million additional for the heart and lung institute over what the President wanted. Does the Senator not agree that there is an inconsistency here? The statements made at the pensigning ceremonies are always glittering, but the behind the scenes activity is always quite different.

Mr. MAGNUSON. There seems to be no consistency between what they say and all the publicity which people seem to believe but then when the budget comes up they cut the things they are talking about. They ought to have a stereo machine with two loudspeakers, one for this side and one for the other side. That might serve their purposes better.

Over the last 4 years the President has asked for appropriations for $95 million but Congress, sensing the true priorities, granted $99 million. That is a $4 billion increase in 4 years. I suppose the Pentagon spills that much money every month, do they not? They must. I am not complaining about Defense appropriations at all but I am complaining about the sense of priorities.

They say this is inflationary. It is not inflationary. It is the reverse. I never knew that educating kids became inflationary. If we do not educate them, then it will be inflationary, or if we do not give them adequate health care they need it will cost more in the long run. We had a good bill.

I deplore the fact that everyone says they are all for these things but it is Congress which has done the overwhelming amount of work to increase these funds. Many people over on the House side voted for the increases, and on the other side of the aisle in the Senate, too, but then they also voted to sustain the President's veto. That is the height of inconsistency in this very important field of human needs.

Mr. President, I ask unanimous consent to have printed in the RECORD some fact sheets with comparison on the vetoed bill and the new House bill, for the benefit of the Senate.

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

FACT SHEET

THE VETOED BILL

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 amount, the 1973 budget estimate, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1972	$27,403,058,000
Budget estimates of new (obligational) authority fiscal year 1973 (including $1,449,310,000 not considered by the House	28,776,633,500
House bill, fiscal year 1973	28,603,179,500
Senate bill, fiscal year 1973	31,354,930,500
Conference agreement	30,538,919,500
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1972	+3,135,861,500
Budget estimates of new (obligational) authority (as amended) fiscal year 1973	+1,762,286,000
House bill, fiscal year 1973	+1,935,740,000
Senate bill, fiscal year 1973	−816,011,000

THE NEW HOUSE BILL

The new House bill totals $29,603,448,500, a decrease of $935,471,000 from the vetoed bill, and $835,815,000 more than the budget request. In developing a new measure to replace the vetoed bill, the House started with the *original* 1973 reported House bill and reduced the four largest increases over the budget contained in that bill by 12½ percent.

In addition, the new House bill includes four line items considered by the Senate, but not in the House in the original House-reported bill. These items, which are the same as the budget request, are Work Incentives, Grants for Developmentally Disabled, Special Benefits for Disabled Coal Miners and Corporation for Public Broadcasting.

The new House bill, in effect, ignored the amendments, changes and increased amounts of the Senate and all the agreements reached in conference on the original bill.

CONGRESS CUTS NIXON BUDGET REQUESTS BY $12.7 BILLION IN 4 YEARS

Is it logical when, on the one hand, the President claims spending for Health, Education and Welfare beyond his own request is excessive, reckless and inflationary, but similar (and far greater) expenditures for Defense or Foreign Assistance apparently are not inflationary or excessive.

Since the President so obviously dominates the headlines, hardly allowing Congressional pleas to be heard, the American public conceives the President as a one-man task force trying to curb a wasteful, spendthrift Congress.

But the truth of the matter is that it is the Congress that has cut inflation by curbing presidential budget requests by $12.7 billion from 1970 through 1973.

In four years the President has asked for $297.1 billions for Defense, but Congress wisely curbed this spending spree to $281.5 billion—a saving of $15.6 billion.

For HEW, the President asked for appropriations of $95 billion over 4 years, but Congress (sensing the country's true priorities far better than the President) granted $99.4 billion, an increase of $4.4 billion over the aggregate four years' requests.

For Foreign Aid, the President asked for $16.1 billion, but Congress granted $13.2 billion—a saving of $2.9 billion.

So, with a combined savings of $18.5 billion from Defense and Foreign Aid, Congress rightly sensed urgency in HEW and used $4.4 billion of this total savings for human resources needs. When all other departments of government were considered over the 1970–73 period, another $1.4 billion was utilized for such areas as Agriculture and Interior, thus leaving an overall savings of $12.7 billion in the four-year period.

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous order, the distinguished Senator from Connecticut (Mr. RIBICOFF) is recognized for 15 minutes.

Mr. RIBICOFF. Mr. President, I have listened with great interest to the statements just made by the two distinguished Senators from Massachusetts and Washington, as well as the distinguished Senator from California (Mr. CRANSTON), and I cannot help agreeing with and complimenting them for their leadership in this very important field of health.

THE NIXON BAND-AID FOR HEALTH CARE

Mr. RIBICOFF. Mr. President, if, as Ralph Waldo Emerson said, "Health is our first wealth," this Nation has become poorer in the last 4 years under the administration of Richard Nixon.

The promises of the 1968 Republican platform were empty rhetoric. The Republicans blamed the Democrats in 1968 for rising health care costs. Yet in the first year alone of the Nixon administration, hospital costs increased 16 percent, doctors fees went up 9 percent, and overall medical costs went up at an annual rate of 7.2 percent—faster than all other consumer goods and services.

In 1968 Candidate Nixon pledged that no American should be denied adequate medical treatment and that all Americans should have equal access to the health care system. Yet the Nixon health insurance bill provides a lower level of services to the poor than to the nonpoor.

In his 1971 health message to Congress, President Nixon pledged that he would restructure the health care system so that it would be organized for efficiency. Yet he opposed a bill which I and 25 other Senators introduced to create a separate Department of Health. This measure, which would have streamlined the Federal health effort by bringing existing health programs under one roof and paved the way for implementation of a comprehensive health insurance system, was ignored by the Nixon administration.

In February of 1971 President Nixon said to the Nation that:

> Not only is health more important than economic wealth, it is also its foundation.

Why then was the Nixon 1971 budget request for health so inadequate that the Senate Appropriations Committee was forced to report that: "For the second successive year, the Committee must ex-

press grave concern about the apparent downgrading of health as reflected by the Budget request"?

Why did President Nixon in 1970 oppose S. 2264 which authorized funds for major programs of control and vaccination for communicable diseases such as tuberculosis, tetanus, rubella, polio, veneral disease, and measles?

Why did President Nixon in December of 1970 pocket-veto S. 3418, which was designed to increase the number of family physicians?

Why was the Nixon 1972 budget request for health programs so miserly that the House Appropriations Committee called it "a step backward for research on all diseases and disabilities that afflict man" and the Senate committee called it a lackluster, pedestrian document that does not rise to the readily identifiable opportunities for pressing the fight against disease and disability.

Why did Nixon veto critical appropriations for HEW health programs for both fiscal 1970 and 1973?

The answer to all these questions is clear. The President wants to take political credit for health care legislation but he does not want to provide funds to meet America's health care needs. The administration has consistently proposed health legislation less extensive in scope than Congress has passed. Yet it continually attempts to take the credit for more comprehensive bills that pass Congress.

The 1972 GOP platform takes credit for the most comprehensive health manpower legislation ever enacted. Yet the President's budget request was far below the congressional authorization. The platform proudly boasts of its innovative experiments such as health maintenance organizations. Yet the comprehensive HMO legislation developed by the Health Subcommittee under the leadership of the distinguished Senator from Massachusetts (Mr. KENNEDY) has been bottled up in committee by administration opposition.

The Republican administration takes credit for legislation dealing with cancer, sickle-cell anemia, heart, blood vessels, lungs and kidneys, and mental retardation. Yet in each case it was due to Democratic initiative, leadership and follow-through against Republican opposition that these bills were enacted into law.

In the medicare area, the administration has quietly obstructed efforts to expand and improve the program. The Finance Committee recently approved a provision under which the costs of drugs would be assured by the medicare program instead of by the senior citizens. The administration opposed this provision.

The administration also approved of changes in the medicare program which would increase the health cost burden on the senior citizen. Under present medicare law the patient does not have to pay a coinsurance or daily hospital charge until he has been in the hospital for 60 days. H.R. 1 begins this coinsurance at the 31st day. The administration, in testimony before the Finance Committee, callously characterized this change as a step in the right direction. Throughout consideration of H.R. 1 the administration has opposed constructive changes to the medicare and medicaid program.

Structuring the American medical system to make it responsive to the needs of consumers as well as doctors, hospitals and insurance companies is a long term project. It cannot be done overnight. But the President's haphazard and neglectful approach to meeting America's health care needs does not even begin to shape a future in which good health care can be readily available to all citizens.

Mr. President, one of the greatest needs of the American people—health care—is being neglected. I am at a loss to understand why, in the face of this record, the American public is not aware of accomplishments of the 92d Congress under Democratic leadership in spite of the failure of the President to bring forth the necessary leadership in this most important field of health.

Mr. KENNEDY. Mr. President, will the distinguished Senator from Connecticut yield?

Mr. RIBICOFF. I am pleased to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I had an opportunity to review the National Health Service Corps legislation with the Senator from Washington. He was the original sponsor of that bill. I think that the Senate would be enormously interested in the comments of the Senator from Connecticut, especially since he has been a very distinguished Secretary of HEW in the past. When the Senator from Connecticut points out deficiencies in the administration's health policies, it carries much greater weight than when other Senators point them out.

I can remember—and I would be interested in the reaction and response of the Senator from Connecticut on this matter—when the Carnegie Commission report on the plight of the Nation's medical schools came out. It showed that some of our most outstanding medical schools were working under tremendous economic burdens. Johns Hopkins, one of the oldest and finest medical schools in the country, had been forced to expend capital from its endowment, and was perilously close to having to close down.

The Carnegie Commission made important recommendations. And eventually we provided good legislation. The legislation was funded. The Congress provided funds above what the President requested. And then we found out this year there were 22 medical schools getting less money than they were under the old formula.

It seems to me that once again we have the President and the administration making statements and comments about how they are advancing new ideas with respect to helping out the medical schools, and putting their tag on various pieces of legislation and getting credit for that legislation, but not meeting the problems at all. The medical schools are experiencing a serious financial crisis; and the Nation has a serious shortage of health manpower. There are thousands of young people who would like to go to medical schools in this country but who cannot gain admission because of a lack of positions. And yet we import thousands of graduates from medical schools of other countries. The administration has not begun to solve this crisis.

I wonder if this kind of situation is not distressing to the Senator from Connecticut and does the Senator not wonder how we can ever begin to meet our health crisis when we have this serious manpower shortage and an underfunding of health manpower programs?

Mr. RIBICOFF. Mr. President, it is not only distressing. It is a question of what to do to meet the critical health care needs of 16 million people. Every segment of American society has these needs—rich and poor, black and white, northern and southern.

The Senator from Massachusetts has been the leader of this fight in the Congress and in the country. In reviewing the Senator's accomplishments, I consider it ironic that the administration has opposed the last 11 pieces of health legislation considered by the Senator's Health Subcommittee.

If I may go over and catalog some of these with the Senator: Is it not true that the administration opposed the Senator's proposal for improving the medical libraries?

Mr. KENNEDY. The Senator is correct. One of the great medical libraries here is the Lister Hill Medical Library. They have a marvelous program for expanding medical libraries all over the country to keep them up to date with the advances in biomedical research. But the administration opposed this legislation.

Mr. RIBICOFF. Did not the administration oppose the proposal of the Senator to provide doctors to doctorless counties?

Mr. KENNEDY. The Senator is correct. When that legislation passed 3 years ago, the President never requested the funding for it. Then there was inadequate funding. Then, when they finally started to send the doctors out, they sent them to the richer counties rather than to the poorer counties and violated very clearly the mandate of the legislation.

Mr. RIBICOFF. And did they not also oppose the provision for appropriating more money for hospital construction?

Mr. KENNEDY. The Senator is correct. The President's budget contained not 1 cent for new medical school construction.

Mr. RIBICOFF. And the administration also opposed the ban on cancer causing substances in the food supply.

Mr. KENNEDY. The Senator is again correct. I am glad that the Senate has taken action on this matter. However, we had absolutely no kind of support from the administration in the banning of DES.

Mr. RIBICOFF. What happened to the Senator's proposal to strengthen and expand community health mental centers in this Nation?

Mr. KENNEDY. The administration was opposed to it in spite of the fact that there is an urgent need for an expansion of this program.

Mr. RIBICOFF. Mr. President, what about the program to expand the communicable diseases programs which are so important to every child and adult in this country?

Mr. KENNEDY. The administration again opposed that program and ignored the warnings of a rubella outbreak for 1972 and 1973. The last epidemic resulted in deafness in 25,000 children in this country. And the funds we are talking about are a mere $3 million above the President's requests.

The PRESIDING OFFICER (Mr. STEVENSON). The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, may I be recognized under the previous order for not to exceed 15 minutes?

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

Mr. ROBERT C. BYRD. Mr. President, I yield the Senator 5 minutes.

Mr. RIBICOFF. Mr. President, I thank the distinguished assistant majority leader.

Mr. President, I ask the Senator from Massachusetts if it is not true that the President's proposed budget would not permit the opening up of new neighborhood health centers.

Mr. KENNEDY. The Senator is correct. And that is despite the extraordinary success of that program. When you travel to our cities, and even to some rural areas, you see these centers and you are amazed at how effective they are. They are doing the job. They are one of the major developments we have seen in the whole field of improving health care delivery. The President's budget would not allow one new comprehensive health center to be opened.

Mr. RIBICOFF. Is it not true that the President's proposed budget would not allow maternal child health care service to provide care for one additional child or mother?

Mr. KENNEDY. The Senator is correct, and that is despite the fact that the need will increase this year, and despite the fact that the effectiveness of the program is universally accepted.

Mr. RIBICOFF. Mr. President, I close with asking the distinguished Senator a philosophical question. Why is it that the country seems unaware of these facts and this sorry record?

Mr. KENNEDY. That is an important question. The reasons are complex. There has been a great deal of hoopla about the position of the administration, a great deal has been made of the President's 1971 health message. And I am sure the Senator is familiar with it. We read the President's health message and there is hardly a line in it with which we would disagree. However, when we look beyond the health message to its implementation, we see that very little has been accomplished. Unfortunately, this administration has been extremely successful in misleading and duping people into believing that the health message of the President was going to be implemented and was going to meet the health needs of this country. But as the Senator from Washington (Mr. MAGNUSON) pointed out, in the long and unpublicized appropriations hearings the administration made it clear that they would not follow through. Unfortunately the full record is not understood and comprehended by the American people. But they will see that the health care crisis continues. In 1968, 55 percent of all interns in this country came from foreign countries, only 75 percent of the slots were filled and more than half were filled by foreign graduates. What does that say about the President's health manpower programs?

Do we not have young, qualified Americans who want to be doctors in this Nation? Why do we have to be taking thousands of foreign-trained residents? They should be back in their countries, in the third world, and other places.

Why can we not have a program to train young Americans who have the ability and the humanitarian concern to be good doctors? I do not think most Americans realize that 55 percent of those being trained as house staff are foreigners.

Mr. RIBICOFF. What compounds the tragedy is that this is depriving nation after nation of its needed medical personnel, where health conditions are often abysmal. So we deprive not only our Nation of its health needs but also the world of the attention it must have to have a healthy and decent life.

Mr. KENNEDY. The Senator is correct. We have the facilities, but we do not have the programs. I think this is a real tragedy. We do have the young people who are committed and we have the expertise to develop the program. The schools want to provide the slots for these Americans but we do not have the commitment to do so. It is important that the American people understand the situation which exists.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. ROBERT C. BYRD. Mr. President, does either Senator wish additional time?

Mr. RIBICOFF. I wish to make just one more comment.

Mr. ROBERT C. BYRD. I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. RIBICOFF. It becomes very obvious that there is a tremendous gap between words and deeds. It is so easy to send a position paper or a message to Congress and to have the American people assume that those words are actions. But under the Nixon administration, unfortunately, we find year after year that that rhetoric is never transformed into action. It is the job of the President to be teacher, leader, and advocate before the entire Nation; President Nixon has failed in this task. I would hope that even in the face of this discouragement to the American people because of the lack of leadership from the White House that the distinguished Senator from Massachusetts will continue persistently in his crusade for better health for the American people. I am positive in the long run it is efforts of men like the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), and those of us who help in this fight that will assure that the health needs of this country are met. Anyway, it is unfortunate that the leadership for improving health needs does not come from the White House, which is where it should come from. But, since it has been forfeited, it is up to us to continue the fight because the fight must go on.

Mr. KENNEDY. I thank the Senator from Connecticut for his comments and for his statement this morning.

Before we finish I would like to quote the President once again. He said:

> Nations, like men, are judged in the end by things they hold most valuable.

I agree with that. The tragic indictment of Richard Nixon is that the health care crisis has a low priority in his administration.

Mr. RIBICOFF. I thank the distinguished assistant majority leader for granting us additional time.

Mr. ROBERT C. BYRD. Does the Senator from Massachusetts wish additional time?

Mr. KENNEDY. No.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that the remaining time allotted to me be vacated, and that the time allotted to the distinguished Republican leader (Mr. SCOTT) be vacated.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(The remarks that Mr. ROTH made at this point when he introduced S. 4024, to amend the Internal Revenue Act, are printed in the RECORD in the Routine Morning Business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDING OFFICER. Is there further morning business?

ORDER FOR RECOGNITION OF SENATOR SCOTT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators on tomorrow, previously entered into, the distinguished Republican leader (Mr. SCOTT) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8 o'clock tomorrow morning.

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

Subsequently, this order was modified to provide for the Senate to recess until 9 a.m. tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1972—UNFINISHED BUSINESS LAID ASIDE

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate H.R. 16029, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the unfinished business (S. 3970), to establish a Council of Consumer Advisers in the Executive Office of the President, and for other purposes, will be temporarily laid aside and remain in a laid-aside status until a time to be determined by the majority leader or his designee.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a renewal of the period for the transaction of routine morning business for not to exceed 3 minutes.

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

THE DETERIORATING POSTAL SERVICE

Mr. MATHIAS. Mr. President, I received a letter on September 14 of this year from the Greater Baltimore Chamber of Commerce inviting me to attend a luncheon meeting to hear the Secretary of Commerce, the Honorable Peter G. Peterson. The Letter was mailed in Baltimore, the Nation's seventh largest city, on September 1. Thirty-five miles and 13 days later, the letter arrived in my office. I searched my mail and found that my experience was not unusual. Constituent complaints about the mail abound 1 year after the Postal Service initiated service standards to "assure service to the American people."

One constituent, a businessman in Cecil County, wrote:

I am attaching two items which indicate a postal cancellation date of September 7 and 9, yet both were received by us this morning, September 15. Both items reached the post office in Rising Sun this morning, so the delay had to be between the point of mailing and Rising Sun.

We have been watching the mail carefully each day and it is quite clear to us that we receive entirely too many letters which from four to nine days, whether carrying regular postage or air mail postage.

A Baltimore businessman complained that the Postal Service is costing him money in two ways, by, one, charging higher rates and, two, through slow service which drives his customers away. He said:

It is not often that we plague our elected officials with business problems, but in this particular case I am sure our problem is reflected in thousands of instances in Maryland and elsewhere.

This complaint has to do with abominable mail service and is particularly detrimental to tax paying businesses like ours.

We use "postage will be paid" cards as a means of encouraging customers to buy, a matter of making things easy for them to send orders in.

Customers everywhere want good service, no matter what type of business, and we get reprimanded, as well as ignored, because many customers say we do not give good service and they buy elsewhere. They have a hard time believing that it takes five to ten days for a letter or postcard to travel twenty-five hundred miles from Baltimore.

A Baltimore rabbi wrote to complain that it takes 4 to 5 days for mail to reach Baltimore from New York. He called attention to a special delivery letter the Postal Service took 14 days to deliver and a copy of a telegram mailed in downtown Baltimore which was not delivered to him in northwest Baltimore until 3 days later.

The U.S. Postal Service was created to modernize and improve mail service in this Nation. Clearly, it has not met its congressional mandate.

The mail seems to be slower in arriving than at any time in my memory. I want to know why. Why has the very instrument Congress created to expedite the mail clogged it? Why does it take 13 days for a letter to travel 35 miles and 14 days for a special delivery letter to get from New York to Baltimore? Why must businessmen pay higher postal rates and receive increasingly poorer service?

These questions must be answered. I am today referring these cases to the chairman of the Post Office and Civil Service Committee and asking the Postmaster General to meet with me at the earliest possible date so I can examine the practices and procedures employed by the U.S. Postal Service.

It seems to me that the Postal Service has had sufficient time to shake the bugs out of new programs. Perhaps the programs are so full of bugs that we need to throw them out and start over again. I am prepared to take all necessary steps to see that mail is delivered within a reasonable time.

The public expects Congress to take every possible action to correct its child which has gone astray. If it takes an investigation then we must order one; if legislation is needed we must pass it and if one step is not enough we should pledge to take both.

Public frustration with the mail is all too apparent. As one constituent asked:

If it only took six days to create the universe, why does it take 14 for a letter to get from Baltimore to Washington.

The somewhat wry question deserves an answer.

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

The PRESIDING OFFICER. 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 Order Nos. 1141 through 1144, consecutively.

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

PEAR MARKETING ORDERS

The bill (H.R. 14015) to amend section 8c(2), section 8c(6), section 8c(7)(C), and section 8c(19) of the Agricultural Marketing Agreement Act of 1937, as amended 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. 92–1194), explaining the purposes of the measure.

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

EXPLANATION

H.R. 14015 would amend the marketing order law to authorize marketing orders for pears for canning or freezing. At present, orders cannot be made applicable to fruits or vegetables for canning or freezing, except in the case of olives, grapefruit, cherries, cranberries, certain apples, and asparagus. The bill also permits market promotion for the canned or frozen product under an order applicable to any commodity for canning or freezing; and makes it clear that paid advertising could be provided for pears for canning or freezing and the product thereof.

The bill would require a favorable vote of two-thirds of the growers voting or two-thirds of the volume of pears represented by the vote in each State of the production area. The bill would also require that processors and producers have equal representation on any agency selected to administer the marketing order.

With one minor exception this bill is identical to S. 1241 introduced on March 6, 1971. Hearings were held on S. 1241 and H.R. 14015 on September 17, 1972.

NEED FOR LEGISLATION

Under present law there are six commodities for canning or freezing that are eligible for marketing order programs, as noted above. The committee feels that producers of pears for canning or freezing should also be given the opportunity to establish a marketing order program.

The other changes proposed by this bill would give producers of pears and other commodities better marketing tools to sell high quality produce to the consuming public.

COST ESTIMATE

In accordance with section 252 of the Legislative Reorganization Act of 1970, the committee reports it is in agreement with the cost estimates submitted by the Department of Agriculture. Annual costs to the Department for administering a marketing order established under this legislation would approximate $25,000 for each of the next 5 years, according to the Department.

RELEASE OF CERTAIN LAND TO THE STATE OF OREGON

The bill (H.R. 4634) to direct the Secretary of the Army to release on behalf of the United States a condition in a deed conveying certain land to the State of Oregon to be used as a public highway 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. 92–1196), 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 this bill is to authorize and direct the Secretary of the Army to release on behalf of the United States certain land-use restrictions with respect to a proposed right-of-way of approximately 60 by 340 to 400 feet, constituting a portion of a 233.91-acre parcel of land in Clackamas County, Oreg., heretofore conveyed by the United States to the State of Oregon for military purposes pursuant to the act of August 1, 1956 (70 Stat. 793), so that the State may convey this right-of-way to Clackamas County for use as a public highway. This bill as it passed the House of Representatives contained the technical amendments recommended by the Secretary of the Army in his letter of June 16, 1971, which is set forth later in this report.

BACKGROUND OF THE BILL

The proposed release involves the lands of Camp Withycombe, formerly the Clackamas National Guard target range, located in Clackamas County, 9 miles southeast of Portland, Oreg. This facility, comprising 233.91 acres of land with improvements, was conveyed to the State or Oregon by deed executed by the Secretary of the Army, dated November 9, 1956, pursuant to the act of August 1, 1956 (70 Stat. 793). Both the act and the deed made the conveyance subject to certain reservations, restrictions and conditions, to wit: (1) reserved to the United States all minerals, oil, and gas with rights-of-entry; (2) the property is to be used only for military purposes, and if not so used, title thereto shall revert to the United States with all improvements and without compensation; and (3) in event of national emergency or declaration of war, the Secretary of Defense may reoccupy and use the property without payment. Camp Withycombe has, since its establishment, been used for National Guard purposes and currently is utilized by the Oregon National Guard for military academy operations in small unit tactics, a firing range, and storage depot.

FISCAL DATA

Enactment of this legislation will not involve the expenditure of any Federal funds.

PROPERTY CONVEYED TO COLUMBIA MILITARY ACADEMY

The bill (H.R. 16251) to release, the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors 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. 92–1197), 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 the bill is to release the provisions and conditions contained in the deed of conveyance from the Assistant Secretary of War dated May 10, 1904, to the Columbia Military Academy and its successors of record in book 105, page 495, register's office, Maury County, Tenn., and to vest fee simple title to the property, free of such provisions and conditions in the Columbia Military Academy.

EXPLANATION OF THE BILL

The property involved comprises approximately 67 acres of land near Columbia in Maury County, Tenn., acquired by the United States in 1888 for the establishment of the Columbia Arsenal. The purchase price of $15,250 was paid by citizens of Maury County. In 1901 the arsenal was abandoned.

The act of April 23, 1904 (33 Stat. 296) authorized and directed the Secretary of War to convey the Columbia Arsenal property to "Columbia Military Academy, an educational corporation organized under the laws of the State of Tennessee, and its successors," with the proviso that the estate shall continue so long as the property shall be used for educational purposes only and in conformity with other terms of the act including the following:

(*a*) The Secretary of War shall have visitation privileges and the right to prescribe the military curriculum of the school; upon failure of the school to comply with rules and regulations prescribed by the Secretary or other terms of the act, the Secretary is authorized to declare the estate has determined and the property shall revert to the United States, in which event the Secretary of War is authorized to take possession of the property on behalf of the United States.

(*b*) The United States shall have the right to use the property for military purposes at any time upon demand by the President of the United States.

The above-mentioned deed of conveyance to Columbia Military Academy, issued pursuant to this act and described in the bill, contained these provisions and terms.

Since the establishment of Columbia Military Academy in 1905 the school has maintained the original buildings on the property, and has invested well over $1 million in additional buildings, such as classroom buildings, gymnasiums, and dormitories. Presently, improvements to some of the structures are urgently needed. Due to the fact that the property is not owned by the school under the terms of the original conveyance, no collateral can be offered on loans to improve the facilities.

The Department of the Army has no requirement for use of the former Columbia Arsenal property. To the contrary, authority has existed since 1928 for the extinguishment of all rights therein reserved to the United States. By the act of May 26, 1928 (45 Stat. 766), the Secretary of War was authorized to sell to the Columbia Military Academy all rights reserved to the United States in the deed of May 10, 1904, and the act of April 23, 1904, for a consideration not less than the appraised value of the land alone.

This statute was repealed by the act of July 3, 1930 (46 Stat. 1009) which substantially restated the 1928 act, and reduced the purchase price to a sum of $10,000. Due to the school's financial difficulties, a sale was never consummated. However, the authority to sell still exists.

FISCAL DATA

Enactment of this bill will not entail any expenditure by the Federal Government.

U.S. CONSENT TO THE ARKANSAS RIVER BASIN COMPACT, ARKANSAS-OKLAHOMA

The Senate proceeded to consider the bill (S. 3316) to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma, which had been reported from the Committee on the Judiciary with amendments on page 2, line 8, after the word "two", to strike out "State" and insert "States"; and on page 6, line 18, after the word "other", strike out "State." and insert "State: *Provided, however,* That nothing contained in this Compact or its ratification by Arkansas or Oklahoma shall be interpreted as granting either State or the parties hereto the right or power of eminent domain in any manner whatsoever outside the borders of its own State."; 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 the consent of Congress is hereby given to the Arkansas River Basin compact, Arkansas-Oklahoma, 1970, as ratified by the States of Arkansas and Oklahoma as follows:

"ARTICLE I

"The major purposes of this Compact are:

"A. To promote interstate comity between the States of Arkansas and Oklahoma;

"B. To provide for an equitable apportionment of the waters of the Arkansas River between the States of Arkansas and Oklahoma and to promote the orderly development thereof;

"C. To provide an agency for administering the water apportionment agreed to herein;

"D. To encourage the maintenance of an active pollution abatement program in each of the two State *States* and to seek the further reduction of both natural and man-made pollution in the waters of the Arkansas River Basin; and

"E. To facilitate the cooperation of the water administration agencies of the States of Arkansas and Oklahoma in the total development and management of the water resources of the Arkansas River Basin.

"ARTICLE II

"As used in this Compact:

"A. The term 'State' means either State signatory hereto and shall be construed to include any person or persons, entity or agency of either State who, by reason of official responsibility or by designation of the Governor of that State, is acting as an official representative of that State.

"B. The term 'Arkansas-Oklahoma Arkansas River Compact Commission,' or the term 'Commission' means the agency created by this Compact for the administration thereof.

"C. The term 'Arkansas River Basin' means all of the drainage basin of the Arkansas River and its tributaries from a point immediately below the confluence of the Grand-Neosho River with the Arkansas River near Muskogee, Oklahoma, to a point immediately below the confluence of Lee Creek with the Arkansas River near Van Buren, Arkansas, together with the drainage basin of Spavinaw Creek in Arkansas, but excluding that portion of the drainage basin of the Canadian River above Eufaula Dam.

"D. The term 'Spavinaw Creek sub-basin' means the drainage area of Spavinaw Creek in the State of Arkansas.

"E. The term 'Illinois River Sub-basin' means the drainage area of Illinois River in the State of Arkansas.

"F. The term 'Lee Creek Sub-basin' means the drainage area of Lee Creek in the State of Arkansas and the State of Oklahoma.

"G. The term 'Poteau River Sub-basin' means the drainage area of Poteau River in the State of Arkansas.

"H. The term 'Arkansas River Sub-basin' means all areas of the Arkansas River Basin except the four sub-basins described above.

"I. The term 'water-year' means a twelve-month period beginning on October 1, and ending September 30.

"J. The term 'annual yield' means the computed annual gross runoff from any specified sub-basin which would have passed any certain point on a stream and would have originated within any specified area under natural conditions, without any man-made depletion or accretion during the water year.

"K. The term 'pollution' means contamination or other alterations of the physical, chemical, biological or radiological properties of water or the discharge of any liquid, to result in a nuisance, or which renders or is likely to render the waters into which it is discharged harmful, detrimental or injurious to public health, safety, or welfare, or which is harmful, detrimental or injurious to beneficial uses of the water.

"ARTICLE III

"A. The physical and other conditions peculiar to the Arkansas River Basin constitute the basis of this Compact, and neither of the States hereby, nor the Congress of the United States by its consent hereto, concedes that this Compact established any general principle with respect to any other interstate stream.

"B. By this Compact, neither State signatory hereto is relinquishing any interest or right it may have with respect to any waters flowing between them which do not originate in the Arkansas River Basin as defined by this Compact.

"ARTICLE IV

"The States of Arkansas and Oklahoma hereby agree upon the following apportionment of the waters of the Arkansas River Basin:

"A. The State of Arkansas shall have the right to develop and use the waters of the Spavinaw Creek Sub-basin subject to the limitation that the annual yield shall not be depleted by more than fifty percent (50%).

"B. The State of Arkansas shall have the right to develop and use the waters of the Illinois River Sub-basin subject to the limitation that the annual yield shall not be depleted by more than sixty percent (60%).

"C. The State of Arkansas shall have the right to develop and use all waters originating within the Lee Creek Sub-basin in the State of Arkansas, or the equivalent thereof.

"D. The State of Oklahoma shall have the right to develop and use all waters originating within the Lee Creek Sub-basin in the State of Oklahoma, or the equivalent thereof.

"E. The State of Arkansas shall have the right to develop and use the waters of the Poteau River Sub-basin subject to the limitation that the annual yield shall not be depleted by more than sixty percent (60%).

"F. The State of Oklahoma shall have the right to develop and use the waters of the Arkansas River Sub-basin subject to the limitation that the annual yield shall not be depleted by more than sixty percent (60%).

"ARTICLE V

"A. On or before December 31 of each year, following the effective date of this Compact, the Commission shall determine the stateline yields of the Arkansas River Basin for the previous water year.

"B. Any repletion of annual yield in excess of that allowed by the provisions of this Compact shall, subject to the control of the Commission, be delivered to the downstream State, and said delivery shall consist of not less than sixty percent (60%) of the current runoff of the basin.

"C. Methods for determining the annual yield of each of the sub-basins shall be those developed and approved by the Commission.

"ARTICLE VI

"A. Each State may construct, own and operate for its needs water storage reservoirs in the other State: *Provided, however,* That nothing contained in this Compact or its ratification by Arkansas or Oklahoma shall be interpreted as granting either State or the parties hereto the right or power of eminent domain in any manner whatsoever outside the borders of its own State.

"B. Depletion in annual yield of any sub-basin of the Arkansas River Basin caused by the operation of any water storage reservoir either heretofore or hereafter constructed by the United States or any of its agencies, instrumentalities or wards, or by a State, political sub-division thereof, or any person or persons shall be charged against the State in which the yield therefrom is utilized.

"C. Each State shall have the free and unrestricted right to utilize the natural channel of any stream within the Arkansas River Basin for conveyance through the other State of waters released from any water storage reservoir for an intended downstream point of diversion or use without loss of ownership of such waters: *Provided, however,* That a reduction shall be made in the amount of water which can be withdrawn at point of removal, equal to the transmission losses.

"ARTICLE VII

"The States of Arkansas and Oklahoma mutually agree to:

"A. The principle of individual State effort to abate manmade pollution within each State's respective borders, and the continuing support of both States in an active pollution abatement program;

"B. The cooperation of the appropriate State agencies in the States of Arkansas and Oklahoma to investigate and abate sources of alleged interstate pollution within the Arkansas River Basin;

"C. Enter into joint programs for the identification and control of sources of pollution of the waters of the Arkansas River and its tributaries which are of interstate significance;

"D. The principle that neither State may require the other to provide water for the purpose of water quality control as a substitute for adequate waste treatment;

"E. Utilize the provisions of all Federal and State water pollution laws and to recognize such water quality standards as may be now or hereafter established under the Federal Water Pollution Control Act in the resolution of any pollution problems effecting the waters of the Arkansas River Basin.

"ARTICLE VIII

"A. There is hereby created an interstate administrative agency to be known as the 'Arkansas-Oklahoma Arkansas River Compact Commission.' The Commission shall be composed of three Commissioners representing the State of Arkansas and three Commissioners representing the State of Oklahoma, selected as provided below; and, if designated by the President or an authorized Federal agency, one Commissioner representing the United States. The President, or the Federal agency authorized to make such appointments, is hereby requested to designate a Commissioner and an alternate requesting the United States. The Federal Commissioner, if one be designated, shall be the Chairman and presiding officer of the Commission, but shall not have the right to vote in any of the deliberations of the Commission.

"B. One Arkansas Commissioner shall be the Director of the Arkansas Soil and Water Conservation Commission, or such other agency as may be hereafter responsible for administering water law in the State. The other two Commissioners shall reside in the Arkansas River drainage area in the State of Arkansas and shall be appointed by the Governor, by and with the advice and consent of the Senate, to four-year staggered terms with the first two Commissioners being appointed simultaneously to terms of two (2) and four (4) years, respectively.

"C. One Oklahoma Commissioner shall be the Director of the Oklahoma Water Resources Board, or such other agency as may be hereafter responsible for administering water law in the State. The other two Commissioners shall reside within the Arkansas River drainage area in the State of Oklahoma and shall be appointed by the Governor, by and with the advice and consent of the Senate, to four-year staggered terms, with the first two Commissioners being appointed simultaneously to terms of two (2) and four (4) years, respectively.

"D. A majority of the Commissioners of each State and the Commissioner or his alternate representing the United States, if they are so designated, must be present to constitute a quorum. In taking any Commission action, each signatory State shall have a single vote representing the majority opinion of the Commissioners of that State.

"E. In the case of a tie vote on any of the Commission's determinations, order, or other actions, a majority of the Commissioners of either State may, upon written request to the Chairman, submit the question to arbitration. Arbitration shall not be compulsory, but on the event of arbitration, there shall be three arbitrators:

"(1) One named by resolution duly adopted by the Arkansas Soil and Water Conservation Commission, or such other State agency as may be hereafter reponsible for administering water law in the State of Arkansas; and

"(2) One named by resolution duly adopted by the Oklahoma Water Resources Board, or such other State agency as may be hereafter responsible for administering water law in the State of Oklahoma; and

"(3) The third chosen by the two arbitrators who are selected as provided above. If the arbitrators fail to select a third within sixty (60) days following their selection, then he shall be chosen by the Chairman of the Commission.

"F. The salaries and personal expenses of each Commissioner shall be paid by the Government which he represents. All other expenses which are incurred by the Commission incident to the administration of this Compact shall be borne equally by the two States and shall be paid by the Commission out of the 'Arkansas-Oklahoma Arkansas River Compact Fund,' initiated and maintained as provided in Article IX(B)(5) below. The States hereby mutually agree to appropriate sums sufficient to cover its share of the expenses incurred in the administration of this Compact, to be paid into said fund. Disbursements shall be made from said fund in such manner as may be authorized by the Commission. Such funds shall not be subject to the audit and accounting procedures of the States; however, all receipts and disbursements of funds handled by the Commission shall be audited by a qualified independent public accountant at regular intervals, and the report of such audit shall be included in and become a part of the annual report of the Commission, provided by Article IX(B)(6) below. The Commission shall not pledge the credit of either State and shall not incur any obligations prior to the availability of funds adequate to meet the same.

"ARTICLE IX

"A. The Commission shall have the power to:

"(1) Employ such engineering, legal, clerical and other personnel as in its judgment may be necessary for the performance of its functions under this Compact;

"(2) Enter into contracts with appropriate State or Federal agencies for the collection, correlation, and presentation of factual data, for the maintenance of records and for the preparation of reports;

"(3) Establish and maintain an office for the conduct of its affairs;

"(4) Adopt and procure a seal for its official use;

"(5) Adopt rules and regulations governing its operations. The procedures employed for the administration of this Compact shall not be subject to any Administrative Procedures Act of either State, but shall be subject to the provisions hereof and to the rules and regulations of the Commission: *Provided, however,* All rules and regulations of the Commission shall be filed with the Secretary of State of the signatory States.

"(6) Cooperate with Federal and State agencies and political subdivisions of the signatory States in developing principles, consistent with the provisions of this Compact and with Federal and State policy, for the storage and release of water from reservoirs, both existing and future within the Arkansas River Basin, for the purpose of assuring their operation in the best interests of the States and the United States;

"(7) Hold hearings and compel the attendance of witnesses for the purpose of taking testimony and receiving other appropriate and proper evidence and issuing such appropriate orders as it deems necessary for the proper administration of this Compact, which orders shall be enforceable upon the request by the Commission or any other interested party in any court of competent jurisdiction within the county wherein the subject matter to which the order relates is in existence, subject to the right of review through the appellate courts of the State of situs. Any hearing held for the promulgation and issuance of orders shall be in the county and State of the subject matter of said hearing;

"(8) Make and file official certified copies of any of its findings, recommendations or reports with such officers or agencies of either State, or the United States as may have any interest in or jurisdiction over the subject matter. Findings of fact made by the Commission shall be admissible in evidence and shall constitute prima facie evidence of such fact in any court or before any agency of competent jurisdiction. The making of findings, recommendations, or reports by the Commission shall not be a condition precedent to instituting or maintaining any action or proceeding of any kind by a signatory State in any court, or before any tribunal agency or officer, for the protection of any right under this Compact or for the enforcement of any of its provisions;

"(9) Secure from the head of any department or agency of the Federal or State government such information, suggestions, estimates and statistics as it may need or believe to be useful for carrying out its functions and as may be available to or procurable by the department or agency to which the request is addressed;

"(10) Print or otherwise reproduce and distribute all of its proceedings and reports; and

"(11) Accept, for the purposes of this Compact, any and all private donations and gifts and Federal grants of money.

"B. The Commission shall:

"(1) Cause to be established, maintained and operated such stream, reservoir or other gaging stations as may be necessary for the proper administration of this Compact;

"(2) Collect, analyze and report on data as to stream flows, water quality, annual yields and such other information as is necessary for the proper administration of this Compact;

"(3) Continue research for developing methods of determining total basin yields;

"(4) Perform all other functions required of it by the Compact and do all things necessary, proper or convenient in the performance of its duties thereunder;

"(5) Establish and maintain the 'Arkansas-Oklahoma Arkansas River Compact Fund,' consisting of any and all funds received by the Commission under the authority of this Compact and deposited in one or more banks qualifying for the deposit of public funds of the signatory States;

"(6) Prepare and submit an annual report to the Governor of each signatory State and to the President of the United States covering the activities of the Commission for the preceding fiscal year, together with an accounting of all funds received and expended by it in the conduct of its work;

"(7) Prepare and submit to the Governor of each of the States of Arkansas and Oklahoma an annual budget covering the anticipated expenses of the Commission for the following fiscal year; and

"(8) Make available to the Governor or any State agency of either State or to any authorized representative of the United States, upon request, any information within its possession.

"ARTICLE X

"A. The provisions hereof shall remain in full force and effect until changed or amended by unanimous action of the States acting through their Commissioners and until such changes are ratified by the legislatures of the respective States and consented to by the Congress of the United States in the same manner as this Compact is required to be ratified to become effective.

"B. This Compact may be terminated at any time by the appropriate action of the legislature of both signatory States.

"C. In the event of amendment or termination of the Compact, all rights established under the Compact shall continue unimpaired.

"ARTICLE XI

"Nothing in this Compact shall be deemed:

"A. To impair or affect the powers, rights or obligations of the United States, or those claiming under its authority in, over, and to the waters of the Arkansas River Basin;

"B. To interfere with or impair the right or power of either signatory State to regulate within its boundaries of appropriation, use and control of waters within that State not inconsistent with its obligations under this Compact.

"ARTICLE XII

"If any part or application of this Compact should be declared invalid by a court of competent jurisdiction, all other provisions and application of this Compact shall remain in full force and effect.

"ARTICLE XIII

"A. This Compact shall become binding and obligatory when it shall have been ratified by the legislature of each State and consented to by the Congress of the United States, and when the Congressional Act consenting to this Compact includes the consent of Congress to name and join the United States as a party in any litigation in the United States Supreme Court, if the United States is an indispensable party, and if the litigation arises out of this Compact or its application, and if a signatory State is a party thereto.

"B. The States of Arkansas and Oklahoma mutually agree and consent to be sued in the United States District Court under the provisions of Public Law 87-830 as enacted October 15, 1962, or as may be thereafter amended.

"C. Notice of ratification by the legislature of each State shall be given by the Governor of that State to the Governor of the other State, and to the President of the United States, and the President is hereby requested to give notice to the Governor of each State of consent by the Congress of the United States.

"IN WITNESS WHEREOF, the authorized representatives have executed three counterparts hereof such of which shall be and constitute an original, one of which shall be deposited with the Administrator of General Services of the United States, and one of which shall be forwarded to the Governor of each State.

"Done at the City of Little Rock, State of Arkansas, this 16th day of March, A.D., 1970.

"FOR ARKANSAS: S. KEITH JACKSON, Committee Member; JOHN LUCE, Committee Member.

"FOR OKLAHOMA: GLADE R. KIRKPATRICK,

"FOR ARKANSAS: S. KEITH JACKSON, Committee Member.

"Approved: TRIGG TWICHELL, Representative, United States of America.

"Attest: WILLARD B. MILLS, Secretary."

SEC. 2. In order to carry out the purposes of this Act, and the purposes of article XII of this compact consented to by Congress by this Act, the congressional consent to this compact includes and expressly gives the consent of Congress to have the United States of America named and joined as a party litigant in any litigation in the United States Supreme Court, if the United States of America is an indispensable party to such litigation, and if the litigation arises out of this compact, or its application, and if a signatory State to this compact is a party litigant, in the litigation.

SEC. 3. The right to alter, amend, or repeal this Act, is expressly reserved.

The amendments were 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. 92-1198), 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 the bill, as amended, is to grant the consent of the United States to

the Arkansas River Basin compact, Arkansas-Oklahoma.

STATEMENT

In a letter to the Committee on the Judiciary, the Honorable John L. McClellan, who introduced the bill for himself, Mr. Bellmon, Mr. Fulbright, and Mr. Harris, said:

The Senate Committee on the Judiciary has before it S. 3316, a bill to grant the consent of the United States to the Arkansas River Basin compact, signed on behalf of the States of Arkansas and Oklahoma on March 16, 1970.

S. 3316 is of vital importance to the citizens of Arkansas and Oklahoma. The ratification of the pact between the States marks another stage in our efforts to enhance the development of the Arkansas River Basin and to protect the total environment of the entire region. The compact not only provides for the equitable apportionment of the waters of the Arkansas River between Arkansas and Oklahoma, but also encourages the maintenance of active antipollution controls to further reduce natural and man-made pollution in the Arkansas River Basin.

Under these circumstances, I am certain that you will agree that prompt and favorable action should be taken by the committee on this important legislation.

In a favorable report on the bill, the Department of Justice, in a letter to the committee dated September 19, 1972, said:

This is in response to your request for the views of the Department of Justice on S. 3316, a bill to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

Congress, by the act of August 11, 1955, 69 Stat. 184, granted its consent to the States of Arkansas and Oklahoma to negotiate and enter into a compact to protect from pollution, and to apportion equitably, the waters of the Arkansas River flowing between those two States, and directed the participation in these negotiations of a representative of the United States. Pursuant to this act, on March 16, 1970, the compact was executed by the State representatives and approved by the representative of the United States.

The State of Arkansas ratified this compact draft through its Act No. 16, 1971, approved January 26, 1971.

The State of Oklahoma ratified the interstate compact draft through H.B. No. 1326, approved April 24, 1971. This ratification, however, carried the following amendment:

"SECTION 2. AMENDMENT-RATIFICATION

"This ratification is subject to the State of Oklahoma and the State of Arkansas, acting through their duly authorized compact representatives, amending said 'Arkansas River Basin compact' in the particulars as set forth hereinafter, and further, the ratification of said amendment of said compact by the Legislature of the State of Arkansas. Said amendment being expressed as follows:

"The following language shall be added to Article VI, Section A of said compact, to-wit: '*Provided however*, That nothing contained in this compact or its ratification by Arkansas or Oklahoma shall be interpreted as granting either State or the parties hereto the right or power of eminent domain in any manner whatsoever outside the borders of its own State.'"

The Arkansas River Compact Committee unanimously approved the Oklahoma amendment as an appropriate clarification statement in the compact. The Federal member of the committee was formally advised that the Federal agencies had no objections to this amendment.

The State of Arkansas adopted the State of Oklahoma's amendment to the Arkansas River compact draft through Act No. 40, approved February 17, 1972.

Section 1 of the bill would grant the consent of the Congress to the compact set forth therein. The compact provides for cooperation between the States in abatement of water pollution within the Arkansas River Basin and makes apportionments between the States of the waters of the Arkansas River Basin by specified subbasins. The compact creates a permanent commission composed of commissioners representing each State and requests the President of the United States to designate a commissioner and an alternate representing the United States. It provides that the Federal commissioner, if one is designated, shall be the presiding officer, without vote, of the commission. In further regard to the United States the compact disclaims any impairment or effect upon the powers, rights, or obligations of the United States, or those claiming under its authority, in, over, and to the waters of the Arkansas River Basin.

Section 2 of S. 3316 provides:

"SEC. 2. In order to carry out the purposes of this Act, and the purposes of article XII of this compact consented to by Congress by this Act, the congressional consent to this compact includes and expressly gives the consent of Congress to have the United States of America named and joined as a party litigant in any litigation in the United States Supreme Court, if the United States of America is an indispensable party to such litigation, and if the litigation arises out of this compact, or its application, and if a signatory State to this compact is a party litigant, in the litigation."

Article XII of the compact referred to in section 2 makes the inclusion of such provision in the congressional consent act a condition precedent to the compact's becoming operative.

The consent of the United States to be sued as set forth in this bill is similar to the consent to suit contained in section 107(b) of the River and Harbor Act of 1966, 80 Stat. 1405, 1415, consenting to the Arkansas River Basin Compact between Kansas and Oklahoma, and to the consent to suit contained in section 2 of the Act consenting to the Kansas-Nebraska Big Blue River Compact (P.L. 92-308, June 2, 1972).

The purpose of this provision is to insure the compact's enforceability between the States by preventing the dismissal of an original action between the States on the jurisdictional ground of the indispensability of the United States. Accordingly, the waiver of sovereign immunity from suit of the United States is limited to suits in the Supreme Court of the United States arising out of the compact with a signatory State as a party litigant and the United States an indispensable party. Under these circumstances the Department of Justice has no objection to this provision.

The Department of Justice has no objection to the enactment of S. 3316, subject to amendment of article VI, section A of the compact set out therein (p. 6, l. 17-18) to reflect the amendment made by the States in ratification of the compact. As amended that section reads:

"A. Each State may construct, own and operate for its needs water storage reservoirs in the other State, provided, however, that nothing contained in the Compact or its ratification by Arkansas or Oklahoma shall be interpreted as granting either State or the parties hereto the right or power of eminent domain in any manner whatsoever outside the borders of its own State."

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

The Committee on the Judiciary in recommending approval of the compact is of the view that the compact does not affect any obligations owed Indian tribes by the United States, nor does it impair the legal rights of Indian tribes or individual Indians residing within the Arkansas River Basin.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON GRANTS VESTING TITLE TO CERTAIN EQUIPMENT

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on grants vesting title to certain equipment, for fiscal year 1972 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

PROPOSED FLOOD DISASTER PROTECTION ACT OF 1972

A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

REPORT ON COMMISSARY ACTIVITIES OUTSIDE THE CONTINENTAL UNITED STATES

A letter from the Acting Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, a report on the Department of Commerce on commissary activities outside the continental United States, during the fiscal year 1972 (with an accompanying report); to the Committee on Commerce.

REPORTS ON SHARING OF MEDICAL FACILITIES AND FOR EXCHANGE OF MEDICAL INFORMATION

A letter from the Administrator of Veterans Affairs, transmitting, pursuant to law, reports on Sharing of Medical Facilities and Exchange of Medical Information, for the fiscal year 1972 (with accompanying reports); to the Committee on Veterans' Affairs.

FALL TERM OF SUPREME COURT

A letter from the Chief Justice, Supreme Court of the United States, informing the Senate that the Court will open the October, 1972 term on October 2, 1972; ordered to lie on the table.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the board of selectmen, town of Brookline, Mass., relating to the death of 11 athletes at the 20th Olympiad; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 97. Concurrent resolution in behalf of prisoners of war and missing in action (Rept. No. 92-1216).

By Mr. STEVENS, from the Committee on Commerce, with an amendment:

S. 3358. A bill to prohibit the use of certain small vessels in United States fisheries (Rept. No. 92-1217).

By Mr. HUGHES, from the Committee on Armed Services, without amendment:

S. 2738. A bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria (Rept. No. 92-1218).

By Mr. ROBERT C. BYRD (for Mr. BENT-

SEN), from the Committee on Armed Services, with amendments:

H.R. 3817. An act to amend titles 10, 32, and 37, United States Code, to authorize the establishment of a National Guard for the Virgin Islands (Rept. No. 92-1223).

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

H.R. 12807. An act to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government (Rept. No. 92-1219).

By Mr. BROCK, from the Committee on Government Operations, with amendments:

H.R. 9676. A bill to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee (Rept. No. 92-1220).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

H. Con. Res. 701. A concurrent resolution commending the 1972 United States Olympic team for their athletic performance and Mark Andrew Spitz, in particular, for his unparalleled achievement in the 1972 Olympic games in Munich, Germany (Rept. No. 92-1225); and

H.J. Res. 1304. A joint resolution authorizing the President to proclaim October 1, 1972, as "National Heritage Day" (Rept. No. 92-1226).

By Mr. LONG, from the Committee on Finance, with an amendment:

H.R. 640. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty (Rept. No. 92-1222).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 9463. A bill to prohibit the importation into the United States of pre-Columbia monumental and architectural sculpture, murals, and any fragment or part thereof, exported contrary to the laws of country of origin, and for other purposes (Rept. No. 92-1221).

By Mr. LONG, from the Committee on Finance, with additional amendments:

S. 3598. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans (Rept. No. 92-1224) (Together with minority and additional views.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. ROBERT C. BYRD (for Mr. WILLIAMS), from the Committee on Labor and Public Welfare:

Colston A. Lewis, of Virginia, to be a member of the Equal Employment Opportunity Commission;

Christopher M. Mould, of the District of Columbia, to be an associate director of ACTION; and

Kay McMurray, of Illinois, to be a member of the National Mediation Board.

By Mr. COOK, from the Committee on the Judiciary:

Thomas R. Holsclaw, of Kentucky, to be a member of the Board of Parole.

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. BEALL (for himself, Mr. CASE, Mr. DOMINICK, Mr. EAGLETON, Mr. GOLDWATER, Mr. GRAVEL, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. JAVITS, Mr. MATHIAS, Mr. METCALF, Mr. RANDOLPH, Mr. SCOTT, and Mr. SCHWEIKER):

S. 4023. A bill to direct the Secretary of Transportation to make a comprehensive study of a high-speed ground transportation system between Washington, D.C., and Annapolis, Md., and a high-speed marine vessel transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia, and to authorize the construction of such systems if such study demonstrates their feasibility. Referred to the Committee on Commerce.

By Mr. ROTH (for himself and Mr. BOGGS):

S. 4024. A bill to amend the Internal Revenue Code of 1954 to disregard children's benefits received by an individual under the Social Security Act in determining whether that individual is a dependent of a taxpayer. Referred to the Committee on Finance.

By Mr. INOUYE:

S. 4025. A bill to designate the Federal office building to be constructed in Honolulu, Hawaii, as the Prince Jonah Kuhio Kalanianaole Federal Building. Referred to the Committee on Public Works.

By Mr. CRANSTON (for himself, Mr. HRUSKA, Mr. TUNNEY, and Mr. SCOTT):

S.J. Res. 269. A joint resolution authorizing the procurement of an oil portrait and marble bust of former Chief Justice Earl Warren. Referred to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOUTIONS

By Mr. BEALL (for himself, Mr. CASE, Mr. DOMINICK, Mr. EAGLETON, Mr. GOLDWATER, Mr. GRAVEL, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. JAVITS, Mr. MATHIAS, Mr. METCALF, Mr. RANDOLPH, Mr. SCOTT, and Mr. SCHWEIKER):

S. 4023. A bill to direct the Secretary of Transportation to make a comprehensive study of a high-speed ground transportation system between Washington, D.C., and Annapolis, Md., and a high-speed marine vessel transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia, and to authorize the construction of such systems if such study demonstrates their feasibility. Referred to the Committee on Commerce.

Mr. BEALL. Mr. President, for myself and 14 other Members of the Senate, I introduce the Bicentennial Advanced Technology Transportation System Demonstration Act. The Senators cosponsoring this measure with me are Mr. CASE, Mr. DOMINICK, Mr. EAGLETON, Mr. GOLDWATER, Mr. GRAVEL, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. JAVITS, Mr. MATHIAS, Mr. METCALF, Mr. RANDOLPH, Mr. SCHWEIKER, and Mr. SCOTT.

This bill authorizes the Secretary of Transportation to undertake a feasibility study of a combined and coordinated land and water transportation system consisting of a tracked air cushion vehicle (TACV), or other high-speed ground transportation system, operating between Washington, D.C., and Annapolis, Md., and a surface effect ship, or other high-speed marine transportation system, operating between the Baltimore, Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia. This demonstration project in the Nation's Capital area will provide the highest visibility for the type of advanced intermodal transportation systems available to move large numbers of people at high speeds.

At the same time it will link these most historically significant areas of our country at the time of the bicentennial celebration. Since time is of the essence if this innovative transportation system is to be operational for the bicentennial observances, the bill also authorizes the construction of the system if the study demonstrates its feasibility, and if the Secretary recommends the establishment of all or part of the system. The study, which is to be completed no later than 9 months after the bill's enactment, will determine the feasibility, social advisability, environmental impact, and economic practicability of the vehicles.

During this investigation study, the Secretary is expected to consult with the appropriate State and local governments. Since Maryland would be heavily involved and has already expressed its interest and support for this project, Maryland certainly should be consulted each step along the way in its development. I hasten to point out that although construction is authorized if the study proves the project's feasibility, Congress would still have the final say through the appropriations process.

The Washington area this summer on a number of occasions has suffered under a blanket of pollution resulting in a number of "emergency alerts" for the area. Each occasion, the pollution was pushed away to the great relief of the area's residents. In addition, traffic congestion continues to plague our citizens as they inch their way to and from work. Both these pollution incidents and the daily highway congestion drive home the need to accelerate our search for alternative and better ways of moving citizens, particularly in metropolitan areas.

In 4 years the Nation will celebrate its 200th birthday. During this bicentennial celebration the Washington area will play host to millions of Americans and foreign visitors who will come to the Capital City.

The bicentennial events and the transportation needs of the Nation combine to give us a unique opportunity to create a transportation showplace that will provide the many visitors to the Capital area with an exciting means of seeing the historical cities and sights of the region, as well as the opportunity to provide a practical demonstration of a technologically advanced transportation system which will attract national and international attention and recognition and demonstrate to the world that the United States will continue its leadership in the world of tomorrow.

The principal focus of the high-speed ground transportation system study between the Nation's Capital and Maryland's charming capital of Annapolis will be the tracked air cushioned vehicle—

TACV—although the Secretary is authorized to examine the feasibility of other surface transportation systems as he deems desirable.

The TACV is an electrically powered, high-speed vehicle capable of speeds 150 miles per hour or more and has a passenger capacity of 60 or more. The TACV vehicle has two power or propulsion systems. The first forces air downward against a fixed track and is a levitation device which allows the vehicle to float a fraction of an inch above the guideway. This enables the vehicle to have a cushioned, virtually vibration-free operation. The second power system provides the forward thrust. The TACV vehicle can operate on a fixed track on a guideway which can be located at ground level; raised as with a viaduct or pylons; or below ground.

The Department of Transportation and the other transportation agencies around the world are placing great emphasis on the development of the TACV as the ground vehicle of the future. The French developed the initial technology and have one 70 seat vehicle in operation on a 13-mile viaduct test track near Orleans. A number of American firms are developing prototypes and the United States is presently constructing a TACV test site in Pueblo, Colo.

The technology for the TACV is considered to be at hand and only engineering application problems need to be solved. It is generally agreed, however, that if TACV is to be a viable alternative in a comprehensive urban transportation system, demonstration projects must be carried out. What better place to carry out the project than in the Nation's Capitol area? What better time to do the project than during the Nation's observation of its 200th birthday? By such a demonstration the American public and our foreign visitors will see and we will test the desirable characteristics of the TACV vehicle, such as ride quality, noise level, and safe high-speed operation.

In addition, data such as the performance, reliance, safety, construction, ability, and environmental impact of the vehicle will be provided by a practical demonstration. As previously indicated, the TACV will operate between Washington, D.C., and Annapolis, Md. The vehicle could begin in the city or perhaps at a Metro subway station such as at the new town of Fort Lincoln, or Ardmore, or New Carrollton, a growing transportation center, and then speed down the median strip of Route 50 to Annapolis.

I ask unanimous consent that a recent article on New Carrollton be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BEALL. Mr. President, these examples I cited are not meant to specify the stops or the route for the feasibility study, for this will be the function of the study. It does represent some of the suggestions of individuals and the AFL-CIO Maritime Committee which has devoted considerable time and attention to this endeavor.

The second part of this proposal calls for a feasibility study of a surface effect ship or other high-speed marine vessel operating between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia.

Mr. President, when we examine many of the Nation's largest cities, we find that many areas are located on harbors or major waterways. This really is not too surprising when we consider that during the period when many of America's cities were evolving, water transportation was the predominate mode of transportation.

As a matter of fact, 60 percent of the population of the country live adjacent to water and nine out of the 15 largest cities are coastal. Many transportation experts feel our waterways have the potential for helping to solve our transportation problems and that they could play a major role in easing the traffic problems of the commuter. If such were the case, it may be possible to use free waterways rather than build more expensive freeways.

They are also many experts who believe that we are on the threshold of revolutionary developments in marine transportation, both for cargo and passenger purposes. In addition, these developments are of the utmost interest to military.

The second part of the feasibility study will concentrate on the surface effect vessel, hydrofoils, and other high-speed marine transportation. The surface effect ship includes hovercraft and sidewall craft which employ cushions of air to produce lift. The hydrofoils depend on dynamic fuel lift and are either surface or fully emerged.

There is a growing interest in this area both in the United States and throughout the world. I will discuss a number of vessels under development as well as some that have been in operation to date. This is not an exhaustive examination but merely attempts to convey to my colleagues a feeling for present developments and activity.

First, military experts foresee these developments resulting in a new family of oceangoing vessels operating at speeds of 100 knots or more. This compares with the speed of 40 knots of a modern destroyer. The military has already tested air cushion vehicles in Vietnam and elsewhere. I ask unanimous consent that articles dealing with this military interest be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. BEALL. Mr. President, turning now to domestic developments, both the Bell Aerospace Corp. and the Airjet General Corp. have developed prototype vessels. These experimental vessels are capable of speeds of 80 knots.

Bell has constructed the *Voyageur* vessel, a high-speed multipurpose air cushion vessel. Two of these vessels have been constructed and are currently completing engineering and certification tests on Lake Ontario, near Toronto.

The *Voyageur* has a basic flat bed which permits addition of superstructure and equipment to meet various needs, including the addition of a passenger cabin which would give the vessel a capability of carrying 144 passengers.

Boeing has also developed a most interesting and attractive marine vessel called the jetfoil, an advanced hydrofoil which the company's literature heralds as a "new dimension in transportation." The jetfoil would be a cruise speed of 45 knots and a capacity of 250 commuter passengers or 190 passengers with luggage. Boeing says its jetfoil is safe, comfortable, and a "good neighbor" since noise and pollution levels are well below the strict pollution levels set for 1975 cars. The company's literature even assures that the jetfoil "leaves no wake to destruct the shorelines or small boats."

The British Rails Hovercraft Co., Seaspeed, has been operating 30 minute regular runs to the Isle of Wight and across the English Channel using giant car ferry types. The latter has become profitable. Other vessels are being used on oil and seismic surveys.

The British Corp. is now producing a craft which in basic form will accommodate 170 passengers and 34 cars. Variations on this model will be capable of handling 256 passengers and 30 cars or a straight commuter type vessel carrying 605 passengers.

Mr. President, the trip from Annapolis down the Chesapeake Bay will surely be an unforgettable experience. It is hoped that pollution-free buses will pick up the visitors after they have disembarked in the Virginia area and transport them to historic Williamsburg. In addition, it is hoped that express buses connections will be provided to the Eastern Shore.

Few would deny that we desperately need breakthroughs in the transportation area. A TACV operating between the District of Columbia area and Annapolis in conjunction with a high-speed marine vessel between the Baltimore-Annapolis area and the Williamsburg area will permit American citizens and our many foreign visitors to travel in the transportation of tomorrow to these historic sights, after which they will be allowed to walk in and enjoy the rich history and heritage of this Nation.

Mr. President, I suspect there are some who will feel that it is preposterous to have marine and land vessels traveling at such lightning speeds. It is interesting to note that textbooks up to shortly before the Civil War never made reference to metal vessels. Why? Everyone knew that iron would not float and that even if it would, its effect on the compass would be fatal. Furthermore, iron could not withstand the corrosion and fouling of the hostile marine environment. These arguments all fell by the wayside as the first argument against the nonfloatability of iron was demonstrated a fallacy.

Today even with our achievements in space and other scientific endeavors, I am certain that one could list a string of arguments why this marine-land transportation system will not succeed. But it is risky business to bet against our

Nation and its scientific community. Indeed, the history of our country chronicles the accomplishment of what was thought to be impossible.

I believe that the transportation needs of this country and the upcoming celebration coincide to provide us with an opportunity to push developments of this technologically advanced land-water transportation system. I strongly urge early and favorable action on this measure, and I am certainly encouraged by the great interest and support given by Senators thus far, as indicated by the large number of my colleagues who have consented to cosponsor the legislation.

Mr. President, before closing, I want to thank the AFL–CIO maritime committee for advancing this forward-looking and imaginative proposal. I want to give special thanks to Mr. Hoyt Haddock and Mr. Joseph Salzano who have devoted countless hours on this project.

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

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

S. 4023

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 "Bicentennial Advanced Technology Transportation System Demonstration Act".

SEC. 2. (a) For the purpose of providing the millions of citizens of the United States and foreign nations who will visit the national capital area during the Bicentennial of American Independence celebration with a pleasant, efficient, and unique way of seeing the historic cities and sights of such area and providing practical demonstrations of technologically advanced transportation systems which will attract national and international attention and recognition and demonstrate to the world that the United States will continue its leadership in the world of tomorrow, the Secretary of Transportation is hereby authorized and directed to make an investigation and study for the purposes of determining the feasibility, social advisability, environmental impact, and economic practicability of—

(1) a tracked air cushioned vehicle or other high-speed ground transportation system between Washington, D.C. and Annapolis, Maryland, with appropriate intermediate stops, and

(2) a surface effect vessel or other high-speed marine transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia.

(b) In conducting such investigation and study, the Secretary—

(1) shall consult with appropriate Federal, State, local, and District of Columbia agencies; and

(2) may enter into contracts or other agreements with public or private agencies, institutions, organizations, corporations, or individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

(c) The Secretary shall report the results of such investigation and study together with his recommendations, to the President and the Congress no later than nine months after the enactment of his Act.

SEC. 3. If after carrying out the investigation and study pursuant to section 2, the Secretary of Transportation recommends the establishment of either the transportation system described in subsection (a)(1) or (a)(2) of such section or both such systems, he may, to the extent funds are appropriated for the purpose of this section, enter into such contracts and other arrangements as necessary for the construction and operation of such system or systems, except that the system described in such subsection (a)(1) may not be constructed unless the State of Maryland furnishes the necessary rights-of-way, to the extent such rights-of-way are presently owned by such State within existing highway alignments or acquired by such State with funds authorized under this Act and determined useable for such system by the Secretary of Transportation.

SEC. 4. There are authorized to be appropriated such amounts as are necessary to carry out the provisions of this Act.

EXHIBIT 1

METRO IS COMING TO MARYLAND: NEW CARROLLTON—PROSPECT MODERN TRANSPORTATION CENTER—1976

The New Carrollton (formerly Ardmore) Metro station offers a unique opportunity for a sophisticated transportation center, in combination with the relocation of the Penn Central Metroliner Hispeed station, coordinated feeder bus service and adequate parking facilities.

The entire New Carrollton Metro alignment on the Maryland side is under final design, including the stations at Cheverly, Landover and New Carrollton. Construction is expected to begin in 1973, with operations scheduled to commence in 1976.

The Federal Railroad Administration has approved design funds for design of a new Metroliner station facility adjacent to the New Carrollton Metro station. The design will be performed by the same firms under contract with WMATA for Metro's station design and the station will conform to Metro's design standards.

The New Carrollton station will be located east of the Penn Central Railroad tracks approximately one-half mile northeast of John Hanson Highway or approximately halfway between the John Hanson Highway and the Capital Beltway. The station will have a 600-foot long center platform.

A mezzanine containing fare equipment will be located under the platform near the center. Two access points are proposed; one southeast of the station and the other northwest of the railroad tracks. The two access points will be connected to the mezzanine by a pedestrian tunnel. Three escalators will connect the mezzanine to the platform.

Automobile passenger loading areas, bus facilities and auto parking lots will be located adjacent to both access points. Each will have six bus bays, a 30-space kiss-and-ride facility including space for taxicabs, and approximately 500 parking spaces.

The WMATA 1990 traffic forecast projects that approximately 18,800 people would be using the New Carrollton station daily, with 3,000 entering or leaving the station during the peak hour.

Extensive street improvements are necessary to insure efficient, safe, and convenient pedestrian and vehicular circulation both in the immediate area of the station and throughout its service area. Both the Prince George's Department of Public Works and the State Highway Administration will be involved in construction of new roadways in the area, as well as improvements to existing road (see map). Although it will be a difficult task, every effort is being made to assure that these necessary roads are constructed in time for the opening of the New Carrollton line.

The New Carrollton line will be the first of the four Metro alignments to serve Prince George's County. Total projected daily ridership in 1990 originating at the three Maryland stations on the line is 40,000.

EXHIBIT 2

TRIAL RUNS FOR A 100-KNOT NAVY PROTOTYPES, SOON TO BE TESTED AT 80 KNOTS, PRESAGE LIGHTNING-FAST LOW-COST FLEETS

Destroyers fast enough to outrun torpedoes and able to dart out of the path of surface-to-surface missiles. Aircraft carriers that can move through the water so quickly that their planes are able to take off almost straight up.

It sounds like science fiction. But a fleet of such naval ships may eventually come from sea trials, soon to begin of two experimental craft built by Bell Aerospace Corp. and Aerojet-General Corp. for the U.S. Navy.

The 100-ton aluminum vessels, called surface-effects ships (SES) are neither air-cushion vehicles nor hydrofoils, but descendants of both. They should be able to "fly"—skimming across the water on giant air bubbles—at almost 80 knots. This would be about double the top speeds of present-day Navy ships and theoretically could be maintained even by surface-effects craft as big as aircraft carriers.

The trick is in the design. A conventional air-cushion vessel has a flexible skirt all around its hull to hold its air cushion in place, while the SES has a skirt only fore and aft. Protruding down from each side of a surface-effects ship's hull are solid wall-like extensions that stay partially submerged even when the ship is "flying."

These solid extensions, the Navy says, give a surface-effects ship far greater lateral control than is possible for any air-cushion vessel. And because an SES hull is able to lift almost completely out of water, the ship has a speed potential close to 100 knots.

A hydrofoil can approach this speed but can not be built as large as an SES, Navy designers say.

STREAK

The speed of surface-effects ships, according to Admiral Elmo R. Zumwalt, Jr., Chief of Naval Operations, will give the Navy a major advance in fast-reaction ferrying of troops and supplies. And the surface-effects ship could go a long way toward neutralizing Russia's 3-to-1 lead over the U.S. in submarines.

Submarines have always been difficult to locate and attack, Zumwalt points out. And recent advances in hull design and propulsion have made subs as fast as, or faster than, most surface ships.

The SES, however, may restore the speed advantage to the surface fleet. And it has another big plus that will appeal to Congress.

With construction costs of big Navy ships escalating astronomically—the price tag on a conventional aircraft carrier is now approaching $1-billion—Zumwalt sees the surface-effects vessels also as an opportunity to direct the Navy back to smaller, swifter, hard-hitting ships that should be able to be built in large numbers at comparatively low cost.

COUSINS

The Bell and Aerojet surface-effects ships appear similar, but they do have basic design differences. Aerojet's version is 82 ft. long and 42 ft. wide, somewhat larger than Bell's 77-ft. length and 35-ft. width. But the greatest difference between the craft is in the type of propulsion system they use.

Aerojet's ship has four 3,500-hp. Avco Lycoming marine gas-turbine engines to draw water in through inlets and shoot it under pressure out of a nozzle at the rear of the craft to provide thrust. This eliminates the need for propellers. The same engines drive three fans which create the craft's air bubble.

The Bell design is more conventional. It has three 4,500-hp. Pratt & Whitney marine gas turbines to drive two semi-submerged high-efficiency propellers. But it also carries three smaller engines to create its air bubble.

The Aerojet craft cost $18-million to build, according to the Navy, and the Bell SES cost $14-million.

After builder's trials, the Navy intends to take over both ships for further testing. If the concept still looks good, the next step will probably be to order the design and development of a 2,000-ton experimental ship. If that craft proves out, still larger sizes will be attempted.

"From what we know now, we see no barrier to the size of this type of ship," says Rear Admiral William H. Livingston, director of the Navy's Air, Surface & Electronic Warfare Research Div.

"In fact, some design calculations show efficiency rising with increase in size," Livingston continues. "But we are not now visualizing surface-effects ships larger than 10,000 tons. And at 10,000 tons, the use of nuclear propulsion begins to look attractive for the SES."

THE 100-KNOT NAVY

(By Larry L. Booda)

"Almost all Navy missions can be enhanced by the use of Surface Effect Ships because they can go faster."

That is Rear Admiral William H. "Tag" Livingston talking. He is referring to a whole new family of oceangoing vessels that offer greater maneuverability and speeds up to 125 knots. Compared with the current top speed of a modern destroyer, something on the order of 40 knots that represents a quantum jump in performance.

SESs, as the surface effect ships are referred to in the Navy, combine features of hydrodynamics and aerodynamics, bringing together some of what is best from the minds of naval architects and aeronautical engineers. Test craft have already reached the speed of 80 knots. Prototypes now being built show promise of surpassing the 100 knot mark. The gap to the 125 knot goal is closing rapidly.

Admiral Livingston, director of the Air, Surface and Electronic Warfare Division under the directorate of research and development under the Vice Chief of Naval Operations, isn't alone in his enthusiasm. Two other officials even higher up sounded equally enthusiastic in their testimony, regarding the upcoming high speed Navy, before congressional committees.

One type of vessel under development is the hydrofoil, a craft whose underwater "wings" mounted on struts lift the hull clear out of the water. Admiral Elmo R. Zumwalt, Chief of Naval Operations, appeared recently before the Senate Committee on the Armed Services.

He stated, "We have deployed two patrol gunboats to the Mediterranean to trail Soviet missile ships operating within range of our major combatant ships. . . For the future we are developing plans for a Patrol Hydrofoil Missile (PHM) boat to carry out the same surveillance mission plus an attack mission. Planned initial procurement is Fiscal Year 1973. Releasing destroyers for more essential duties, these hydrofoil boats will trail enemy missile ships operating within missile range of our major units and will attack them if they attack our ships."

REVOLUTIONARY PROPORTIONS

He added that the use of patrol gunboats and hydrofoils will permit optimum use of the inadequate number of destroyers the Navy will have during the 1970s in strike carrier task forces and major escort forces.

The second and third kinds of vessels being developed by the Navy are also lumped under the SES category. One is the Air Cushion Vehicle (ACV) and the other is the Captured Air Bubble (CAB). Both make use of an air cushion created by fans, holding the craft completely above the water in the case of the AVC and with only sidewalls submerged in the case of the CAB.

Admiral Zumwalt had this to say about the SES, "I regard it as a potential development of revolutionary proportion. If, as it appears to be possible, we can produce ships up to many tons and capable of high speeds, we will have, to a great measure, nullified the submarine torpedo threat against such ships. (Ed. There is virtually no hull underwater to hit.) Accordingly, I have singled out this development for special consideration. The Fiscal Year 1972 budget requests funding for contractor and governmental test and evaluation of two 100 ton craft and for procurement of long lead time propulsion items for a military experimental prototype of larger displacement."

Hydrofoils weighing 60 tons have already been tested in the Southeast Asian Theater, the same committee was told by Dr. Robert A. Frosch, Assistant Secretary of the Navy for Research and Development. Craft of 150 tons and even larger are being developed, he also said. He suggested the use of ACV's for moving men and equipment ashore in amphibious operations and other applications as well. Their high speed will reduce exposure to enemy fire and thus reduce casualties, he stated.

Dr. Frosch calls the hydrofoil a surface interceptor. He told the committee, "Hydrofoil developments have progressed through operational evaluation to the stage where combined NATO operations can demonstrate the tactical impact of a craft which can have long endurance remote from its support but which can get up and intercept, at speed, hostile ships in coastal waters."

Probable missions to which these craft seem likely to be assigned cannot be talked about specifically, but it can be stated that the capabilities of hydrofoils and SESs cover a wide spectrum including antisubmarine warfare, mine and anti-mine warfare, surface warfare, patrol, underwater demolition and sea-air-land team support, interdiction of many kinds, missile launching, both air and surface, and amphibious assault.

A conventional ship such as a destroyer or cruiser operating at higher speeds uses most of its power simply pushing water aside. Almost all ships are of this type and are called "displacement" vessels. A cruiser, for instance, can typically make 16 knots cruising on two of its eight boilers. Doubling the number, to four, thus doubling the horsepower produced, the ship can then make 24 knots. Adding two more for a total of six, boosts the speed to 29 knots. All eight boilers perking away can add *only* three more knots for a total of 32.

Admiral Livingston cited another example. A destroyer of standard configuration can make 27 knots producing 15,000 horsepower. Doubling the horsepower to 30,000 enables the ship to cruise at only 32 knots.

Thus it was apparent to naval architects that some other ways to achieve higher speeds on the surface of the ocean had to be found. Fortunately, World War II produced a quantum jump in the technologies needed to develop faster vessels. Aeronautical engineering created lighter weight, stronger frames that could be adapted to other uses.

It was the hydrofoil that attracted first interest. Simply put, the hydrofoil resembles an aircraft wing, its cross section profile typically humped in the upper surface to create lift, for both air and water are fluids, with water being 800 times denser than air. Thus the hydrofoil is really a water wing.

Research on this approach was started in 1947 by the former Bureau of Ships, but it remained on the back burner until 1960 when serious development of a vessel was begun. As with all subsequent vessels of this type, the first version, the SEALEGS, appears to be a normal boat while sitting in the water and cruising at low speed. Its hull differs little from other boats. But when extra power is added, the entire hull is gradually lifted from the water, the water wings remaining just under the surface, offering less resistance to the water than the hull.

The United States is somewhat behind the rest of the world, both Western and Iron Curtain, in hydrofoil development and use; many rivers and lakes in Europe already boast hydrofoil service. One of the fanciest, a streamlined vessel that could have come out of a James Bond movie, plies between Palomares, Spain, and Tangier, Morocco, across the Strait of Gibraltar.

Responsibility for hydrofoil development rests with the Ship Systems Command. The control office is located at the Naval Ship Research and Development Center, Carderock, Md., William Ellsworth is Acting Test Director for Hydrofoils. This office is also responsible for a portion of the ACV development being pursued by the Navy.

ATTRACTING GREATEST ATTENTION

Complicating the organizational setup, is a Navy-Department of Commerce Joint Surface Effect Ship Project Office (JSESP) also located at Carderock. It too is developing ACVs. Some of the confusion should disappear, however, on July 1st when the Department of Commerce is scheduled to withdraw. NAVY was told by a Commerce spokesman that Commerce's Maritime Administration for the next few years will concentrate on building up the Merchant Marine using current ship technology rather than pursuing systems that show little immediate promise of successful application.

Four hydrofoils are attracting the greatest attention at present. Perhaps the flashiest are the TUCUMCARI, a highly maneuverable craft built by the Boeing Aircraft Corp., and the FLAGSTAFF, built by the Grumman Aerospace Corp. Both of these 58 and 67 ton craft were shipped to South Viet Nam in August, 1969, where they were assigned to the Market Time Forces based in Da Nang. They were given missions designed to test their capabilities in rough water and their quick reaction time when needed. The TUCUMCARI is now on tour of NATO countries demonstrating its capabilities.

The two craft rotated five day duty periods, with one on a "ready alert" status and the other in a standby or upkeep status. Patrols lasted six to ten hours and covered from 190 to 270 nautical miles. They proved their worth by operating in sea states as high as five. (Ed. A five force sea state has nine foot waves.) Thirty-seven per cent of these operations were made in such seas—operating at speeds of 37 to 50 knots, even when heavy rains and high winds restricted visibility. Of the time they spent at sea the two craft spent 342 hours "foilborne," or up out of the water, logging 14,843 miles in that condition at an average speed of 43.5 knots.

That there is enthusiasm for hydrofoils as patrol craft is understandable after this demonstration. One result of this operation will be the 160 ton PHM mentioned by Dr. Frosch, if it is funded in the next fiscal year.

Much more than simply designing the hydrofoils is involved in development of the craft, however. Propulsion, for instance, must include greater power in smaller packages. For such higher power requirements the gas turbine has been found ideally suited and has been applied to every hydrofoil and SES intended for high speed missions. Hydrodynamics engineers, in fact, have found themselves faced with the water equivalent of supersonic speeds, a phenomenon known as cavitation. They have learned to take advantage of this condition in both the foil design and supercavitation propellers, (a propellor that revolves so fast that it creates a bubble shaped void around the blades that is almost a vacuum).

The most interesting form of propulsion being applied to several new vessels is the waterjet. Taking a note from the page of gas turbojets in which gas is forced in one direction to make a reaction in the opposite direction, the waterjet does the same thing with the fluid that is 800 times as dense—water. The system is operational in the TUCUM-

CARI and seems to point to even greater successes and applications in the future.

Rounding out the hydrofoil stable are the 120 ton HIGH POINT, built by Boeing and the 320 ton PLAINVIEW, built by Grumman, the largest craft of this type in the world. Both are undergoing extended testing.

FLEXIBLE SKIRTS VS. HARDWALLS

It wasn't until 1958 that serious attention was focused on the more exotic Surface Effect Ships (SES). In that year the Office of Naval Research and the Bureau of Ships conducted experiments with four small air cushion vehicles. SESs operate, as stated earlier, by creating a cushion of air created by gas turbine powered fans with the cushion being trapped by one of two methods. In one, the Air Cushion Vehicle (ACV), the air is held by a flexibl skirt extending down from the hull. The ACV, therefore, rides completely clear of the water and land. The bigger the ACV the higher the waves and land obstacles it can surmount. Propellers provide their forward propulsion. In operation these crafts are a spectacular sight, for the escaping air creates spray on all sides until forward speed is attained.

By 1963, the largest-to-that-time ACV made its appearance. Under contract to the Bureau of Ships, the Bell Aircraft Co. produced the 35 ton SKMR–1, or HYDROSKIMMER. This writer had the privilege of "flying" the craft at Buffalo, N.Y. The SKMR–1 demonstrated that she could readily take off from land or water, travel as fast as 70 knots over mildly rough water and easily come back on land.

ONE MILLION CHANNEL PASSENGERS

On the other side of the Atlantic the ACV originated with a patent issued in 1955 to an Englishman, Christopher Cockerell. The Bell effort paralleled that of the British and in 1963 that company entered into a technical and licensing agreement with Hovercraft Development, Ltd., now the British Hovercraft Corp. Between the two companies 90 transport ACVs are operational in the world today. One type, the MOUNTBATTEN, has ferried more than 1 million passengers and 230,000 vehicles across the English Channel since 1968. In the United States an experimental passenger service was operated across San Francisco Bay under auspices of the Department of Transportation.

On the military side, Bell manufactured six 10-ton ACVs designated the SK–5 which were tested in the Mekong Delta area of South Viet Nam by the U.S. Navy and U.S. Army. Their missions covered a wide range in the many waterways and marshes of that area.

As the 1960s progressed the Department of Commerce interest increased. To achieve economy of effort, President Lyndon B. Johnson decreed, in March of 1966, that JSESPO be formed to combine the talents of the Navy and Commerce. The work was to include, he stated in his order, "Research on an ocean-going surface effects vessel capable of skiming over water at speeds of more than 100 knots." JSESPO was created June 20, 1966.

As research progressed, still another kind of SES showed promise. This type, called the Captured Air Bubble (CAB) vehicle, features two straight fore-and-aft sides making it look like a deep hulled boat rectangular in shape. Since they have no curvature and are thin, the sides can slice through water with a minimum drag. In addition to the sidewalls, a forward and aft hinged trapdoors, help capture the air cushion but give with the waves. The CAB, because it loses much less air than the ACV, requires only one-third as much power to maintain the cushion.

TODAY'S ACV'S AND CAB'S

Enough has been learned to this date to know that hydrofoils will be able to act as sea surface interceptors but will be limited in sizes to less than 200 tons. They do, however, offer long endurance, or long time on station in addition to high speed when needed.

The ACV appears to be ideal for landing troops—actually disembarking them on land, not grounding them on the beach edge; thus offering the enemy a ready target. As the next logical step in this program, the Navy has let contracts of $1,950,000 each to the Bell Aerospace Co. and Aerojet General Co. to build two 160 ton air cushion Amphibious Assault Landing Craft (AALC) apiece. The AALC C150 as it is designated, will offer 1,700 square feet of cargo space capable of taking up to 75 tons of supplies on pallets or a 60 ton battle tank. Major differences in the approaches of the two companies are in the types of skirts employed, the number of propellers and number of lift fans.

It is the Captured Air Bubble system however, which seems to have the brightest future as far as the Navy is concerned. Not only could it fit many diverse roles but its hard sidewall design lends itself to much larger sizes. Dr. Frosch told NAVY that, from what has been learned so far, vessels in the 4,000 to 5,000 ton range are possible.

But to prove this technology beyond a doubt a new project is underway, again with contracts to Bell and Aerojet-General. Each company is building a 100 ton model 78 feet long and a half as wide.

After testing of these two SESs, due to be completed sometime in 1972, the next step the Navy will follow will be construction of a multi-thousand ton development test ship, according to James Decker, JSESPO's project director. He and others connected with the project believe in progressing logically, but are highly optimistic about the future of the captured air bubble approach.

Recently Bell received the hull of its model from Levingston Shipbuilding, Orange, Tex. At a ceremony at its Michoud, La., plant, the principal speaker, Representative F. Edward Hébert, (D-La.), Chairman of the House Committee on the Armed Services, noted a 100 knot speed capability and said, "When I say to you that I envision these ships as being in our fture Navy before the '80s, I do not think I am using hyperbole for effect or stretching my own imagination. This is your future Navy."

By Mr. ROTH (for himself and Mr. BOGGS):

S. 4024. A bill to amend the Internal Revenue Code of 1954 to disregard children's benefits received by an individual under the Social Security Act in determining whether that individual is a dependent of a taxpayer. Referred to the Committee on Finance.

Mr. ROTH. Mr. President, the bill I am about to introduce on behalf of myself and the senior Senator from Delaware (Mr. BOGGS) will no doubt seem insignificant when compared to the other legislative efforts on which the Congress embarks. Ours will not set a grand and new policy for the Nation, nor will it appreciably shift any existing policy. The bill is only six lines in length, and I doubt seriously that it will merit mention, much less headlines, in any of today's great journals or papers.

What Senator BOGGS and I hope our bill will do is help a few people.

Before I describe this legislation, I would like to tell the Members how I happened to draft this six-line bill.

On May 10, 1972, I received a letter from a constituent, Mrs. Marian Coverdale, of Houston, Del. And, if there is no objection, I would like to read this letter:

DEAR SENATOR ROTH: I am writing in an appeal for help in my problem with Internal Revenue Service. This is my story.

My husband died in 1968, leaving me with four children, ages 17 yrs., 15 yrs., and twins 2½ years. I applied for and received Social Security benefits for these children. However, I still claimed them as dependents on my Income Tax return. The problem is this: They are checking my Income Tax Return for the year 1970, because they say that since they received Social Security benefits I cannot claim them as dependents. Now, this seems a little ridiculous to me because anyone can tell you that Social Security benefits will not contribute enough income to keep an individual alone.

This is all I receive and I have never asked for anything else as far as medical, dental, or anything. I have continued to work every day, which necessitates babysitting money, which I am now wondering if it was a wise choice. My husband, being a heart patient, did not obtain the mortgage fee insurance he should have had. As a result of this, I had to give up the home we had built. I have made personal loans when the going became rough and have done the last and final thing I can do. I have sold my furniture to pay bills. I have nothing else to sell. I have borrowed the limit I feel I can repay.

The Internal Revenue Service notified me that I must substantiate that I had contributed more than Social Security benefits towards the keeping of these children. This I have tried to do as you will see by the enclosed. Cancelled checks are all I have to prove anything, since I had no idea that there was any question that I could claim them for dependents. They will not accept what I have given them as proof. I did not submit copies of cancelled checks for the whole year, but picked different months to try to show them what I had given them was correct. I do not know what else I can do. I do not know that I think I should be allowed some credit for working every day and using this money to keep my family in a home, food, clothing, heat, medication, etc.

There are only a few alternatives that I can think of: No. 1—Send all the bills pertaining to the children's upkeep to IRS, No. 2—Have the children put in a home and let them receive the Social Security on which they must be kept, No. 3—Quit work, apply for additional benefits and let the taxpayers keep all of us, or No. 4—Find the deepest river and highest bridge and take a flying leap and let the State worry about keeping the children. What would you suggest?

I only have ten days to come up with more proof for IRS, but I really at last am at my wit's end. I only know that it takes all I make plus what they receive to keep a roof on their heads, clothes on their back, food in their stomachs, insurance, and medication when they are ill.

Please help me. I gave you support, now try to give me some.

Sincerely yours,

MARIAN A. COVERDALE,

HOUSTON, DEL.

I would note that Mrs. Coverdale's total earnings for 1970 were $3,710; of this, the Internal Revenue Service was going to demand a tax of $433. If it is not clear from her letter why Mrs. Coverdale was going to be required to pay this money, let me briefly explain.

Mrs. Coverdale's children were receiving monthly social security benefits, because of the death of their father. Under the present law, these payments must be considered as the child's contribution to his own support. In order to legally claim the children as dependents, Mrs. Coverdale, in effect, had to prove that she contributed more money to the support of the children than they received from the

Social Security Administration. The fact that the monthly benefits were not enough for a family of five to live on is immaterial. The fact that Mrs. Coverdale could refuse to work and receive public assistance—which would certainly cost the Government more than $433—is immaterial. And the fact that most people in Mrs. Coverdale's situation simply do not have canceled checks and receipts—much less from 9 years past—is immaterial. Ironically, if Mrs. Coverdale were richer and able to put the social security payments in some sort of savings account for her children, she would not have been confronted with the problem; if the money is saved instead of spent it is not considered the child's contribution to his own support. But, unfortunately for Mrs. Coverdale, since she and her children had to spend the money in order to live Mrs. Coverdale was dunned by the Internal Revenue Service.

Simply out of curiosity, Mr. President, I called the Delaware State agencies to find out whether Mrs. Coverdale and her family would be eligible for public assistance if she were to quit work. Without providing her name, I asked what forms of assistance a widow with four children—aged 17, 15, twins 2½—could receive if she and the children were already receiving $2,400 per year in social security. I also asked what the approximate annual value of this assistance would be. This, Mr. President, is what I learned:

Mrs. Coverdale would receive cash assistance payments of $67 per month, or $804 per year; since some of her children are under 6 years of age, Mrs. Coverdale would be exempt from the "training or employment" requirement. But even though not required to do so, she could opt to receive job training, in which case the Government would pay for child care for the twins aged 2. The approximate weekly cost for such child care is $35; therefore the annual cost of child care for Mrs. Coverdale's children would be $3,640. In addition, she and the children would be eligible for medicaid payments. Assuming an average monthly cost of $5 per child, the value of this service would be $240 per year. And, lastly, the Coverdale family would be eligible for free food commodities, with an average annual value of $697. In short, Mr. President, if Mrs. Coverdale had chosen not to work, she and her children would have cost our taxpayers $5,381 per year, above and beyond the social security payments. Instead, Mrs. Coverdale chose to work, for which we demanded $433 in income tax.

I should point out that ultimately Mrs. Coverdale was able to prove that the children were dependents and she was not required to pay the $433. But having learned her lesson in tax year 1970, Mrs. Coverdale no longer even attempts to claim the children. It is easier to have the taxes withheld than to fight the Internal Revenue Service each year.

Frankly, Mr. President, I consider this one of the most outrageous and discriminatory abuses I have ever encountered. I object not only to the fact that Mrs. Coverdale might be required to pay taxes in a situation like this, but the fact that she can be harassed and intimidated in such a manner. Mrs. Coverdale's only crime was to work. Mrs. Coverdale, of her own volition and because she thought it her duty as a citizen, did exactly what we spend billions of dollars trying to encourage: An honest days work. And for this we taxed her and we harassed her.

I will not belabor this point any further, Mr. President. I believe I have made the object of my bill clear enough: It is to help the Mrs. Coverdales of our country. My bill makes a simple, easy to understand amendment to the Internal Revenue Code. The amendment reads as follows:

(f) Child's Social Security Benefits.—For purposes of subsection (a), child's insurance benefits received by or on behalf of an individual under section 202(d) of the Social Security Act shall not be taken into account in determining whether the individual received more than half his support from the taxpayer.

Mr. President, this is a simple amendment; I hope that, as such, it can be expeditiously acted upon by the Finance Committee, to which I assume it will be referred, so that we can correct this situation as soon as possible.

By Mr. INOUYE:

S. 4025. A bill to designate the Federal office building to be constructed in Honolulu, Hawaii, as the Prince Jonah Kuhio Kalanianaole Federal Building. Referred to the Committee on Public Works.

Mr. INOUYE. Mr. President, I have the honor today to introduce a bill which would designate the new Federal office building to be constructed in Honolulu as the Prince Jonah Kuhio Kalanianaole Federal Building.

Prince Kuhio was a popular political figure who was first elected to the 58th and the nine succeeding Congresses as the delegate from the Territory of Hawaii. The memory of his long and distinguished service is still respected in today's Hawaii, decades after his untimely death in 1922.

He was born in Koloa, Kauai, on March 26, 1871, and attended the Royal and Punahou Schools in Honolulu. He also studied for 4 years at St. Matthew's College in California and attended the Royal Agricultural College in England. He later graduated from a business college in the United Kingdom.

In 1884 he was created a prince by royal proclamation of the existing monarchy of Hawaii. He began his public service in the Hawaii Department of the Interior, in which he served with great distinction.

Later Prince Kuhio was to show the cosmopolitan interests that have always characterized Hawaiians. After the monarchy was overthrown, he traveled to Africa and served in the British Army in the Boer War, the same conflict which launched the career of the then unknown Winston Churchill.

There are few, if any, other individuals in the history of the Congress who have enjoyed such a colorful and productive career. I believe that it would be appropriate to honor the man who gave so much of his time to his country and to his people by naming the new Federal building after him. It would be a meaningful remembrance on our part.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 4001

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the names of the distinguished Senator from Alabama (Mr. ALLEN) and the distinguished Senator from Arizona (Mr. GOLDWATER) be added as cosponsors to the social security bill (S. 4001), seeking to raise the earned income of social security retirees from $1,680 to $3,000 a year, introduced by the distinguished Senator from Vermont and the Senator from Montana now speaking.

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

S. 4012

At the request of Mr. SCOTT, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 4012, a bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 145

At the request of Mr. CASE, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of Senate Resolution 145, urging the Voice of America to make broadcasts in Yiddish into the Soviet Union.

SURFACE MINING REGULATION ACT OF 1972—AMENDMENTS

AMENDMENT NO. 1571

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

Mr. STEVENSON submitted amendments, intended to be proposed by him to the bill (S. 630) to provide for the cooperation between the Secretary of the Interior and the States with respect to the future regulation of surface mining operations, and for other purposes.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1572

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

Mr. CANNON submitted an amendment, intended to be proposed by him, to the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1573

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

Mr. SCOTT (for himself and Mr. MCGEE) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 16029), supra.

AMENDMENT NO. 1574

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

Mr. CHURCH. Mr. President, I submit an amendment which I intend to offer as a substitute for the amendment by the

minority leader, Senator SCOTT, that will be voted on tomorrow.

Senator SCOTT's amendment would increase the military aid authorizations in this bill by $370 million—a 27-percent increase. He wants to take $1.75 more out of the pockets of every American citizen in order to buy arms for foreign countries—arms which do not, in any way, enhance the security of the United States. My amendment provides only for an increase in supporting assistance of $35 million which would be earmarked for Israel. This would bring the amount of supporting assistance for Israel back to the level contained in the bill earlier defeated by the Senate, $85 million. The taxpayers would thus be spared an additional $335 million in deficit spending.

In the 1970 fiscal year, Congress appropriated $815 million for the military programs involved here. This bill already contains $535 million more than Congress thought was justified in 1970. Adoption of the Senator from Pennsylvania's amendment would result in a 110-percent increase above the 1970 level. Do Senators really think that the American taxpayers should go $335 million deeper in debt to pour more arms into Taiwan, Thailand, Greece, Korea, and Indonesia? If the American people had an opportunity to vote on the question, I have no doubt what they would decide.

For the 1970 fiscal year, there was a budget deficit of $13 billion. This year it is officially estimated at $38 billion, a threefold increase in 3 years. The debt is now $437 billion and $72 billion of that was incurred in the last 3 Nixon years. If we cannot hold the line in Congress on spending for foreign aid, where can it be held?

I wish to make it clear that the authorizations in this bill are only about one-fourth the $5.6 billion military assistance package proposed by the executive branch for the 1973 fiscal year. It does not include, for example, $2.9 billion for South Vietnam, Laos, and the Korean forces in Vietnam, or ship loans, or the value of excess arms given away, or the costs of supporting 47 military aid missions abroad. The total flow of U.S. arms abroad is estimated at $8.5 billion, when Government cash sales and commercial sales are included. The United States is in the arms export business in a bigger way than all other nations combined.

I ask unanimous consent to have printed in the RECORD after my remarks certain pertinent tables.

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

(See exhibit 1.)

Mr. CHURCH. Mr. President, I do believe that an additional $35 million in supporting assistance for Israel is fully justified; so did the full Senate when my original amendment was adopted by a vote of 54 to 2 on June 23. Although the Senate should restore the full funding level approved earlier for Israel, there is no justification for restoring the other money amounts to the earlier levels. The Senate defeated the bill concerning the amounts now sought to be restored by the Senator from Pennsylvania. The Committee on Foreign Relations has already been too generous in allowing funding at the fiscal 1972 levels. It seems that the foreign aid bill is like the proverbial cat with nine lives—the Senate cannot seem to kill it, no matter how hard it tries.

I hope that the Senate will adopt my amendment and save the taxpayers $335 million in foreign aid.

I ask unanimous consent that the text of the amendment be printed in the RECORD at this point.

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

AMENDMENT No. 1574

In lieu of all of the language proposed by Mr. SCOTT insert the following:

On page 14, strike out lines 7 and 8 and insert in lieu thereof the following: "to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel" and inserting in lieu hereof "fiscal year 1973 not to exceed $585,000,000, of which not less than $85,000,000 shall be available solely for Israel."

EXHIBIT 1

COMPARATIVE DATA ON FOREIGN AID ITEMS

[In millions]

Program	H.R. 16029 as amended	Scott amendment	Church substitute
1. Grant military assistance	$400	$600	$400
2. Supporting assistance	[1] 550	[1] 685	[2] 585
3. Military credit sales	400	435	400
(a) Aggregate ceiling	[3] (550)	[3] (600)	[3] (550)
Total security	1,350	1,720	1,385
4. Bangladesh assistance	100	100	100
Total security and economic	1,450	1,820	1,485

[1] $50,000,000 earmarked for Israel.
[2] $85,000,000 earmarked for Israel.
[3] $300,000,000 earmarked for Israel.

Military and related assistance and arms sales programs, fiscal year 1973 (executive branch estimates)

	Amount
Military assistance grants	$819,700,000
Foreign military credit sales	629,000,000
Excess defense articles	[1] 245,000,000
Ships loans	39,600,000
Security supporting assistance	879,418,000
Foreign military cash sales (DOD)	2,200,000,000
Commercial sales	722,598,000
Military assistance—DOD funded	2,924,700,000
Total military and related assistance and sales	8,460,016,000

[1] Valued at one-third acquisition cost.

Military aid funded through the Department of Defense budget for allied forces in Southeast Asia:

[In millions of dollars]

	Fiscal year—		
	1971	1972	1973
South Vietnam	1,848.9	1,824.1	2,431.2
Korea	208.2	188.9	133.5
Laos	155.8	240.3	360.0
Thailand	113.0	66.1	(1)
Total	2,325.9	2,339.4	2,924.7

[1] Military aid for Thailand to be funded from the MAP program.

ADDITIONAL STATEMENTS

FEDERAL FLOOD RELIEF IN PENNSYLVANIA

Mr. SCOTT. Mr. President, I think we can all be proud of the tremendous job being done by Frank Carlucci and all the other officials working on Federal flood-relief in the Commonwealth of Pennsylvania. I ask unanimous consent that an article entitled "Frank Carlucci, Good Samaritan of Flood Area," published in the September 20 Philadelphia Inquirer, be printed in the RECORD.

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

FRANK CARLUCCI: GOOD SAMARITAN OF FLOOD AREA

(By Howard S. Shapiro)

WILKES-BARRE.—Frank Carlucci's job is a disaster—called Agnes.

Despondent people come to his office with problems and requests. Some of them cry.

He walks out on the street, they grab him by the arm. "Mr. Carlucci, I have to talk to you . . ." and the problems pour forth.

He sees the signs of despair on the streets where he was raised.

Affixed to the dirty and broken glass windows of empty storefronts are signs saying: "The valley with a heart—comin' back better than ever!"

It is almost three months since the Susquehanna River inundated the Wyoming Valley, and about one month since the Federal government set out to rescue its local image.

Enter Carlucci. The slim-framed 41-year-old director of the Federal Office of Management and Budget had been working on flood relief planning from his Washington office, but in hard-hit Wilkes-Barre, the residents saw only mass confusion at the Federal level.

Housing and Urban Development Secretary George Romney had come to survey the damages in August, and the residents gathered to survey George Romney. No one was pleased.

Add to this the complaints that President Nixon was receiving from Wyoming Valley folks. Federal trailers were standing around with no one to hook them up to sewage, water and electrical outlets.

The streets looked more like landfills. Living conditions, some residents said, were little better than conditions at massive relief centers during the onslaught a month before.

REPORT ON FLOOD CLEANUP

Here is a progress report on the flood cleanup in the Wyoming Valley:

HOUSING

Three-fourths of 13,816 homeless families are in winterized shelters.

LOANS

Small Business Administration has approved $145.1 million in loans to 17,272 individuals and 532 businesses.

STORES

About 15 percent of more than 1,000 stores have reopened.

AID

U.S. has spent or contracted for $350 million in assistance to help clean up damage estimated at $1 billion.

So it is not hard to understand why Frank Carlucci was called off a Washington tennis court one August day to answer a phone call from Presidential adviser John Erlichman. "The President thinks you ought to go up there," Erlichman said.

Carlucci was returning home.

Since his arrival, Carlucci has oiled the bearings for Wilkes-Barre's huge Office of Emergency Preparedness setup.

As of this week, the office has approved

17,493 Small Business Administration loans and dispersed money to 12,487 of the applicants.

This adds up to $119.5 million in home loans and $11 million in business loans.

So far, the Carlucci staff has placed 10,000 Wyoming Valley families in emergency temporary housing—mobile homes and campers—and is working to find homes for about 3,500 more families.

Now, Carlucci is turning his efforts largely toward a mini-repair program, in which the Army Corps of Engineers will try to get as many people as possible back to their homes by cold weather.

"The first thing we had to deal with," Carlucci says, "was getting people out of their attics and into temporary housing. Then we went through the hookup phase, and we still have some problems there, with bottled gas supply.

Now, when we talk about temporary housing, I try to pull together all the aspects of living in a trailer park—transportation, recreation and so forth."

Carlucci says he looks forward to working with state Secretary of Community Affairs William Wilcox, who last week was appointed by Gov. Milton Shapp to a similar post on the state level.

"We can bring in the resources. We can help restore the community. But not without working with the state and local governments. Mr. Wilcox and I have laid out a course of action for our staffs. That doesn't mean, of course, that there still won't be differences of views.

Carlucci's efforts have been well publicized, in the Wyoming Valley media, and residents seem more aware of Federal efforts in the area. The President's envoy spends much of his time meeting with the residents.

"We know that he was sent here to try to alleviate our problems," says Mrs. Samuel Bosch, a member of the Flood Victims Action Council, the group spearheaded by fiesty Min Matheson, the woman who orally assaulted Romney during his turbulent trip here last month.

"I think he's probably doing more than any one man can do under the circumstances," noted Mrs. Bosch, who headed a committee which met with Carlucci.

"But we don't know how much he can actually do for us. Some of our big problems have to be settled by legislation."

Those undoubtedly include the government's mortgage relief program, which some homeowners feel is unfair. Those eligible for SBA loans are to be given $5,000 "forgiveness," and the government's detractors complain that the fixed amount has nothing to do with the amount of loss.

And many residents of Kingston, a largely Jewish bedroom community across the river from Wilkes-Barre, apparently have some complaints about President Nixon's visit a week ago. Mrs. Bosch says certain residents were disappointed because Nixon chose to visit the flood-smashed community on Rosh Hashanah, one of Judaism's holiest days.

The action council also felt that Nixon's stopover at Scanlon Field was superficial, since that is the trailer park where Carlucci holds his public meetings and is most well-known.

Alfred H. Ackerson, a retired banker who welcomed Nixon into his Scanlon Field trailer last week, says Carlucci's takeover brought a noticeable change.

"Before he came, the runaround here was terrific," says Ackerson, who lost all his belongings in the flood. No one gave you any kind of answer. You got the brush off. When he came, though, there was a big change in planning and results, in getting trailer sites and getting equipped."

"I think there has been a change," echoes Mrs. Doris McCloskey, a 38-year-old widow who lives with her three daughters, and a dog and cat, in a trailer at the huge Barnum Park trailer camp.

Carlucci's job demands that he be a jack of several trades, a kind of Renaissance relief chief. To the thousands of Wyoming Valley citizens who suffer depression because of near-total losses, he offers psychological guidance.

To those who come with questions about the government, he is the top bureaucrat. He must feel at ease during discussions about home improvements, community affairs, urban renewal, finance and a host of other areas affecting a community which must start rebuilding, almost from scratch.

CAN WE DO BETTER?

Mr. STEVENSON. Mr. President, there are few men whose ideas about U.S. policy toward the United Nations are more authoritative or incisive than Richard Gardner's. Recently, the American Assembly published a monograph by Professor Gardner entitled "The United States and the United Nations: Can We Do Better?" I share Professor Gardner's view that we can and must do better, and I believe that his article is essential reading for anyone interested in international cooperation.

I ask unanimous consent that a summary of Professor Gardner's paper be printed in the RECORD.

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

THE AMERICAN ASSEMBLY

Richard N. Gardner, former Deputy Assistant Secretary of State for International Organization Affairs who now holds the Henry L. Moses chair of Law and International Organization at Columbia University, said that "the time has come to supplement balance of power politics with world order politics."

Gardner's program was set forth in a monograph issued today by The American Assembly of Columbia University. Among his recommendations:

The strengthening of the United Nations and other international organizations concerned with the common problems of mankind should be "the central preoccupation of U.S. foreign policy from here on in."

The United States should take a more "principled" approach to foreign policy by limiting its use of armed force to circumstances clearly permitted by the United Nations Charter and by submitting disputes to which it is a party to third-party judgment.

A "world order bargain" should be made with developing countries under which developed countries would provide more aid and developing countries would cooperate more fully in efforts to protect the environment and curb population growth.

U.N. decision-making procedures should be revised so that key decisions are taken in small committees with "weighted representation" for large and middle powers.

The United States should use future meetings with Soviet and Chinese leaders to urge their cooperation in measures to strengthen the U.N.'s peacekeeping and peacemaking role.

The United States should cooperate in new initiatives to resolve the U.N.'s financial problems, including a package settlement to pay off the U.N.'s debts and remove contested items from the regular budget.

The United States should seek advice and assistance from international agencies in dealing with domestic problems such as crime, urbanization and mass transportation.

An Under Secretary of State for Multilateral Affairs should be appointed to coordinate U.S. policy in all multilateral organizations, regional as well as global, economic as well as political.

The U.S. Missions to the United Nations in New York and Geneva should be upgraded and strengthened by bringing in top level experts from outside the government.

A "world-wide competitive examination" should be offered to attract outstanding young people to serve with the U.N. Secretariat.

A "Naders Raiders for World Order" should be established to lobby on behalf of stronger U.S. support for international organizations.

The United States should provide adequate security for U.N. delegates and put up its promised share for the enlargement of the U.N.'s Headquarters in order to assure that the U.N. stays in New York City.

Professor Gardner declared that the United States was "beginning to default on its multilateral commitments all across the board." As examples he cited the failure of the United States to pay its share of the budget of the International Labor Organization and of contributions to multilateral development insitutions as well as its importation of chrome from Rhodesia in violation of an embargo for which the United States voted in the Security Council. He also warned against efforts to place an immediate 25% limit on all U.S. contributions to U.N. agencies. As a result of these and other actions, he declared, "the United States is now on a collision course with the very international agencies in whose future it has an important stake."

Professor Gardner warned of "a widespread tendency for U.N. members to pay lip service to the United Nations, while at the same time pursuing their short-term interests, often at its expense. This has always been true of the Soviet Union. What is distressing, however, is that it has become increasingly true of other members, including the United States. Our country occasionally asked itself how the United Nations could help it to do what it had decided to do in Viet Nam; we never seriously asked ourselves how we might conform our Viet Nam policies to our U.N. commitments."

"The lack of a principled approach, of any serious attempt to articulate and live by consistent interpretations of the U.N. Charter and international law, is one of the most depressing aspects of present U.S. foreign policy. Our senior policy makers, like those in most other countries, ask only what the U.N. can do for them, not what they can do for the United Nations—or for the building of a civilized system of world order."

While commending the Nixon Administration's quest for a new world power balance, Professor Gardner questioned whether "balance of power alone is good enough."

"By itself, balance of power politics has not brought peace in the past. It is not likely to do so in the future unless accompanied by institutional arrangements to accommodate the interests of the competing power centers. Moreover, countries outside the five centers of power will demand—and rightly so—a fair measure of participation in the world political process."

"Furthermore, the balance of power concept by itself is manifestly inadequate in the face of the unprecedented situation in which mankind now finds itself. If follows that from now on a central preoccupation of U.S. foreign policy should be not just the development of a precarious power balance but the building of effective international machinery to manage mankind's common problems."

Professor Gardner argued that changes in U.S. domestic politics as well as changes in the world setting make a new foreign policy imperative: "Forced to choose between interventionism and isolationism, the American people will eventually choose isolationism. Multilateralism is therefore the only

chance in the long run to sustain a positive U.S. role in the world."

"One of the most important but least appreciated functions of the United Nations is in influencing the political process within member states toward more cooperative and outward-looking policies. In a certain sense, the United Nations constitutes an 'alliance of doves,' in which the outward-looking members of national governments can reinforce one another in their struggle with more inward-looking members of their national administrations."

"For an American President wishing to gain domestic support for substantial cuts in the military budget and a greater investment in economic and social programs at home and abroad, the United Nations represents a resource of enormous potential. It can help us to reorder our national priorities, to turn our country around.

"A U.N.-oriented foreign policy could give us a new sense of national purpose—an opportunity for recommitment to some fundamental principles of justice and human dignity which, at an earlier and happier stage in our existence, we perceived as essential elements of our behavior as a free people.

"Increasing numbers of Americans, particularly young Americans, are raising questions about the justice of our domestic and political order. At present these Americans are mainly looking inward. But a U.N.-oriented policy could help us put these concerns in a global context."

Professor Gardner conceded that there were "hard questions of feasibility" involved in his new foreign policy approach. But, he argued, "we will not know the limits of the possible until we really try." He called upon the President to put "the same kind of political effort behind U.N. peacekeeping and peacemaking proposals that was invested in the struggles for the ABM and the SST."

The Gardner monograph, entitled *The U.S. and the U.N.: Can We Do Better?* was originally written as background for an American Assembly which met last April at Arden House, Harriman, New York, to consider the current crisis in the U.N.

The American Assembly is a national educational organization in public affairs founded at Columbia by Dwight Eisenhower in 1950.

THE NATIONAL ENERGY CRISIS

Mr. BELLMON. Mr. President, the national fuels and energy study being conducted pursuant to Senate Resolution 45 under Interior and Insular Affairs Committee leadership has been making steady progress. Since its inception in mid-1971 we have held 31 days of hearings on 18 energy-related topics as a part of our study.

One of our most active members in the study has been the junior Senator from Wyoming (Mr. HANSEN). He has demonstrated not only an interest in the matter of our national energy crisis, but has also shown an in-depth knowledge of the subject equal to or superior to any member.

His sophisticated grasp of the issues and wisdom in perceiving solutions to the problem was recently revealed in a brilliant speech presented before a conference for corporation executives on the energy crisis, sponsored by the School of Advanced International Studies of the Johns Hopkins University. I highly commend it to the Senate as the most incisive analysis of our energy crisis I have ever seen. I request unanimous consent that Senator HANSEN's presentation be printed in the RECORD.

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

TALK BY SENATOR CLIFFORD P. HANSEN

I want to begin on an optimistic note. Optimism, I know, is as scarce a commodity these days as some of the fuels we have been hearing about. But I think it is worthwhile to state at the outset my belief that this nation can and will work out a set of coherent energy policies which will meet its needs for fuels that are abundant, secure, and environmentally acceptable.

I speak, of course, as a legislator committed to the belief that a democratic society can reach rational decisions which involve compromises among varied, and sometimes directly conflicting, interests. At the same time, I should add that I claim to be a realist as well as an optimist. As a realist, I would say that the United States *does* have an energy crisis, that it will get worse before it gets better, and that we have much to do if we are to achieve a coherent energy policy.

The nature and causes of the present crisis have already been spelled out for us in yesterday's session. Let me, however, summarize my own view of the crisis before indicating the steps I believe the U.S. government should take, first to mitigate its impact and then to develop both short and long-term solutions.

One serious consequence of our energy crisis is that we will be forced to rely on petroleum hydrocarbons to meet the bulk of our escalating energy needs well into the 1980's. A major difficulty flowing from such reliance is that a growing portion of our crude oil requirements will almost certainly have to come from foreign sources, particularly the Middle East.

These factors give rise to three major problems.

First, our overseas supplies may be interrupted. A resumption of intensified military hostilities in the Middle East could erupt at any time. Should such events occur we will be increasingly vulnerable particularly because our dependence on Middle Eastern crude is on the increase. The danger will be compounded because we have already lost most, if not all, of our cushion of spare U.S. producibility which formerly enabled us to survive crises—and even to supply our allies—in an emergency.

Second, even without a new military crisis or a politically motivated "cut off" of our supply of Middle Eastern crude, our projected dependence on foreign crude could result in a U.S. balance-of-payments deficit of serious proportions—an estimated $25 billion in 1985.

Third, our status as a global power may be jeopardized in a world where the Soviet Union and Communist China will remain virtually self-sufficient in energy supplies while the United States moves closer to the unenviable position of Western Europe and Japan in becoming a have-not nation in terms of oil.

These are the major problems as I see them as related to the petroleum sector of our energy economy. Now let me suggest the measures that I believe should be taken to solve them.

First, the problem of supply interruption. I think this danger is real. Apart from the possibility of a Middle East flare-up, any one of the top five nations in the Organization of Petroleum Exporting Countries will soon be able to cause an oil shortage in the Western world by cutting off supplies, and any two will be able to cause a major crisis. Our major offshore supplier, Venezuela, belongs to OPEC.

In this situation, some form of security storage of oil stocks will become a necessity for the United States in the next few years. I believe we should consider a policy under which stocks of crude oil and petroleum products equal, for example, to between 60 and 90 days of imports would be stored. These stocks would be located in the areas which are dependent on foreign supplies and therefore more vulnerable if overseas supplies are cut off. Obviously, such a program will be expensive and will face objections from people who like to use oil but do not want it as their neighbor. But it may well be essential to our national security. We may also wish to establish stand-by reserves of other energy sources, such as coal.

Associated with such planning should be a high priority reevaluation of contingency plans related to an emergency petroleum and petroleum product allocation system. We cannot afford to be caught defenseless should a cut off of Middle Eastern crude occur.

Second, the balance of payments problem. I see no way to avoid some increase in U.S. deficits from oil imports over the next decade, particularly in view of OPEC's demonstrated ability to obtain price increases, its as yet unresolved demand for participation in producing operations and its likely continuation of a hard line policy encouraged by its monopoly position of world crude oil supplies.

Nevertheless, I believe there is one way in which this deficit can be substantially reduced—through the construction of a large fleet of U.S.-flag tankers which would at least keep our oil transportation dollars within the United States. As you may know, I recently spoke out *against* a bill which would have mandated the use of U.S.-flag tankers to bring 50% of crude oil imports into the United States. This approach, I am convinced, is not the right way to go about the problem. It would not only be contrary to existing international agreements but would encourage other countries to retaliate in kind. Instead, I believe we can strengthen our security and balance-of-payments position by modifying the 1970 Merchant Marine Act to permit an expanded program of subsidized construction in U.S. shipyards. Vessels built under such a program would still have to be competitive with those of other nations in operating costs. At the same time, as I say, the dollars for their operation would stay in the U.S.

In this connection, I should add that the use of large tankers presupposes the existence of terminals to accommodate them. Largely due to environmentalist pressures, there are presently no deep-water terminals on the East Coast, where they are most needed. Instead the oil industry is being forced to consider building its deep-water terminals in Eastern Canada or the Bahamas, necessitating costly transshipping of oil to East Coast ports which will inevitably raise consumer prices, and causing yet a further drain on our balance of payments. I would hope that we in the Congress can find ways to encourage construction of deep-water facilities on the East Coast that will meet national needs. Such means should be designed and implemented following a specific assessment of need and national security requirements.

The situation is the same if we look at refinery capacity. Absolutely no new refineries are being built on the East Coast, where they are most needed. As a result, we are being faced with a number of disagreeable choices: export refinery capacity to Canada or the Bahamas, bring in foreign crude to Gulf Coast refineries for later transshipment of product up the East Coast, or actually import far more foreign products, besides residual fuel, than we do at present. We must ensure that suitable incentives are available to encourage the construction of additional East Coast refinery capacity and that we solve genuine environmental problems so that construction can proceed. If no steps are taken to correct the situation, we face the prospect of diminishing national security, added expense to the consumer, and mounting balance of payments outflows.

Let me now turn to my third point—the threat to this country's status as a world power resulting from increased dependence on foreign oil. This problem, of course, will only be solved when our nation is again in substantial control of its energy supply, and this may not happen again until after 1985, at the earliest. But there is much we can do, first to mitigate our dependence on foreign oil in the short-term, and second to lay the foundations now for a future viable energy position.

In the short term, we can take at least three steps:

We can begin construction of the trans-Alaska pipeline, which the Secretary of the Interior has approved on the basis of three years' exhaustive study;

We can decontrol the wellhead price of natural gas; and

We can intensify both offshore and onshore drilling.

On natural gas, it is pleasant to note that we are at last making some headway. The Federal Power Commission's decision to ease price controls over sales of gas from newly discovered fields or extension of existing ones is to be welcomed.

At the same time, we shall not be able to reverse the decline in gas reserves, which followed the shortsighted 1954 Supreme Court decision that natural gas producers were subject to regulation, until the Natural Gas Act on which the decision was based is clarified. With six other Senators, I have introduced a bill which would end FPC regulation of well-head prices by amending the act so that it will very clearly *not* apply to these prices. This, I believe, is one major step in the right direction.

On offshore drilling, I would commend only that, according to the geologists, the Outer Continental Shelf is one of the greatest remaining sources of new petroleum deposits open to us, and offers the best and quickest hope for finding substantial new reserves. The Department of the Interior's draft environmental impact statement on the sale of offshore leases in the Gulf of Mexico makes a good case for offshore drilling, and I believe that the oil industry has gone a long way in meeting reasonable environmental criteria for offshore drilling off the Louisiana, Texas and California coasts.

There are three other fuel sources which must be developed for our long-term self-sufficiency, and on which we need to begin taking action now. I refer to shale, coal, and nuclear power.

Shale development is a course which I have consistently advocated. I introduced a bill into the Senate in 1968 calling for lease sales in Colorado, Utah, and my own state of Wyoming. In 1970, the Interior Department had completed a shale development plan, incorporating many features of my bill, under which lease sales would have started this year. No progress, of course, has been made in the development of oil from shale although, as I stated in my bill.

"The oil shale deposits located in the Green River formation of Colorado, Utah, and Wyoming contain the greatest known fossil fuel energy resource in the world and that this energy resource and associated minerals found in it are of vital importance to the future economic well-being and security of the United States."

Clearly, it is time for the Congress to consider oil shale development again and, in fact, the Senate Interior Committee has held hearings and the Development of Interior subsequently announced a new oil shale leasing program.

A recent draft environmental statement covers a proposal to make available for private oil shale development as many as six 5,120 acre leases on Federal lands in Colorado, Utah and Wyoming.

Coal is another major U.S. resource which could provide us with ample energy supplies. But it failed to develop significantly in the Sixties for several reasons including over-optimistic nuclear forecasts, stringent safety regulations, and sulfur restrictions. In 1972, air-quality standards are still effectively barring large volumes of high-sulfur coal from the market, particularly from use in power plants which have turned to residual fuel oil. In the absence of economical stack gas control, it would therefore seem important that we exercise caution in setting sulfur-control standards. The expanded use of low-sulfur coal from the Western states is particularly a possibility if we are realistic about pollution levels.

Exploitation of coal reserves for conversion to liquid or gasified fuels will, of course, require the creation of a new large-scale industry, necessarily a long-term proposition. The Department of the Interior has, in fact, recently broken ground for a coal gasification pilot plant in Pennsylvania, and others are being funded by the American Gas Association and the Office of Coal Research.

These developments, obviously, should be encouraged. In particular, we in Congress can help a great deal by setting environmental standards, particularly for strip mining, which will insure that land is restored as far as possible to its former state after mining and will give the industry the go-ahead to continue operations with an assurance that it will not be hampered by continuing lawsuits.

Nuclear power, I believe, has an increasingly brighter future as we find improved solutions to the problems of thermal heating and the disposal of radioactive wastes. By 1985, nuclear power should supply as much as 35% of the consumption of our electric utilities and 13% of our primary energy supply for all purposes.

In this development, I believe Congress can play a major role by helping establish criteria for plant siting, atomic waste disposal, and safe handling of radioactive materials. Such criteria, while setting high standards of environmental protection, would speed nuclear plant construction by eliminating long-drawn-out lawsuits in which each case is decided independently.

I have sketched a mix of energy sources which should restore to us substantial control of our energy supply in the 1980's. In the meantime, our path will at best be difficult. Contrary to our previous experience, we shall not be able to serve as an energy backstop for Western Europe, but will more and more be in competition with Western Europe and Japan for available crude oil supplies. We will, however, share a common interest in promoting peace and stability in the Middle East, in encouraging the growth of new reserves in countries outside the Middle East, and in working together through such agencies as the Organization for Economic Cooperation and Development to coordinate our energy policies. Other options for improved consumer country cooperation also should be explored.

And I might amplify my ideas of the Federal role in speeding up U.S. recovery of energy independence. Consistent with our national security needs, I believe in the fullest possible play of free market forces in determining the price and end-use of any one of our energy resources.

Also, I favor the tax credit route including depletion allowance for all minerals over any Federal subsidy role.

If we mean what we say about speeding up domestic exploration and development then the Federal government should do everything possible to make it easier and less expensive for more companies and individuals to participate in that effort, especially on Federal lands both off and on shore.

I would suggest a leasing system which would more adequately stimulate offshore exploration efforts than the present OCS bonus bid system which requires such large cash investment for a hunting license. Actually, I believe, the Treasury would receive a greater aggregate of revenues in the long run from royalty payments resulting from increased oil and gas production under a revised leasing system than under continuation of the present bonus bid system.

And while the Office of Management and Budget is always on the hunt for instant and easy Treasury revenues, the priority now should be shifted to a balance between the need to realize an appropriate return on leased public resources and the need to stimulate increased exploration and development.

And in any Federal effort toward conservation of energy, I would favor higher consumer prices as a restraint on rapidly expanding demands which could concomitantly help improve the generation of capital. According to a recent financial analysis of the petroleum industry by Chase Manhattan Bank, the industry is not earning enough to generate sufficient capital to meet the nation's energy needs.

In my opinion, any punitive tax assessment for energy conservation or pollution control as proposed by some will be more costly to the consumer in the long run than higher product prices because such a tax mechanism fails to stimulate the generation of needed capital which in turn would result in even greater pressure to raise prices. Our nations energy consumers should not be burdened with the double cost of higher taxes and higher prices.

Further, even if such taxes were imposed and the federal government were compelled by law to allocate the resulting revenues toward expanded energy programs, I don't think there is any comparison as to the probable relative efficiency of government VS. industry in the effective expenditure of such funds. In other words, I am a strong believer in the carrot rather than the stick in Federal land and tax policies.

Although the program I have just outlined is far from comprehensive, I do believe it contains some of the essential fundamentals of a national energy policy. It is my hope that the implementation of many of these measures will be soon forthcoming. For, by definition the longer that necessary remedies remain unimplemented, the more intense our energy crisis becomes.

GOVERNMENT IN THE SUNSHINE

Mr. TUNNEY. Mr. President, a democratic form of government, such as ours, is a system which derives its authority from, and places its trust in, the people comprising this great Nation. As the people are sovereign, so are they empowered to obtain information regarding the operations and activities of their government. If an elected representative of the citizenry fails to respond to requests for information regarding matters of state, then the electorate may replace him. In the case of the Federal bureaucracy, those seeking documentary materials and records may petition for them under the Freedom of Information Act. Enacted in 1966, this statute provides the public with both an administrative procedure and court redress to otbain particular items from agency files.

But documentary accounts of governmental action are secondary sources of information for the citizenry. They constitute a record of what has transpired and while that statement of proceedings may be available to the public, the actual meeting might very well have been closed to all except those participating in the deliberations. To the end that many more meetings of executive branch

offices and congressional committees might be open to the public, I am proud to cosponsor, with Senator CHILES and other distinguished Senators, S. 3881.

GOVERNMENT IN THE SUNSHINE

In 1913 Supreme Court Justice Louis Brandeis wrote:

> Publicity is justly commended as a remedy for social and industrial disease. Sunlight is said to be the best disinfectant and electric light the most efficient policeman.

Thus, in the spirit of these words of the late Justice, the Florida Legislature passed an open hearing law in 1967 called the Government in the Sunshine Act. A member of the State senate at the time of the enactment of this legislation, Senator CHILES is now seeking to establish a similar guarantee of open meetings at the Federal level. In introducing his bill early last month he commented:

> Since I came to the Senate last year, I have become very disturbed by the great amount of public business I have found being conducted behind closed doors and by the attitude of secrecy I have seen in our Federal Government agencies. I am not surprised that people are suspicious of our motives and are losing confidence in their government when they are shut out of the decision-making process.

I join with Senator CHILES in recognizing a mounting crisis of confidence and torment of secrecy in the public mind due to restrictions regarding the observation of governmental deliberations. In 1953 California pioneered the practice of mandatory open meetings with the passage of the Brown Act, which required public deliberations by all local government agencies. The State attorney general has ruled that this statute applies, as well, to legislative bodies of chartered cities.

The language of the Brown Act specifies that all public entities in California "exist to aid in the conduct of the people's business" and declares all meetings of a local legislative body or agency to be "open and public," with no conditions on attendance by the public and with provisions requiring fair notice of the time and place of such meetings, regardless of whether the session is extraordinary or not. There is evidence to indicate that practices now exist at the Federal level which warrant the enactment of legislation similar in scope and purpose to the Brown Act.

SECRECY AT THE FEDERAL LEVEL

One of the main thrusts of the Legislative Reorganization Act of 1970 was to bring committee proceedings under public scrutiny. The act indicated that Senate committee business meetings were to be open to the public, except during bill markup and voting sessions. It also provided that Senate committees could close their business meetings by a majority vote of the panel members. The Congressional Quarterly Service recently reported that:

> Ninety-seven percent of those Senate committee meetings specifically designated in the daily digest as business session—organizing, marking-up, voting, briefing sessions—were closed to the public.

Like the Senate, the House of Representatives may also, by a majority vote of the members of a committee, close a panel's business meetings. Excluding the meetings of the Appropriations Committee because subcommittee markup sessions were not reported in the CONGRESSIONAL RECORD, the Congressional Quarterly Service tabulations indicated that 79 percent of the House committee sessions listed as business deliberations were held behind closed doors.

The Congressional Quarterly Service reported that on the whole congressional committees held approximately one-third of their 1971 meetings in private.

> Thirty-six percent of all congressional committee hearings and meetings were held behind closed doors in 1971. This marked a decrease from the 41 percent reported in 1970, but matched the secrecy score for 1969. The pattern of the past few Congresses has been to hold more open meetings in the first session than in the second.

In the Senate, one committee held 118 of 150 meetings—70 percent—in private; another closed 52 of 104 sessions—50 percent; a third met 55 of 127 times—43 percent—behind closed doors during 1971.

In the House, the Appropriations Committee had 36 of 455 meetings—8 percent—in public, a marked contrast to the record of the previous year when all of the panel's sessions were listed in the Daily Digest as closed. But another committee closed 69 of 111 meetings—62 percent—and a third held 70 of 150 sessions—47 percent—behind closed doors.

The question which these statistics raises concerns the propriety of holding so many sessions in secret. Certainly those committees considering matters of defense and foreign policy will find it necessary to hold executive sessions on occasion, but there must be some consideration; indeed, some statutory requirement that careful thought be given to the frequency of such sessions. Secret deliberations should occur as rare exceptions and even in those instances efforts should be made to release the meeting transcript as soon as possible.

While statistics on open and closed meetings within the executive branch are not available, there is evidence to indicate that opportunities for observing departmental and/or agency deliberations are few. The Administrative Conference of the United States, which has the responsibility for developing model administrative mechanisms and procedures, has offered two formal suggestions which, if adopted by the executive offices, would go far toward assuring public access to meetings. Conference Recommendation No. 1, adopted on December 10, 1968, urges the establishment of uniform and adequate physical facilities for "public and evidentiary hearings each year in cities throughout the country." The adoption and implementation of this proposal would circumvent the possibility of closed meetings to the public for lack of space to accommodate observers.

Recommendation No. 28 of the conference, which was adopted on December 6, 1971, calls for public participation in administrative hearings. "The recommendation encourages agencies to allow persons whose interest or views are relevant and not otherwise represented to participate in administrative proceedings." The term "participate," as expressed in this proposal, could be read to include observation of the proceedings. The provisions S. 3881 would, however, guarantee the opportunity to gain entry to such meetings and to do so without any requirement of establishing just cause to observe.

During the course of omnibus hearings this year on U.S. Government information policies and practices, the House Foreign Operations and Government Information Subcommittee heard testimony on advisory committee meeting practices. In a study of 1,940 separate and distinct advisory committee meetings and hearings held by 68 different departments and agencies, 996 meetings—51 percent—were open to the public. However, "although many of the advisory committees hold open meetings, they indicated no procedure for notification to the public of these meetings. If the public is not informed of an open meeting, the meeting is for all practical purposes 'closed.' "

In this particular study of executive branch advisory committees, not only were the meetings generally held in secret, but records on the sessions were sorely lacking. It was reported that only 31 percent of the surveyed meetings were held with transcripts prepared. However, of the 1,940 gatherings studied, in only 26 percent of the cases was a transcript available to the public. In 71 percent of the cases minutes were prepared but these accounts were of uneven quality as records of transpired events.

In only 41 percent of the total number of cases were the minutes available for public scrutiny. It was also discovered that in only 8 percent of the cases studied were final votes of the advisory committee members recorded and made public as required by the Freedom of Information Act [5 U.S.C. 552(a)(4)]. As those conducting the study of the advisory committees concluded:

> In the day-to-day operations of the close to 2,000 advisory committee meetings and hearings, the agencies have either misinterpreted or chosen to ignore existing statutes enacted to provide the public with greater access to information. The agencies have failed to adequately document their procedures, findings, and conclusions.
>
> There appears to be, if not a deliberate attempt to restrict disseminating information, no concentrated effort on the part of the agencies to insure public participation in their activities. This is evident from the lack of adequate procedures to inform the public of these meetings, and the closing of many of these meetings.

Indeed, the attitudes which prevailed among these committees with regard to closed sessions was that in the absence of any requirement that their deliberations be open, the sessions would be held in secret.

It is, of course, difficult to determine to what extent these advisory committees reflect the behavior of the bureaucracy as a whole in terms of open or closed meetings. It should be noted, however, that these units are an extension of the departments and agencies which they serve, and it must be observed that their parent bodies have apparently

done nothing to discourage such secrecy or to encourage open deliberations. Some will also recall that no unit of the Executive went on record in support of the Freedom of Information Act when it was under discussion. A secretive Congress may not long be tolerated by the electorate, but what recourse has the citizen against the secrecy of the bureaucracy?

CONTROLLING EXCESSIVE SECRECY

S. 3881, is a responsible and necessary attempt to make secrecy in government the exception rather than the rule. Neither the Congress nor the executive branch should regard secrecy as part of the normal policymaking or administrative process. If closed deliberations are to be tolerated, the subject matter of such sessions must be specific and of a privileged nature. Similarly, like the Freedom of Information Act, S. 3881, sets forth specific exemptions to the mandatory open meeting rule. Excepted from the general requirement of public sessions are discussions involving national security, the internal management of an agency, matters which might tend to reflect adversely on the character or reputation of an individual who is subject to any proposed or potential sanction by an agency, or matters which are required by specific statutory authority to be kept confidential. Such provisions safeguard the security of the Nation, the rights of individuals, and the sanctity of law.

It should be noted as well that this legislation not only "does not authorize closed meetings or the withholding of information from the public except as specifically stated" but also "is not authority to withhold information from Congress." Indeed, it is not the intention of this bill to impede the flow of information from the executive branch to the Congress, but to encourage the transmittal of data.

Careful provision is made that full transcripts of both executive branch and congressional deliberations be promptly made available for public inspection and copying. This provision would supercede the authority of the Clerk of the House to withhold any records of the House of Representatives which might exist only in transcript form or which are less than 50 years old and have not yet been made public, unless such records might be exempted under the provisions of this legislation.

It also supersedes any authority which the Administrator of the General Services Administration might have to withhold such House records as are in his possession unless they fall within the exemption of the legislation. Such authority was originally granted to the Clerk of the House and the Administrator of General Services by House Resolution 288.

Actions contrary to the provisions of this legislation may be challenged in the district courts of the United States. Such disputes may be resolved by declaratory judgments or injunctions.

Without reservation, I join the Senator from Florida in urging the passage of S. 3881. Secrecy in government can be tolerated only if the representatives of the people have the mandate and the trust of the public for accomplishing behind closed doors that which can be resolved in no other way. Excessive secrecy is anathema to both the democratic system of government and the concept of popular sovereignty. If we are truly a government for, of, and by the people, then the business of state must be conducted before the eyes of the citizenry. Governmental deliberations must be open to observation, must be recorded thoroughly and accurately, and must be available to succeeding generations in such documentary form. As these are the intentions of this legislation, so I urge its enactment.

THE 25TH ANNIVERSARY OF TEMPLE ISAIAH, WEST LOS ANGELES, CALIF.

Mr. TUNNEY. Mr. President, I congratulate Temple Isaiah, of West Los Angeles, Calif., on its 25th anniversary, October 20, 1972.

Because the Senate will soon recess, I am several weeks premature in making this statement. But the tribute is well-deserved, and it is better to make it early so that I may advise my colleagues of the accomplishments of Temple Isaiah.

In its quarter century, Mr. President, Temple Isaiah has fashioned an impressive record and reputation. The Temple has, since its inception, consistently adhered to an "open door policy," conforming to the highest ideals in Judaism, which welcomes and assists the stranger regardless of race, creed, color, or social status. It has taken dynamic and appropriate social action in the struggle for civil rights on behalf of the underprivileged, and it has actively participated in programs of ecumenism, promoting the spirit of brotherhood among all creeds on behalf of the general welfare of the community.

Under the auspices of Temple Isaiah and at the instigation of its leader, Rabbi Albert M. Lewis, the Robert J. Green Contact Center was established for the treatment of emotionally disturbed youth and the elderly in the community without regard to race, creed, or color. I understand that Temple Isaiah has evolved an impressive and creative experimental religious education program known as "Rishonim," a corps of young parateachers who teach the adolescent and foster a "living Judaism," integrating the highest ethical precepts of their religion into the daily life style of hundreds of young people.

Temple Isaiah has been in the forefront of two international social struggles which are urgent, not only to the Jewish people of this country, but to all of us who believe in human dignity and individual rights.

First, the temple has consistently supported the State of Israel and made substantial contributions to the welfare of its people. Secondly, Temple Isaiah has taken action in giving moral encouragement and keeping alive the hopes of freedom-loving Jews of Russia who wish to leave that country in order to practice their religion, and its members and clergy have attempted to expedite their exodus from totalitarian restrictions and oppression.

Accordingly, Mr. President, I believe that no one in this body will disagree that Temple Isaiah deserves our commendation and respect. To Rabbi Albert M. Lewis, to the temple officers and members, I extend congratulations on this occasion and best wishes for an equally successful future.

SURVEILLANCE IN A FREE SOCIETY

Mr. BROCK. Mr. President, the role of internal surveillance of citizens in a free society is dubious from the outset. In certain special circumstances, and then only under adequate judicial and due process safeguards, limited intelligence-gathering activities may be justified. However, each authorized incursion on an individual's right to privacy takes us deeper into that dangerous gray area where the objective of surveillance must be measured against our most treasured rights as individuals.

Such a determination of merit clearly enters the murky realm of how far any government can go in information collection before it emerges as a totalitarian state, and I say, not far at all—without the risk exceeding any possible benefit. Intelligence activities within the U.S. military have increased dramatically in the recent past—increased in my opinion beyond the danger point.

In a democracy, official data-gathering of personal information should be the exception rather than the rule. Federal investigations of recent activities lead one to the unmistakable conclusion that past administrations have far exceeded the prudent and judicious course in exercising surveillance authority. Reports indicate that intelligence officials had accumulated a massive amount of material on private citizens, much of which is in no way related to the security or defense of this country. In December, 1970, it was estimated that Army intelligence had reasonably current files on the political activities of at least 100,000 citizens unaffiliated with the Armed Forces. This was the understatement of the year. Incredibly, more recent information reveals dossiers on millions of our citizens, much of which information was based upon nothing more than heresay.

Mr. President, for whatever intention, statist paranoia, technological innovation in information retrieval, bureaucratic "do something" psychology, or simply excessive zeal, such actions threaten the most basic freedoms guaranteed by democracy.

As representatives of the rights of free citizens, Congress must act to prevent further abuse of Government authority.

Mr. President, I commend the distinguished Senator from North Carolina (Mr. ERVIN) on his attempt to air this issue. I ask unanimous consent that an editorial entitled "Unlawful Job, Poorly Done," published in the Chattanooga Times, be printed in the RECORD.

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

UNLAWFUL JOB, POORLY DONE

In recent years, Army Intelligence officers have accumulated data on civilians who by

no stretch of the imagination could be considered proper subjects for military investigation. The extent to which these snooping operations were carried out is just now being revealed by a Senate committee probe.

It is alarming, even though the military categorically asserts the program has ended, not only because unwarranted dossiers were compiled but also because there is no assurance the files have been destroyed.

Sen. Sam Ervin, D-N.C., chairman of the judiciary sub-committee handling the inquiry, writes in its report that both civilian and central military control over the surveillance activities was completely nonexistent.

The committee expressed surprise, if not dismay, at the sheer volume of raw intelligence data that had been gathered. One Army headquarters unit in Texas had 190 linear feet of dossiers and file cards dealing with individuals and organization, and it was only one of 350 such record centers.

The most damning commentary was contained in the committee's notation that the collection of the data was occasionally defended on the grounds of necessity. It added:

"Yet it appears that the vacuum cleaner approach of collecting all possible information resulted in great masses of data on individuals which was valuable for no legitimate (or even illegitimate) military purposes.

"These vast collections of fragmentary, incorrect, and irrevelant information—composed of vague conclusions and judgments and of overly detailed descriptions of insignificant facts—could not be considered 'intelligence' by any sense of the word."

It was a job done poorly; worse, it was one which was outside the military's purview and contrary to Americans' understanding of inviolable rights of individuals.

FUNDS NEEDED FOR MARCH AIR FORCE BASE, RIVERDALE, CALIF.

Mr. TUNNEY. Mr. President, the House Appropriations Committee has just reported the fiscal year 1973 military construction bill. I am very deeply disturbed about projects which have been excluded by the Committee.

March Air Force Base, in Riverdale, Calif., has been in desperate need of improvements for many years. This year, the military construction authorization bill included $4.5 million for additional facilities to be built for the March AFB Hospital. The present outpatient facility serves approximately 75,000 military personnel and their dependents, in addition to an estimated 40,000–50,000 retired personnel in its service area. Additional hospital space is a critical requirement which can only be satisfied by the addition of a new wing to the present building.

The reason given for the denial of these funds in that report is that the future of many Air Force bases is suspect. Thus the committee deleted operational or maintenance projects for which there is no guarantee of timely or long-term usage, or which do not result in significant savings or benefits. Yet the Department of Defense has informed me that they have no plans to close March, and additionally that they do not favor the action taken by the committee.

Mr. President, it appears that the House Appropriations Committee is taking upon itself the determination of which military facilities may be shut down in the future. I do not consider this policy to be a wise one. The Department of Defense should be contacted for their views on issues such as this, just as the Congress should be consulted before major policy decisions affecting foreign policy are made by the executive department. On this particular issue of March AFB, the Air Force has assured me that they are not envisioning taking the action implied by the House Appropriations Committee. And yet badly needed improvements are being denied to March and other bases through the country, on the evaluation of the House Appropriations Committee only.

I have again written to Senator MANSFIELD and additionally to Senator MCCLELLAN, urging them to reverse the House action on March AFB Hospital. I am prepared to fight for reinstatement of the funds on the Senate floor, if this proves to be necessary. I sincerely hope that it will not. But I wanted to bring to the attention of this body the general action of the House Appropriations Committee, as the underlying implications are indeed disquieting.

SURVEY BY SOUTHWEST BEHAVIORAL INSTITUTE, FLAGSTAFF, ARIZ.

Mr. FANNIN. Mr. President, during the spring and summer of 1971, the Southwest Behavioral Institute, located in Flagstaff, Ariz., conducted a survey of Navajo and Hopi parents who had children attending either public, private, or BIA elementary and secondary schools on the Navajo and Hopi Reservations and, in particular, the Window Rock School District at Fort Defiance, Ariz.

To insure the success of this survey, a number of important steps were taken. First, throughout the survey area, various Indian groups were asked to recommend Indian people to administer the questionnaire. Second, a number of meetings were held with Indian groups to determine what areas of interest and concern should be included in the questionnaire itself.

The interviews were conducted in the homes of the parents, who were chosen at random and represented approximately 10 percent of the parents in the area surveyed.

The primary purpose of this survey was to:

First. Determine what parents desired of public education on the reservation.

Second. Identify the significant values of the parents as they relate to education.

Third. Modify and strengthen the school program in a manner consistent with the research findings.

The results of this survey have confirmed many of our notions concerning Indian education and have raised some doubts about others. These results have important implications for future policy direction in the administration of Federal Indian education endeavors and, therefore, should be reviewed by Congress.

Mr. President, I ask unanimous consent that the results of this survey be printed in the RECORD.

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

	Total reservation—520 interviews						Window Rock District—91 interviews					
	No answer		Yes		No		No answer		Yes		No	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1. Do you know your child's teacher?	8	1.5	236	45.4	276	53.1	1	1.1	52	57.1	38	41.8
2. Would you want to know your child's teacher better?	11	2.1	466	89.6	43	8.3	2	2.2	79	86.8	10	11.0
3. Has the teacher ever visited you at home?	8	1.5	81	15.6	431	82.9	1	1.1	7	7.7	83	91.2
4. Would (or did) you like the teacher to visit your home?	17	3.3	446	85.8	57	11.0	1	1.1	70	76.9	20	22.0
5. Have you ever visited your child's classroom?	8	1.5	239	46.0	273	52.5	1	1.1	41	45.1	49	53.8
6. Would you like to visit your child's classroom (again)?	31	6.0	439	84.4	50	9.6	5	5.5	73	80.2	13	14.3
7. Does the teacher do a good job of teaching?	49	9.4	448	86.2	23	4.4	3	3.3	81	89.0	7	7.7
8. Is the teacher interested in the tribe and its culture?	154	29.6	326	62.7	40	7.7	15	16.5	70	76.9	6	6.6
9. Does the child's teacher speak Navajo/Hopi?	65	12.5	86	16.5	369	71.0	6	6.6	14	15.4	71	78.0
10. Do you think the teacher should speak Navajo/Hopi?	49	9.4	253	48.7	218	41.9	5	5.5	41	45.1	45	49.5
11. Who do you think would make the best teacher for your child? (Yes=Indian) (no=other)	170	32.7	103	19.8	247	47.5	34	37.4	22	24.2	35	38.5
12. Do teachers grade your child at school?	17	3.3	495	95.2	8	1.5	3	3.3	88	96.7		
13. If yes, do you think the grades help your child learn?	25	4.8	475	91.3	20	3.8	2	2.2	84	92.3	5	5.5
14. Should children be given a failing grade if they don't study?	23	4.4	415	79.8	82	15.8	3	3.3	81	89.0	7	7.7
15. Does the teacher treat your child fairly?	38	7.3	452	86.9	30	5.8	5	5.5	81	89.0	5	5.5
16. Should the teacher have a college degree?	26	5.0	473	91.0	21	4.0	2	2.2	87	95.6	2	2.2
17. Would you want your child to become a teacher?	63	12.1	422	81.2	35	6.7	13	14.3	72	79.1	6	6.6
18. Does the school teach the Navajo/Hopi way of life?	100	19.2	140	26.9	280	53.8	10	11.0	19	20.9	62	68.1
19. Do you want them to?	35	6.7	386	74.2	99	19.0	8	8.8	56	61.5	27	29.7
20. Does the school teach your child Navajo/Hopi religion?	55	10.6	80	15.4	385	74.0	9	9.9	9	9.9	73	80.2
21. Would you like them to?	38	7.3	266	51.2	216	41.5	10	11.0	27	29.7	54	59.3
22. Do you want a local medicine man to be employed by the school to teach religion?	48	9.2	191	36.7	281	54.0	5	5.5	16	17.6	70	76.9

	Total reservation—520 interviews						Window Rock District—91 interviews					
	No answer		Yes		No		No answer		Yes		No	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
23. Does the school teach your child about Navajo/Hopi history?	55	10.6	264	50.8	201	38.7	7	7.7	56	61.5	28	30.8
24. Do you think they should?	21	4.0	454	87.3	45	8.7	2	2.2	80	87.9	9	9.9
25. Do you think school has taught your child to be ashamed of his past?	31	6.0	97	18.7	392	75.4	5	5.5	13	14.3	73	80.2
26. Do you want the school to teach your child to read and write the Navajo/Hopi language?	19	3.7	417	80.2	84	16.2	3	3.3	63	69.2	25	27.5
27. Does your child speak Navajo/Hopi at home?	12	2.3	381	73.3	127	24.4	7	7.7	56	61.5	28	30.8
28. If no, do you feel badly about your child not speaking Navajo/Hopi at home?	398	76.5	23	4.4	99	19.0	62	68.1	5	5.5	24	26.4
29. Do you think the school discourages your child from speaking Navajo/Hopi at home?	47	9.0	59	11.3	414	79.6	7	7.7	10	11.0	74	81.3
30. Do you want the schools to teach science to your child?	7	1.3	475	91.3	38	7.3	3	3.3	87	95.6	1	1.1
31. Do you want the schools to teach your child some vocational trade?	7	1.3	493	94.8	20	3.8	1	1.1	86	94.5	4	4.4
32. At what grade should this begin?												
No answer	47	9.0					7	7.7				
Grades 1–6	91	17.5					10	11.0				
Grades 7–9	285	54.7					55	60.5				
Grades 10–12	97	18.7					19	20.8				
33. Does the school teach arts and crafts?	35	6.7	408	78.5	77	14.8	2	2.2	78	85.7	11	12.1
34. Would you like the school to teach it more?	16	3.1	459	88.3	45	8.7	3	3.3	78	85.7	10	11.0
35. Does the school teach your child to behave properly?	27	5.2	444	85.4	49	9.4	3	3.3	80	87.9	8	8.8
36. If no, in what ways does your child misbehave? (Results in pt. II of final report.)												
37. Does the school ever punish (or spank) your child?	34	6.5	148	28.5	338	65.0	4	4.4	22	24.2	65	71.4
38. Do you think they should?	43	8.3	323	62.1	154	29.6	7	7.7	35	38.5	49	53.8
39. Do you think the school is too easy on the child and lets him misbehave?	41	7.9	176	33.8	303	58.3	4	4.4	20	22.0	67	73.6
40. Does the school get your permission for your child to participate in extra-curricular activities?	20	3.8	404	77.7	96	18.5	6	6.6	69	75.8	16	17.6
41. Should they?	18	3.5	473	91.0	29	5.6	5	5.5	79	86.8	7	7.7
42. Do you approve of weekend and after school social functions such as dances, parties, and field trips?	50	9.6	319	61.3	151	29.0	5	5.5	54	59.3	32	35.2
43. Do you think the school has too many such activities?	39	7.5	157	30.2	324	62.3	7	7.7	25	27.5	59	64.8
44. Is the yellow bus system adequate?	53	10.2	380	73.1	87	16.7	8	8.8	69	75.8	14	15.4
45. If no, in what way? (Results in part II of final report.)												
46. Is the bus safe?	63	12.1	411	79.0	46	8.8	9	9.9	72	79.1	10	11.0
47. Is the school lunch program adequate?	20	3.8	426	81.9	74	14.2	2	2.2	83	91.2	6	6.6
48. If no, in what way? (Results in pt. II of final report.)												
49. Do you think your child should have to attend school every day?	4	.8	509	97.9	7	1.3	3	3.3	87	95.6	1	1.1
50. Should your child be suspended from school after he misses over 5 days?	28	5.4	129	24.8	363	69.8	5	5.5	32	35.2	54	59.3
51. If no, what should the school do after 5 misses? (Results in pt. II of final report.)												
52. Has the attendance officer ever visited your home?	6	1.2	140	26.9	374	71.9	2	2.2	31	34.1	58	63.7
53. Was he helpful	216	41.5	148	28.5	156	30.0	24	26.4	40	44.0	27	29.7
54. If no, why not? (Results in pt. II of final report.)												
55. Is it any easier for you around the house when your child stays home from school?	28	5.4	160	30.8	332	63.8	3	3.3	31	34.1	57	62.6
56. Do you let your child choose the school he wants to attend?	12	2.3	196	37.7	312	60.0	1	1.1	44	48.4	46	50.5
57. Do you think school should prepare your child to live on the reservation	29	5.6	372	71.5	119	22.9	4	4.4	57	62.6	30	33.0
58. Should the schools prepare him to live off the reservation	31	6.0	333	64.0	156	30.0	6	6.6	58	63.7	27	29.7
59. Do you want your child to go beyond high school	10	1.9	501	96.3	9	1.7	1	1.1	88	96.7	2	2.2
60. What type of school? (Yes=vocational school—2-year)	296	56.9	224	43.1			64	70.3	27	29.7		
60. What type of school? (Yes=4 year college)	96	18.5	424	81.5			12	13.2	79	86.8		
61. Would you want your child to attend an all-Indian college	32	6.2	287	55.2	201	38.7	3	3.3	46	50.5	42	46.2
62. Do BIA schools prepare children for college better than public schools	115	22.1	70	13.5	335	64.4	22	24.2	13	14.3	56	61.5
63. If yes, why? (Results in pt. II of final report.)												
64. Does your school have a school board	55	10.6	434	83.5	31	6.0	3	3.3	85	93.4	3	3.3
65. If not, should it have a school board	328	63.1	188	36.2	4	.8	63	69.2	28	30.8		
66. Does the school board control the school	89	17.1	384	73.8	47	9.0	5	5.5	79	86.8	7	7.7
67. If no, who does? (Results in pt. II of final report.)												
68. Do you think that non-Indians run the school	58	11.2	244	46.9	218	41.9	11	12.1	46	50.5	34	37.4
69. If yes, should they	190	36.5	178	34.2	152	29.2	27	29.7	43	47.3	21	23.1
70. Have you ever talked with a school board member	15	2.9	156	30.0	349	67.1	1	1.1	31	34.1	59	64.8
71. If not, why not? (Results in pt. II of final report.)												
72. Do you think they are interested in your ideas and opinions?	122	23.5	300	57.7	98	18.8	12	13.2	49	53.8	30	33.0
73. If no, why not? (Results in pt. II of final report.)												
74. Where does the school board get the money to run the school? (Results in pt. II of final report.)												
75. Does the school board publish how they spend the school money?	65	12.5	108	20.8	347	66.7	10	11.0	41	45.1	40	44.0
76. Should they publish this?	42	8.1	462	88.8	16	3.1	8	8.8	79	86.8	4	4.4
77. Do you pay for your child's education?	24	4.6	124	23.8	372	71.5	5	5.5	17	18.7	69	75.8
78. Are all the school board members Navajo/Hopi?	98	18.8	71	13.7	351	67.5	7	7.7	5	5.5	79	86.8
79. Should they be?	63	12.1	170	32.7	287	55.2	7	7.7	30	33.0	54	59.3
80. Does the tribe control what goes on at the school?	101	19.4	160	30.8	259	49.8	11	12.1	32	35.2	48	52.7
81. Should the tribe control the schools?	59	11.3	253	48.7	208	40.0	7	7.7	35	38.5	49	53.8
82. Is your school administrator a Navajo/Hopi?	64	12.3	112	21.5	344	66.2	2	2.2	4	4.4	85	93.4
83. Should he be a Navajo/Hopi?	76	14.6	266	51.2	178	34.2	10	11.0	36	39.6	45	49.5
84. Who is the superintendent of your school? (Yes=name given)	204	39.2	316	60.8			9	9.9	82	90.1		
85. Have you ever attended a PTA meeting?	20	3.8	95	18.3	405	77.9	2	2.2	25	27.5	64	70.3
86. If no, why not? (Results in pt. II of final report.)												
87. Do you attend school activities such as sporting events, etc.?	12	2.3	244	46.9	264	50.8	2	2.2	44	48.4	45	49.5
88. Would you like to participate more?	33	6.3	274	52.7	213	41.0	5	5.5	38	41.8	48	52.7
89. If yes, why don't you? (Results in pt. II of final report.)												
90. Does your child help interpret English for you?	17	3.3	270	51.9	233	44.8	3	3.3	47	51.6	41	45.1
91. Would you like to be able to speak English better?	21	4.0	451	86.7	8	9.2	3	3.3	78	85.7	10	11.0
92. Do you feel you are the last to know what's going on at the school?	27	5.2	273	52.5	220	42.3	4	4.4	24	26.4	63	69.2
93. Do you think education makes students think they are better than other people?	48	9.2	190	36.5	282	54.2	9	9.9	39	42.9	43	47.3
94. Do you need your children to take care of you when you are old?	36	6.9	376	72.3	108	20.8	5	5.5	64	70.3	22	24.2
95. All in all, do you think your child is attending one of the better schools on the reservation?	35	6.7	447	86.0	38	7.3	2	2.2	82	90.1	7	7.7
96. If no, what changes need to be made to make it better? (Results in pt. II of final report.)												

97. Of the following, which school is best for your child?

	Number	Percent	Number	Percent
BIA	45	8.7	5	5.5
LDS	12	2.3	1	1.1
Public	288	55.4	55	60.4
BIA Bordertown	11	2.1	3	3.3
Mission	42	8.1	2	2.2
No answer	119	22.9		
Other	3	.6	3	3.3

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that morning business again be closed.

The PRESIDING OFFICER. Without objection, morning business is again concluded.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous order, the Senate will resume the consideration of H.R. 16029, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, 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 PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARTKE. 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. HARTKE. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. ALLEN). The amendment will be stated.

The legislative clerk read as follows:

On page 17, line 25, strike out the quotation marks.

On page 17, after line 25, add the following: "(z) No assistance shall be furnished under this Act (other than chapter 8 of part I, relating to international narcotics control), and no sales shall be made under the Foreign Military Sales Act or under title I of the Agricultural Trade Development and Assistance Act of 1954, to Thailand. This restriction may be waived when the President determines that the government of Thailand has taken adequate steps to carry out the purposes of chapter 8 of part I of this Act, relating to international narcotics control."

Mr. HARTKE. Mr. President, the amendment which I have sent to the desk concerns a problem which is of increasing importance to the United States of America and all of its citizens. It was emphasized on September 18 of this year when the White House issued a statement to the International Narcotics Control Conference. At that time he emphasized the difficult problem that is confronting the United States concerning the question of drug control. He said at that time:

As we all know, the global drug control program is enormously difficult and does not lend itself to immediate or simplistic solution. Nevertheless, looking back over the three years since I declared total war on drug abuse and labeled it America's public enemy number one, I think the depth of our national commitment is clear.

The President further states he will not hesitate to act against those countries and their leaders who are involved in supplying narcotics to the United States. Mr. Nixon also stressed that France, Paraguay, Laos, Thailand, and Turkey are a few examples where the work of American officials from Ambassadors on down in partnership with law officials produced important breakthroughs. As I will elaborate later serious questions have been raised concerning the scope of those breakthroughs.

Mr. President, I call upon the Senate to adopt my amendment which provides for the suspension of all military and economic aid to Thailand unless it is proved that the Thai Government has taken adequate steps to carry out the purposes of chapter 8 of part 1 of the Foreign Assistance Act.

Mr. President, the Veterans' Administration has demonstrated conclusively to the Committee on Veterans' Affairs, of which I am the chairman, that the drug problem has seriously affected veterans. It was reported that some 75,000 veterans a year out of approximately 1 million are addicted to narcotics. When this report was issued the Director of the Veterans' Administration, stated that the report was an exaggeration and that there were less than 50,000 military personnel a year returning from Vietnam who are heroin addicts. This means that in the very least in the next 5 years there will be a quarter of a million heroin and narcotic addicts who have returned from Southeast Asia. This is just one of the many reasons why I advocate affirmative action to end the heroin traffic in Southeast Asia.

The Hartke amendment is identical to a proposal introduced by Representative WOLFF of New York and cosponsored by 85 Members of the other body. It was adopted by the House and is incorporated in section 7 of the House-passed version of H.R. 16029, the bill now pending before the Senate.

This support clearly indicates a commitment on the part of many legislators to act against the increasing traffic in heroin which is originating in Southeast Asia. Nevertheless, there have been few inroads in limiting the massive drug traffic in that part of the world.

I approve the President's recent statement in which he warned that he would suspend all economic and military assistance to regimes failing to cooperate with efforts by the United States to end once and for all this monstrous evil. But the fact is, the Nixon administration has failed to use the power Congress gave for that purpose. I refer to section 481 of the Foreign Assistance Act which gives the President sole discretion to make a determination that the Government has failed to take adequate steps to suppress dangerous drugs. The President alone decides what shall constitute "adequate steps" and he need justify his decision to no one.

We have previously argued on the floor of the Senate that section 481 was, in and of itself, sufficient authority to do what needed to be done. In other words, it was argued that the President has this authority. However, we are presently faced with a paradoxical situation which seems to be the trademark of this administration. On the one hand they are calling for the action which my amendment proposes to implement, yet we have seen little affirmative action.

The Hartke amendment would modify present law to provide that aid to Thailand be terminated until the President makes a definitive finding that Thailand has taken the necessary steps to comply with chapter 8 of the Foreign Assistance Act relating to international narcotics control.

My amendment rather than being of a substantive nature is a procedural amendment which shifts the burden of proof to the administration to make a positive finding that the necessary steps have been taken to suppress the narcotics trade.

It can be argued, and I think the chairman of the Committee on Foreign Relations would argue, that the President has this authority and could so act at the present time. But we are a coequal branch of Government, and in view of the fact that there is hard evidence that the Thai Government has not acted substantively to end the narcotics traffic then it is incumbent upon this body to act.

Mr. President, I am of the opinion that the Senate can not stand idly by in the face of the evidence before us. The failure of the President to act means we have a continuation of a serious drug problem.

No action has been taken by President Nixon in spite of the evidence that Thailand serves as the major conduit for the transhipment of opium produced in Southeast Asia.

Let us look briefly at the situation in Thailand. Several congressional study missions have returned to the Congress with reports that Thailand serves as the major conduit for drug traffic in the Southeast Asia region. As a result of

these investigations, we have learned that opium-bearing caravans continually bring substantial amounts of raw opium and some refined morphine derivative down to Bangkok for shipment to Hong Kong. An NBC television camera crew photographed such a caravan within the past 6 months.

After the opium reaches the port of Bangkok, it is placed aboard Thai-registered fishing trawlers. These trawlers can carry about 3.3 tons of opium per voyage. Until last year, these trawlers operated only during the summer months. Currently, they carry their deadly cargo year round. There is enough opium on each ship to supply 6 percent of the annual U.S. demand for heroin.

From Bangkok, the 11-trawler fleet sails to Hong Kong where they unload the opium onto junks in Chinese Communist waters. These junks are then able to slip into Hong Kong unmonitored. The opium is then refined and shipped to the United States. This has come to be known as the "Thai connection."

I am informed that American intelligence and narcotics personnel are aware of high-level official complicity in the Thai drug trade. Not only do our people have the names of those involved, but they also have positive identification of the Thai trawlers which carry the opium to Hong Kong.

Our military action in Southeast Asia might be more appropriately directed toward some of those Thai trawlers rather than our present targets.

We have been told repeatedly that the Thai Government is cooperating in our efforts to stem the drug traffic. It is shocking that with this so-called cooperation of the Thai Government and its security personnel resulted in the seizure of only 97 pounds of heroin and 645 pounds of opium during all of 1971.

Other serious questions have been raised concerning the degree of Thai cooperation. For example, last March the Thai Government announced it had burned 26 tons of opium. This was hailed as evidence that Thailand was "cooperating" in efforts to stop the flow of heroin. Yet, no official statement or press release mentioned the fact that about $1 million of American funds were involved in this so-called seizure.

If the United States did buy up opium and assure its destruction, the action might be defended. But according to the Bureau of Narcotics and Dangerous Drugs, all we did was inspect part of it before it was burned. Meanwhile, it was the Thais who collected it, tested it at the time of collection, and ultimately destroyed it.

The matter of heroin and Thailand is not a new problem. It was not discovered yesterday, although some administration officials act as if it was. Nelson Gross of the State Department testified on June 9 that—

> We have no evidence that there is any present heroin refinery working in either Laos or Thailand in the northern area or in the area of Bangkok in the south.

Three days after he made that statement, completely acting as though nothing was going on, the State Department issued a report detailing the seizure of such refineries in the very areas where Gross said none existed. The problem has been there and no one will benefit by trying to cover it up.

Mr. President, I am deeply troubled that our Government seems to be satisfied with telling the people that progress is being made, when it is not, and that not enough of an effort is being made to achieve progress in our antidrug efforts.

Such efforts to hide the truth from the American public on the critical issue of heroin traffic are highly undesirable and counterproductive.

It is time to make drug information available to the public and to put the necessary pressure on the Thai Government to take definitive action against drug smuggling. Only by the kind of direct action which the Hartke amendment proposes will we serve notice, not only to Thailand, but to other nations of the world as well, that halting the flow of heroin into this country is our No. 1 priority.

Last week, President Nixon said that he considers keeping dangerous drugs out of the United States just as important as keeping armed enemy forces from landing in the United States. I agree. That is the reason why I introduced the pending Hartke amendment, in order to force the Nixon administration to end all aid to Thailand, making it a congressional mandate.

The administration can, under the amendment, resume aid, but first it must prove to the Congress that Thailand has indeed taken all necessary measures to end this deadly traffic—no such proof now exists.

We must act now to end the widespread suffering which heroin addiction causes in our society, both for the user and the victims of drug-related crimes. We must cut off the supply at its source.

The way to do it is to adopt the amendment which is before the Senate at this time.

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

The PRESIDING OFFICER (Mr. CHILES). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. 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. FULBRIGHT. Mr. President, this amendment was, of course, offered to the Senate before and was defeated in the Senate by a vote of 68 to 22. The law already has a provision which is a little different from this amendment in the burden of proof, in that the matter is pretty much left up to the President, whereas in this case aid is suspended unless the President makes a positive finding. There is a shift in the burden.

The difficulty is that the law as it stands applies to all countries, whereas this amendment is applicable only to Thailand. I have no objection to applying it to Thailand, but I think it should be made applicable to Laos, Vietnam, and Burma, for example.

I might also say that this amendment is in the House bill, and if we go to conference it will be in conference. If we put it in the bill here, it will not be in conference. I think if we were to have this type of provision, it should be made generally applicable to all countries. That would be my principal objection to the amendment. We are all in favor of the thrust of it, which is to do anything effective we can to stop the illegal drug traffic. How effective this amendment would be as opposed to the existing law, I am not at all sure. But I am prepared to go ahead and vote on the amendment, if no other Senator wishes to speak on it.

Mr. HARTKE. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. HARTKE. I quite agree; as I said before, there is no question of the provisions of the present law. Nor is there any question that this type of amendment was previously defeated in the Senate. However, neither of those facts is justification for rejecting the amendment at this time. The fact is that the President stated he is in favor of terminating economic assistance to those countries who contribute to our drug problem.

Furthermore, the former Deputy Director of the Bureau of Narcotics and Dangerous Drugs says that this region of Southeast Asia, the so-called Golden Triangle, has the potential to replace Turkey as the major supplier of heroin to illicit markets in this country. I understand that the chairman of the Foreign Relations Committee is saying that the amendment should apply to all countries, but the fact is that we are providing practically no aid to Laos and very limited aid to Burma.

Mr. FULBRIGHT. What does the Senator mean, no aid to Laos?

Mr. HARTKE. Would the distinguished chairman of the Foreign Relations Committee advise me of the amount of aid provided for Laos in the pending bill?

Mr. FULBRIGHT. Perhaps it is a little amount to the Senator, but it is more than $400 million for this fiscal year.

Mr. HARTKE. If it would make it more palatable to the chairman of the Foreign Relations Committee, I would have no objection to modifying the amendment to include Laos.

Mr. FULBRIGHT. Laos receives assistance from funds authorized in this bill as well as from funds available in the regular DOD budget.

For fiscal 1973 it is scheduled to receive a total of $416.7 million. Last year it received $294.9 million. It amounts to a lot of money.

Incidentally, the Laotian Prime Minister is now paying the members of his Parliament $5,000 for their votes; did the Senator see that in the paper? Our aid is helping him to pay for those votes.

Mr. HARTKE. The chairman knows I have no sympathy for those dictatorial regimes and those regimes which are——

Mr. FULBRIGHT. I do not know what the Senator thinks he is going to ac-

complish. The President says he is against it. He has plenty of authority under existing law, if he is really against it, to cut off aid in Thailand or anywhere else.

Mr. HARTKE. I understand that. But in the face of hard evidence the President has failed to act, when the President fails to act I do not think the Senate can stand by idly.

Mr. FULBRIGHT. What makes the Senator think that if we put his amendment in, the President will act? He issues these little billets-doux to the Committee on Foreign Relations all the time, and then does whatever suits him. It is not difficult to have one of these little papers prepared and sent up. They do it all the time.

Mr. HARTKE. I am not willing to surrender quite that easily to the administration.

Mr. FULBRIGHT. I am not surrendering; I am stating a fact. It happens all the time.

Mr. HARTKE. The fact is that at the present time there has to be a finding by the President that there is a violation in terms of compliance, but that is not an affirmative finding. The way the bill is drafted, it is negative. The Hartke amendment shifts the burden to the President to make a definitive finding. That is not the case in the present law.

Mr. FULBRIGHT. Yes, he has to send up a finding and say, "I find Thailand is doing everything it reasonably can," under the Senator's amendment.

Mr. HARTKE. That is right.

Mr. FULBRIGHT. Does the Senator think it is difficult for him to do that?

Mr. HARTKE. I think it puts the President in a position where he may well make a definitive statement which is absolutely controverted by the facts.

Mr. FULBRIGHT. Does the Senator think he has any difficulty doing that?

Mr. HARTKE. I understand the point the Senator is making, but I do not believe we should surrender our authority to the President and in essence imply that we are completely ineffective in requiring the President to be truthful with the American people——

Mr. FULBRIGHT. The way to do it is to cut off the funds.

Mr. HARTKE. I am willing to do that.

Mr. FULBRIGHT. The Senator's amendment would make more sense if he would just leave out the last sentence.

Mr. HARTKE. The fact is that I still would like to have the President make that finding. If we have the President make the finding, then we have the President in a position in which his finding may well be controverted by the evidence. I think that is a much stronger case.

Mr. FULBRIGHT. Why not modify it to make it applicable to all countries, then?

Mr. HARTKE. Would the Senator agree to accept it if I did that?

Mr. FULBRIGHT. It would make it a lot better amendment. I do not like to agree to it, in the face of the Senate's recent vote. I frankly have no objection to it, though I do not think it is any great step forward. But if we are going to do it at all, it ought to be applicable to all countries.

The Senate just voted on this question 2 or 3 months ago, and defeated such a proposal by a vote of 68 to 22.

Mr. HARTKE. If the chairman of the Committee on Foreign Relations would find it possible to agree to the amendment by making it applicable to all countries and not just Thailand, I am willing to modify the amendment. The reason I have stressed Thailand is that it is presently the principal conduit for the shipment of opium in Southeast Asia.

Mr. FULBRIGHT. Well, that shifts, though. We shifted it from Turkey by paying them millions not to grow poppies. Now each of them will come along in turn; that is a great incentive for other countries to start growing it, because if they grow enough, they think we will pay them millions not to grow it. This is a good way to make money, carrying this absurdity to its logical conclusion, we may, I say facetiously, start growing it in Arkansas, and see if they will pay us to quit. It is a fairly easy way to make money, you see.

Mr. HARTKE. Let me say to the chairman that if he would find it acceptable to amend the amendment to such an extent that it would apply to all countries in addition to Thailand, the Senator from Indiana certainly finds no objection to that kind of provision.

Mr. FULBRIGHT. Well, if the Senator will modify it to apply to all countries, it will be the same as existing law except, as the Senator says, the President is put under the burden of making an affirmative finding. I would have no disposition to oppose it, and also I might say that on that ground it is different from the one that was defeated and from the provision in the House bill. Therefore, it would be in conference and we could resolve it then.

So I have no objection to that.

Mr. HARTKE. 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. HARTKE. 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. HARTKE. Mr. President, I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. HARTKE. Mr. President, I send to the desk a modification of my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The assistant legislative clerk proceeded to read the amendment, as modified.

Mr. HARTKE. Mr. President, I ask unanimous consent that reading of the amendment, as modified, be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment, as modified, will be printed in the RECORD.

The amendment, as modified, is as follows:

On page 17, line 25, strike out the quotation marks.

On page 17, after line 25, add the following:

"(z) No assistance shall be furnished under this Act (other than chapter 8 of part I, relating to international narcotics control), and no sales shall be made under the Foreign Military Sales Act or under title I of the Agricultural Trade Development and Assistance Act of 1954, to Thailand, Laos, Burma, Cambodia, and South Vietnam. This restriction may be waived when the President determines that the governments of Thailand, Laos, Burma, Cambodia, and South Vietnam have taken adequate steps to carry out the purposes of chapter 8 of part I of this Act, relating to international narcotics control."

Mr. HARTKE. Mr. President, what the amendment does, in substance, is to extend the jurisdiction of the restriction in this fashion: Whereas the origin amendment applied only to Thailand, this amendment, as it is now drafted, applies to Thailand, Laos, Burma, Cambodia, and South Vietnam. In other words, it deals only with those countries in Southeast Asia.

I have discussed this matter with the chairman of the Committee on Foreign Relations. I think this modification will accomplish our purpose of directing attention toward the "Golden Triangle," which has the potential to replace Turkey as the chief supplier of heroin and dangerous drugs to the United States. In this manner, we have really covered the entire area. If it becomes necessary at a later date to expand these aid restrictions to other countries, then we have established a precedent in the Senate to support such action.

Mr. FULBRIGHT. Mr. President, I think this is a great improvement over the original language, because it is made applicable to all the countries in Southeast Asia that are identified with the drug traffic. As the Senator properly said, this is the principal source of the supply, both to our soldiers in South Vietnam and to this country.

I am prepared to take the amendment to conference. As I have already stated, the amendment is quite similar to existing law, but it does put an onus upon the President to make an affirmative finding if the aid is not to be discontinued. So I think it is an improvement over the existing law.

The PRESIDING OFFICER. Is there further discussion of the amendment? If not, the question is on agreeing to the amendment, as modified, of the Senator from Indiana.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Mr. Basil Condos during the consideration of the amendment I am about to offer.

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

Mr. STEVENSON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

At the end of the bill insert a new section as follows:

"SEC. 19 (a) The Congress finds and declares—

"that the purpose of United States involvement in South Vietnam—self-determination for the people of that nation—has been frustrated by actions of the Thieu regime, including the abolition of hamlet elections, newspaper censorship, and the arrest and torture of President Thieu's political opponents;

"that continued United States military and economic assistance to the Thieu regime, coupled with the United States failure to condemn the repressive acts of that regime, creates the impression that the United States supports the forcible imposition of totalitarian rule in South Vietnam; and

"that rapid and total elimination of the United States military presence in Indochina is fully consistent with our expressed interest in promoting self-determination for the people of South Vietnam.

"(b) The United States shall refrain from supporting or appearing to support actions whereby the Government of South Vietnam attempts to discourage legitimate opposition by abridging the right to vote, freedom of the press, or other individual liberties.

"(c) The President shall use all available leverage, including the withholding of assistance authorized by this Act, to implement the policies set forth in this section.

"(d) On January 1, 1973, and at semiannual intervals thereafter, the President shall report to the Congress on any and all action he has taken to implement the policies set forth in this section; *Provided*, That no such reports shall be required after the termination of all United States military assistance to South Vietnam.'

Mr. STEVENSON. Mr. President, when the United States intervened in the Indochina war, it changed the character of that conflict. What began as guerrilla warfare finally became a high-technology war of electronic battlefields and laser bombs. While professing to Vietnamize the war, we Americanized it.

In thus transforming the war, we have helped give the South Vietnamese a landscape desiccated by herbicides and pocked by bomb craters. We have helped give them abandoned hamlets and teeming slums and a deadly war the Thieu regime cannot win.

And, it appears, we are also giving the South Vietnamese people a military dictatorship.

Three months ago President Thieu rammed a bill through the national assembly giving him the power to rule by decree. A distinguished journalist—Harry Bradsher of the Washington Star—reported that the U.S. Embassy in Saigon supported Thieu's efforts to get the power to rule by decree. It seems this report has never been denied.

Thieu has wasted no time in using his power to install all the machinery of a full-blown police state.

He has transferred from civilian authorities to military authorities the power to control food distribution; to check private residences both at day and night time; to detain elements considered dangerous for the national security or public order; to prohibit strikes and demonstrations or meetings harmful to the national security and public order, and to censor printed matter.

He has transferred from civilian courts to military courts the power to try demonstrators, strikers, and ordinary civilian offenders.

He has abolished hamlet elections, decreeing that hamlet officials will be appointed instead by military province chiefs under his direct control.

He has decreed that the public prosecutor may invade the headquarters of a political party "to protect public order and the national security."

He has instituted a press censorship decree so repressive as to be condemned by an international association of newspaper publishers. The decree makes it a crime to publish any unfavorable statement about Thieu, even if the statement is true. It requires a $46,000 deposit as a precondition of publication, a requirement which has forced at least 10 papers to shut down in less than 2 months. Only last week the editor of a paper which has continued to publish was convicted of violating the press censorship decree. The crime was printing widely known, unclassified statistics about U.S. bombing of Indochina. The penalty was a year in jail.

Mr. President, I ask unanimous consent that an article published in the Washington Post on September 23, 1972, entitled "Saigon Newspaper Punished" be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. STEVENSON. Mr. President, he has decreed that "special punitive measures will be applied against unlawful acts that seriously harm the national security and public order." Reports from Saigon indicate that the "special punitive measures" includes mass arrests, imprisonment of 8-year-old children, and torture of women.

Mr. President, I ask unanimous consent that an article published in the New York Times on August 13, 1972, entitled "Saigon Torture in Jails Reported," be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. STEVENSON. Mr. President, it is now clear that we are witnessing nothing less than a ruthless and systematic campaign to destroy or silence legitimate opposition in total disregard of the popular will and of individual liberties. It is equally clear that the Thieu regime could not conduct its campaign of repression—and indeed could not exist at all—without massive military and economic assistance from the United States.

We assert that our purpose in South Vietnam is to promote freedom and self-determination for the people of that nation. Our client subverts that purpose in a calculated effort to consolidate power for himself and a small clique of generals, landowners, and profiteers. And our only response is an embarrassed silence or a feeble attempt by the Department of State to say that these are internal matters for which we are not responsible. In at least one case—abolition of the hamlet elections—the Department of State acted as an apologist for the Thieu regime by suggesting that its action was a temporary expedient occasioned by the North Vietnamese offensive, but the fact is that Thieu did not abolish hamlet elections until after the offensive had run its course.

Mr. President, it will not do to shrug off Thieu's reign of terror as an internal matter. We supported Thieu in the rigged election of 1967; we conducted political polls and propaganda campaigns for him in 1969 and 1970; we continued our massive support of his regime while he drove his opponents out of the presidential election in 1971—all in the name of freedom and self-determination.

If Mr. Nixon had chosen to permit the people of South Vietnam a choice, they might have elected General Minh in 1971 He, and even a popularly elected Thieu could have governed with public support, and, in the case of Minh at least, made peace. In either event, the United States could have declared its purpose fulfilled and gone home. But the administration failed once again to perceive that morality and self-interest can coincide. It permitted its puppet then, as it does now, to pull the strings and play the tune of which the people of Vietnam die.

The Thieu regime is corrupt and tyrannical. It rules by force because it cannot rule by popularity. It is the principal obstacle in the way of a negotiated settlement. Both sides have made it clear that they cannot and will not coexist peaceably. Yet, the Nixon administration insists upon propping up this dictatorship in derogation of everything it says we have fought for, and to the detriment of the negotiated settlement which it says it seeks.

If the United States is to harmonize its action in Indochina with its rhetoric, the initiative will have to come from the Congress. And President Thieu has given us a clear choice.

The United States can no longer be for both the Thieu regime and the people of South Vietnam. It must either actively and, if necessary, publicly oppose Thieu's repressive policies, or abandon any pretense that its support of Thieu promotes self-determination.

Mr. President, Thieu's actions point up the tragic irony of our Vietnam policy: we say we oppose the imposition of a Communist government on the people of South Vietnam, yet we aid and abet Thieu's imposition of a police state on the people of South Vietnam. The longer we fight to preserve the difference between a "free" South Vietnam, and a "totalitarian" North Vietnam, the less of a difference there is to preserve.

Last month Mr. Thieu expressed the belief that South Vietnam was experiencing too much democracy too soon. He has acted consistently with his beliefs. It

is time that we did the same, and for that reason I hope that this amendment will be agreed to.

The amendment simply declares that the purpose of U.S. involvement in South Vietnam—self-determination—has been frustrated by the repressive actions of the Thieu regime and that continued U.S. support for that regime creates the impression that the United States supports its imposition of totalitarian rule in South Vietnam. The amendment then states that the United States shall refrain from supporting Vietnamese attempts to intimidate legitimate opposition and that the President shall use all available leverage to end the repressive acts of the Thieu regime and report on his progress semiannually to the Congress. The amendment is consistent with the sentiment of many in this Chamber, including myself, that the best way to promote self-determination in South Vietnam is to leave South Vietnam. That consistency is made explicit in the amendment.

I would hope very much that the chairman would agree to accept it.

EXHIBIT 1

SAIGON NEWSPAPER PUNISHED

(By Thomas W. Lippman)

SAIGON, Sept. 22.—The business manager of an opposition newspaper was sentenced to a year in prison by South Vietnam's military court to day because the paper printed year-old statistics on the tonnage of U.S. bombs dropped in Indochina.

It was the first case considered by the court under the stringent new press law issued Aug. 4 by President Nguyen Van Thieu's government.

The newspaper, Dien Tin, published by a supporter of Thieu's chief political rival, Duong Van (Big) Minh, was found guilty of printing an article "harmful to the national security" and of "sowing confusion among the people." The paper was fined one million piastres, about $2,300.

The prison term, which could have been up to five years, was imposed on Vo Thi Suong, 32, a woman about whom almost nothing is known except that she is apolitical and had nothing to do with the paper's contents or editorial policy.

The editor and publisher, Hong Son Dong, is a close associate of Minh, who until his withdrawal from the race, was Thieu's leading opponent in last year's presidential election.

But as a member of the South Vietnamese Senate, Dong is immune from prosecution. The press law stipulates that in such a case, a paper's business manager must face the court.

Miss Suong was allowed to remain free while her conviction is being appealed to South Vietnam's Supreme Court, but was required to post a bond of 1 million piasters with the court in the meantime.

Neither she nor Sen. Dong could be reached for comment. But her lawyer, Bui Chnanh Thoi, had plenty to say.

The sentence was "not logical," he said, because the terms of the laws are "very ambiguous" and contain no definition of what is "harmful to the national security."

He also said that the offending issue of the paper, that of August 16, had been confiscated before it appeared on the streets.

"Since readers could not read the article, how could the paper be harming the national security and sowing confusion among the people?" he asked.

He said he believed the punishment was intended more as a warning for the future than as a realistic sentence for a genuine offense.

That view of the case was hardly a surprise, since the government has made clear that the press law was intended to put some newspapers out of business, which it did, and curb the contents of others, which it has also done.

The offending article was based on a statistical analysis of the U.S. bombing campaigns entitled "The Air War in Indochina," published by the Center for International Studies of Cornell University. It first appeared in print a year ago, is widely available and used as a reference work here, and is largely based on public documents and the Pentagon Papers.

Its conclusions are critical of the air campaign. But persons familiar with the Dien Tin article said it contained only the statistics, not the conclusions.

In general, Saigon newspapers are permitted to print only the war news distributed by the South Vietnamese army's Psychological Warfare Department.

EXHIBIT 2

SAIGON TORTURE IN JAILS REPORTED

(By Sydney H. Schanberg)

SAIGON, SOUTH VIETNAM, Aug. 12.—Documents smuggled out of South Vietnamese prisons and extensive interviews with former prisoners paint a picture of widespread torture of people jailed by the Saigon Government since the North Vietnamese offensive started four and a half months ago.

Here is a sampling of the prisoner's accounts:

"Nguyen Thi Yen was beaten unconscious with a wooden rod. Later, when she revived, she was forced to stand naked before about 10 torturers, who burned her breasts with lighted cigarettes."

"Trinh Dinh Ban was beaten so badly in the face that the swelling shut and infected his eyes. The police drove needles through his fingertips and battered him on the chest and soles of his feet until he was unable to move."

"Vo Thi Bach Tuyet was beaten and hung by her feet under a blazing light. Later, they put her in a tiny room half flooded with water and let mice and insects run over her body."

STORIES ARE TYPICAL

These particular accounts are said to describe the torture of three student leaders still being held in South Vietnamese jails on suspicion of being Communist sympathizers. The accounts in these documents and many others obtained by this correspondent were purportedly written by prisoners—and in some cases by sympathetic guards—and then smuggled out.

The three accounts are typical of the stories told in the other documents and in the interviews about the treatment of the thousands of students, workers, peasants, women and children arrested by the national police and military authorities in the "pre-emptive sweeps" made in the search for Communist sympathizers and agents since the North Vietnamese Army began its offensive.

Some of the documents reached this correspondent through friends of prisoners or critics of the Government to whom the papers had been passed. Some of the interviews were also arranged this way. Additional information was gathered on the basis of other leads.

There is no way to verify the accounts of torture first hand, for the Saigon Government refuses to allow journalists to visit its prisons, which it calls "re-education centers." A formal written request was denied.

All of those interviewed said their names could not be used because they feared police reprisals.

REPORTS ARE SIMILAR

As with the smuggled documents, it is impossible to corroborate the accounts given by former prisoners in interviews. But although one cannot establish after the fact that the welts and scars visible on their bodies were inflicted by the police, the widespread reports bear out the prisoners' version.

Government officials and pro-Government legislators defend the recent repressive measures by arguing that the survival of South Vietnam is at stake. Critics reply that only the Government of President Nguyen Van Thieu, not South Vietnam, is at stake.

"Necessity requires us to accept a flexible view of the law," said one official. "You wouldn't wait until the Vietcong agent pointed his gun at your back before you handcuffed him, would you? Legal aspects do not count when there is a question of survival involved."

The victims obviously feel differently. Here, for example, is part of an account given by a woman who was interrogated intensively but not beaten in a police detention center in Saigon and then released:

"When you were being interrogated, you could hear the screams of people being tortured. Sometimes they showed you the torture going on, to try to frighten you into saving what they wanted you to say.

"Two women in my cell were pregnant. One was beaten badly. Another woman was beaten mostly on the knees, which became infected.

"One high school student tried to kill herself by cutting both wrists on the metal water taps in the washroom, but she failed. They had tortured her by putting some kind of thick rubber band around her head to squeeze it. It made her eyes swell out and gave her unbearable headaches.

"One girl was so badly tortured that the police left her in a corridor outside the interrogation room for a day—so that other prisoners would not see her condition."

This was a typical story of those interviewed. Some said that water had been forced down their mouths until they nearly drowned. Others told of electric prods used on sensitive parts of the body, of fingernails pulled out and of fingers mashed.

Several of the informants said they had discovered, while in prison, a sardonic saying by the police—"Khong, danh cho co."—"If they are innocent, beat them until they become guilty."

The accounts of the informants indicated that the worst torturing took place while prisoners were being interrogated in police centers—before they were transferred to prisons such as Con Son and Chi Hoa. Con Son is South Vietnam's biggest civilian penitentiary, situated on Con Son, an island 140 miles southeast of Saigon. Chi Hoa, the country's second largest prison, is in Saigon.

The informants said that most of the torture and interrogation took place between 10 P.M. and 3 A.M. They said some of the prisoners, under torture or fearing torture agreed to become police agents to win their release.

NAMES ARE GIVEN

Some of the documents purportedly smuggled out of the prisons gave the names of five persons who had been tortured to death recently in jail, and said this was only a part list. The documents listed Buu Chi and Nguyen Duy Hien, students from the Hue area who were said to have died in Con Son. Also listed were Ta Xuan Thanh, Dinh Van Ut and Bui Duong of Saigon, who were said to have died in Chi Hoa.

It is impossible to tell, without Government cooperation, how many thousands have been arrested since the North Vietnamese offensive began. Most foreign diplomats think the figure is well over 10,000. One American

source said that slightly over 15,000 people had been jailed and about 5,000 released later. But whatever the exact figures, it is clear that thousands remain in prison and that arrests continue.

The bulk of the arrests have been in the Mekong Delta south of Saigon and in the extreme north. Many students were seized in Hue, some of them reportedly while working in refugee centers.

LITTLE DISTINCTION INDICATED

It is also impossible to tell how many of those arrested really have Communist connections and how many are simply opposed to the Government of President Thieu, because the police seem to make little distinction. There is a third category of prisoners as well—people who were apparently seized at random and who committed no crime. They just happened to have been in the wrong place.

Critics of the Government say that each district administration has been given a quota of arrests and that local officials have been trying to meet the quotas quickly with little regard for legal niceties.

According to one document, purportedly written by a sympathetic jailer, an old woman has been imprisoned in Con Son because one of her sons is regarded as a Communist sympathizer and is in hiding. Her four other sons are in the South Vietnamese Army. She wants to write them about what had happened to her, the jailer said, but she has forgotten their military addresses and the prison authorities will not help her communicate with them.

FAMILY LINKS ONE CAUSE

This woman seems to be typical of many of those arrested recently. They were picked up because they have relatives who are active Vietcong or suspected of having some link with the Communists. But according to the Vietnamese officials themselves, most families in South Vietnam have a relative or relatives "with the other side" and the Government would have to arrest millions if it were to apply this criterion across the board.

Nguyen Van Thong, a pro-Government member of the lower house and chairman of the committee that deals with police and prison legislation, said in a recent interview that the Government should have carried out these arrests a lot earlier. Though Mr. Thong acknowledged that some innocent people had undoubtedly been arrested, he said "These people will sooner or later get out of jail."

Legal form, rarely observed with fidelity at any time in South Vietnam's recent history, has clearly been abandoned since the enemy offensive began. On the one hand, President Thieu continues to declare that the back of the North Vietnamese drive has been broken, yet on the other he has been using his recently granted special powers to narrow civil liberties further.

LAWS SEEM TO BE IGNORED

Although no Government edict has been issued, the normal laws governing the rights of the accused appear to have been virtually suspended. Often those arrested are reportedly not told the charge against them nor allowed to consult a lawyer. Prisoners are sometimes kept for months and years without a hearing or trial. Often the police will not acknowledge that they are holding a particular person so his family is unable to locate him.

In a sense, many of these people and their cases simply disappear—except for reports that leak out clandestinely.

The same jailer at Con Son who purportedly wrote of the old woman with four sons in the army also was said to have given the following description of an area of the prison holding 1,500 people from Hue and other northern areas:

"I was horrified to find that the place was full of women and old people and more than 50 children under 9 years old. None of them knew why they had been brought here. In general, their arrests had happened like this: Village officials would come and call them to the village headquarters. Once they were there, the officials would tell them falsely that they had to be evacuated, presumably because of near-by fighting. And then they would find they had been deported to Con Son."

This prison made headlines two years ago when the treatment of hundreds of prisoners jammed into small cells known as "tiger cages" was publicized by two American Congressmen on a fact-finding tour of Vietnam. The Congressmen managed to enter the "tiger cage" area over the objections of both the South Vietnamese warden and his American adviser.

Although the United States is the major provider of aid to the South Vietnamese police and prison system, the American mission here refuses to discuss the situation on the record, contending that it is entirely a South Vietnamese program.

AIRLINE ROLE CHARGED

According to authoritative sources, however, Air America, the airline operated in Indochina for the Central Intelligence Agency, has been used to transport arrested people to Con Son.

The two top American advisers to the South Vietnamese on police and prison matters—Michael G. McCann and Theodore D. Brown, director and deputy director, respectively, of the American mission's public-safety directorate—do not deny the widespread torture or the use of Air America; they simply refuse to comment. Requests for interviews with both men were rejected.

A high American source, who granted an interview but insisted on anonymity said that being outside the situation "I cannot affirm that tortures don't take place" and he acknowledged that "all kinds of deplorable things may well be going on." But he argued that some of those arrested were known anti-government and Communist activitists who had been involved in terrorist incidents—"and who aren't exactly the nice college kids next door."

Critics of the Government describe what has been happening recently as a police-state operation. And while repressive tactics are not so obvious on the streets of Saigon and other cities as they apparently are in the jails, there have been disquieting signs of intimidation.

The police set up checkpoints from time to time in Saigon, on the pretext of searching people and vehicles for weapons or explosives destined for terrorist activities. But on the several occasions this correspondent has stood close by and watched these searches, it appeared that the checkpoints were often no more than means of shaking down Vietnamese for money or goods.

Despite these tactics, there has been little protest.

Mr. FULBRIGHT. Well, Mr. President, the Senator from Illinois has made a very fine statement. There is nothing in it with which I do not agree. He is quite right about the course of the war in Vietnam, that it has been turned into an American war; that it started out, as he said, as a guerrilla and civil war and since we took over it has become a tragic story, with the gradual elimination of all aspects of democracy in South Vietnam, all of which has been reported fully in the press. I am not at all sure the amendment will be persuasive on the President because I assume that he will take the position that he is presently doing all he can to assure self-determination in South Vietnam—at least his published statements have been to that effect.

But, in any case, I personally approve of the thrust of the Senator's amendment which is that we should not continue to support totalitarian rule in South Vietnam and that we should end our occupation there. I certainly agree that the way to promote self-determination in South Vietnam is for the United States to remove all of its forces and come home.

So, I am prepared to accept the amendment.

The PRESIDING OFFICER (Mr. CHILES). The question is on agreeing to the amendment of the Senator from Illinois (Mr. STEVENSON).

The amendment was agreed to.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the name of the Senator from Minnesota (Mr. HUMPHREY) be added as a cosponsor of this amendment.

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

Mr. STEVENSON. Mr. President, I thank the distinguished Senator from Arkansas (Mr. FULBRIGHT) for his support.

MOTION TO RECONSIDER A PREVIOUS VOTE

Mr. FULBRIGHT. Mr. President, on last Friday the Senate agreed to an amendment of mine on lines 10 and 11 of page 17 of the bill. I did not at that time move to reconsider that action of the Senate. I deferred to the members of the minority staff and told them that we would not act until this noon.

I understood that the minority leader would be back by noon. I would like at this time to move to reconsider the vote by which my amendment on lines 10 and 11 of page 13 of the bill was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. TUNNEY). The question is on agreeing to the motion to table.

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

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Mr. President, is that in order when a motion to table is being considered?

The PRESIDING OFFICER. A quorum call is in order if there is no further debate.

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

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

Mr. AIKEN. Mr. President, I tried to find out where the leadership is at this moment. I am unsuccessful in finding out anything. As far as I am concerned, I do not feel that I should hold up the work of this session any longer than is absolutely necessary. It has been held up too long already with these great inspiring speeches which take place every morning

when no one is in the gallery and no one on the floor.

Under these circumstances, if there is no one interested in this legislation, as far as I am concerned, the Senate may have a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. [Putting the question.]

The motion was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. 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 SCOTT AMENDMENT TO H.R. 16029

Mr. FULBRIGHT. Mr. President, tomorrow the Senate is scheduled to vote on the Scott amendment to the foreign aid bill. That amendment would increase the money amounts in the bill by a total of $370 million. It would tack on an additional: $200 million for military assistance; $135 million for supporting assistance or budget subsidies; and, $35 million for military credit sales.

The bill now contains $1.35 billion for these programs. I believe this amount is overly generous and no increase is warranted.

In 1970, at the outset of the Nixon doctrine, Congress approved only $815 million for these same programs, or $535 million less than is in the bill as it now stands. The Scott amendment would serve to double the 1970 appropriation. I hope it will be defeated.

Mr. President, Senators should be aware that the amounts proposed in the bill, although substantial in themselves, are in fact but a fraction of the total military aid and arms sales program proposed for this fiscal year. The price tag on the entire package is $8.4 billion. A breakdown of this multibillion program is contained in the committee's report and I ask unanimous consent that it be printed at this point in the RECORD.

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

Military and related assistance and arms sales programs, fiscal year 1973 (executive branch estimates)

	Amount
Military assistance grants	$819,700,000
Foreign military credit sales	629,000,000
Excess defense articles	[1] 245,000,000
Ships loans	39,600,000
Security supporting assistance	879,418,000
Foreign military cash sale (DOD)	2,200,000,000
Commercial sales	722,598,000
Military assistance — DOD funded	2,924,700,000
Total military and related assistance and sales	8,460,016,000

[1] Valued at one-third acquisition cost.

Mr. FULBRIGHT. Mr. President, my opposition to the pending amendment stems in large part from knowing that the additional $370 million, like most of the money already in the bill, will be used, either directly or indirectly, in a manner contrary to our own values and objectives.

The Foreign Assistance Act of 1961, as amended, states, for example:

> The Congress declares that the freedom, security, and prosperity of the United States are best sustained in a community of free, secure and prospering nations.
>
> * * * * *
>
> The Congress declares, therefore, that it is not only expressive of our sense of freedom, justice and compassion, but also important to our national security that the United States, through private as well as public efforts, assist the people of less-developed countries in their efforts to acquire the knowledge and resources essential for development and to build the economic, political and social institutions which will meet their aspirations for a better life, with freedom, and in peace.
>
> * * * * *
>
> The Congress declares that it is the policy of the United States to support the principles of increased economic cooperation and trade among countries, freedom of the press, information, and religion. . . .
>
> * * * * *
>
> Maximum effort shall be made, in the administration of this Act, to stimulate the involvement of the people in the development process through the encouragement of democratic participation in private and local governmental activities . . .
>
> * * * * *

And so it goes, Mr. President, one pious statement after another.

But what is the reality? Where is the "community of free, secure, and prospering nations"? What ever became of our effort to help the poorer nations build "economic, political, and social institutions which will meet their aspirations for a better life, with freedom and in peace"? Where have we supported "freedom of press, information"? And what ever happened to the "maximum effort to stimulate the involvement of the people in the development process through the encouragement of democratic participation in private and local government activities."?

Mr. President, the reality of foreign aid is that all of these hopes, all of these dreams have gone aglimmering, and no amount of money can alter the situation or breathe new life into the corpse of foreign aid.

One has only to pick up the daily newspaper to appreciate how bankrupt this program has become. For example, Friday's Washington Post carried a front-page story entitled, "Lao Regime Said To Bribe Opposition." The article reads:

> The Laotian government used Treasury funds this week to bribe legislators to end their six months opposition to Prime Minister Souvanna Phouma, highly knowledgeable diplomatic sources disclosed today.

Or, there is the story from the Evening Star of August 14 entitled, "Diplomats Charge 'Big Steal' of Laotian AID Funds." This article points out:

> Diplomats here (Vientiane) are highly critical of the American AID mission and the Lao Government for failing to take meaningful steps to halt corruption and mismanagement in the foreign exchange funds established to stabilize the Lao economy.
>
> The fund consists of more than $25 million, of which the U.S. contributed more than $16 million.
>
> Diplomats here call the effort "the big steal" and claim the fund almost totally goes to the powerful Laos Mandarinate, the Sawanikone family, and a handful of Chinese businessmen.

Mr. President, the United States provides direct budget subsidies to the Laotian treasury with cash grants from supporting assistance. This year Laos is scheduled to receive a total U.S. aid package costing $417 million. This will bring the total amount of our aid to Laos since 1946 to over $2 billion.

Similarly discouraging are the reports coming out of Cambodia. Since the resumption of aid to that nation in 1970, the United States has provided $372 million in military grant aid alone. Another $225 million is scheduled for this fiscal year. Despite these efforts, the performance of the Cambodian Army has been disappointing at best and, according to an article in the Washington Post of September 4, "Cambodia's Soldiers Still Quit Fighting at Dinnertime." The Sun of August 19 carried a report entitled, "In Cambodian Army Corruption Thwarts AID." In this report we learn.

> There is hardly a battalion or brigade command post without a gleaming white or pearl Mercedes parked among the olive-drab military vehicles.

Adding credibility to this observation is the list of Cambodian imports financed by cash grants from the United States. Looking at some of the items on the list, one wonders if there is any relationship between Cambodia's imports and the needs of a country suffering the ravages of war; some of the items on the list include the following:

Air-conditioning equipment and repair parts	$65,407.97
Brewery supplies (bottle tops)	19,465.00
Cellophane tape	10,340.44
Cigarette manufacturing materials	702,994.66
Garden hose	138,221.45
Office machines:	
Accounting machines	46,998.88
Adding machines	59,780.16
Calculators	126,110.00
Duplicating machines and accessories	36,896.63
Typewriters	436,470.77
Pen refills (4,000,000)	82,330.00
Plumbing fixtures (color)	9,991.28
Soft drink manufacturing equipment and material	1,011,903.58
Television sets	17,120.00
Time magazine	5,850.00
Toothpaste	5,483.14

Finally, there is Vietnam. The stories are both endless and taxing on the imagination: "Saigon Declares End of Elections on Hamlet Level"; "United States Admits End of Viet Hamlet Vote"; and "Vietnam: Democracy Was Very Disorderly."

And, for the sake of variety, there are any number of additional selections, each as morbid as the other: "United States to Train Taiwanese in Submarines"; "United States Will Pay $9 Million on Malta Rent"; "Greece's Jet Purchase Worries Turkish Regime"; and, "United States Drops Piasters from Heaven on North Vietnam."

Each of these articles portrays, in one way or another, various aspects of the

aid program—a program akin to a diplomatic pork barrel, dispensing graft and corruption from the Plain of Jars to the jungles of the Amazon.

If we accept the Scott amendment, we will simply be perpetuating a hoax—as cruel a hoax as was ever foisted on the taxpayers of this country and on people around the world who once had faith in us and "the American dream."

If we reject the amendment, as we ought to, then at least we will be holding the line and serving notice that we recognize the aid program for what it is and not for what we hoped it would be.

The military aid program has become a dead end road. We must turn back.

On July 24, just a few short weeks ago, the Senate defeated a foreign aid bill with the same money amounts as proposed by the Scott amendment. I hope the Senate will render the same judgment. this time. I hope the pending amendment will be defeated.

Mr. President, I ask unanimous consent that all of the material I have mentioned be inserted in the RECORD.

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

COMMODITIES APPROVED FOR FUNDING UNDER U.S. GRANTS AGREEMENT (THROUGH MAR. 10, 1972)

	$20,000,000 agreement	$50,000,000 agreement
Air-conditioning equipment and repair parts [1]		$65,407,97
Aircraft engines [1]		5,470.40
Aluminum sheets	$68,703.10	
Automotive equipment:		
Batteries [1]	237,128.97	126,065.74
Passenger vehicles (autos and station wagons) [1]		115,038.54
Repair parts [1]	71,895.14	299,706.21
Tires and tubes [1]	486,678.25	
Tractors, bulldozers, fork lifts, and repair parts	24,332.69	315,482.97
Trucks and trailers	169,831.16	544,743.19
Battery chargers		10,542.20
Bicycle parts [1]	146,448.00	
Bicycle tires and tubes [1]	24,600.00	
Brewery supplies (bottle tops) [1]	19,465.00	
Carbowax		19,223.52
Cellophane tape		10,340.44
Cement	232,539.00	
Chrome and nickle plating materials		22,607.50
Cigarette manufacturing materials	360,519.82	342,474.84
Compressors and repair parts		13,792.17
Copper wire		25,779.36
Cotton fabrics		623,023.00
Diesel engines and repair parts		21,472.13
Dry cell battery manufacturing equipment and materials	650,631.38	
Electric motors and blowers		25,430.00
Fire extinguishers		23,653.51
Fluorescent tubes, starter and ballasts	140,957.98	55,889.42
Freezers (commercial)		166,405.50
Freon gas		6,114.00
Garden hose	138,221.45	
Gasoline engines, 4-cycle, 1 cylinder	462,275.37	6,158.10
Gasoline pumps and repair parts		62,278.30
Generators and repair parts		117,556.23
Glutamic acid (flavor intensifying season)	211,703.21	
Glycerine		34,010.43
Hand tools (mostly files and hacksaw blades)	5,398.00	127,159.66
Homogenizer and repair parts		1,489.00
Industrial chemicals [2]	578,860.12	317,308.44
Isopropyl alcohol, etc		27,399.83
Lactose		14,244.30
Magnetic tape [1]		7,682.00
Nonfat dry milk		1,445,961.00
Office machines:		
Accounting machines		$46,998.88
Adding machines	$59,780.16	
Calculators		126,110.00
Duplicating machines and accessories	30,356.63	6,540.00
Typewriters	260,480.77	175,995.00
Padlocks		5,158.45
Paper products:		
Cardboard	152,456.58	
Duplex board	63,640.50	
Duplicating paper	158,604.88	14,852.40
Kraft paper	30,480.00	
Manifold paper	90,411.90	
Newsprint	469,475.35	
Labels	57,075.00	
Waxed cartons	11,482.91	
Writing paper	421,647.00	
Paraffin wax	49,363.20	
Pen refills (4,000,000)		82,330.00
Petroleum products	7,950,448.20	
Pharmaceutical filtering machine		7,888.53
Photographic supplies		71,502.02
Plumbing fixtures (color)		9,991.28
Polyethylene/polypropylene/polystyrene	431,125.83	389,728.40
Polyvinyl	158,718.90	
Printing ink	25,602.80	
Pumps	$9,648.93	$17,441.00
Sewing machines (household)	315,360.00	
Soft drink manufacturing equipment and materials	186,521.96	825,381.62
Spectrophotomer		5,680.16
Steel hoops and sheets		22,278.62
Sugar, raw		2,000,000.00
Sugar, refined		1,446,240.00
Television sets		17,120.00
Textile equipment, dyes and bleaches	255,835.37	444,149.43
Time magazine		5,850.00
Tinppate		883,277.00
Toothpaste		55,483.14
Transmission belts	14,778.91	
Voltage regulators	5,387.00	
Welders		10,384.43
Welding rods		57,368.75
Total	15,238,872.42	11,727,659.10

[1] Includes commodities not eligible for financing under U.S. commodity import program for Vietnam.

[2] Includes chemicals for glass, leather, petroleum, plastic, rubber, soft drink, and textile industries.

Sources: Subcommittee compilation from AID's paid vouchers and purchase authorization U.S. economic assistance for the Khmer Republic (Cambodia). Committee on Government Operations, House of Representatives. House Report No. 92-1146. June 16, 1972.

[From the Washington Post, Sept. 22, 1972]

LAO REGIME SAID TO BRIBE OPPOSITION

(By D. E. Ronk)

VIENTIANE, Sept. 21.—The Laotian government used treasury funds this week to bribe legislators to end their six-month opposition to Prime Minister Souvanna Phouma, highly knowledgeable diplomatic sources disclosed today.

Sums paid to members of the National Assembly to support Souvanna were not specified, but some sources indicated they could have ranged up to $5,000 for each of 15 or more legislators. However, these bribes are only the latest in a growing list of such payments this year, the sources said.

Sudden changes in the assembly's voting pattern, the sources said, came after Gen. Vang Pao, commander of the U.S.-supported irregular forces in northeastern Laos, hand-delivered the bribes to legislators.

Vang was chosen as the conduit after assemblymen said they would not accept the funds from Minister of Finance Sisouk Champassak, a central figure in the current political crisis, according to these sources.

Sisouk, who is also acting defense minister, is heir apparent to Souvanna and is supported by the major powers, including the United States, the Soviet Union and China. It was through Sisouk that government opponents in the assembly attacked Souvanna, creating the crisis.

Money used to end the crisis did not come directly from U.S. aid funds, according to the sources. They suggested, however, that Western countries, which provide a good share of Laos' operating funds, indirectly financed the payoffs. The United States is the largest contributor, providing $50 million annually in non-military aid.

U.S. Embassy officials here have been keeping a close watch over political developments since the assembly went into session. The root of the crisis was an effort by Vientiane's Sananikone family, Laos' richest, to move its members into key economic slots in the government.

To accomplish this objective, the Sananikone family called for an end to the decade-old tripartite government system that has rightists, neutralists and left-wing Pathet Lao members holding ministerial portfolios.

By ending the tripartite government, the Sananikones and their allies could claim a number of portfolios.

Souvanna has said that he would not remain as prime minister if the tripartite systems ends. Thus, political maneuvering in the assembly during the past few months virtually paralyzed the government.

The Sananikone family and its allies, led by Assembly President Phoui Sananikone, sought through legislative maneuvers to topple the Cabinet, and possibly force a dissolution of the tripartite system. Souvanna resisted by skillful counter-measures and plain stubbornness, the sources said.

The assembly had refused to consider in recent weeks the 1972–73 budget, demanding that Souvanna appear with his Cabinet for a showdown. In response, Souvanna carried on with last year's budget and refused to shuffle his Cabinet, thus avoiding a confrontation.

However, Souvanna may have to reconstitute his Cabinet anyway, since a number of ministers either wish to leave their posts or are seeking diplomatic positions abroad, the sources said.

With one third of the assembly's 60 members currently being on various junkets abroad, Souvanna apparently decided to try to break the deadlock by the simple expedient of payoffs to a majority of assembly members present in the capital, the sources said.

They said that Souvanna could be expected to present his Cabinet shortly. It is expected to be quickly approved along with the national budget.

[From the Evening Star and Daily News, Aug. 14, 1972]

DIPLOMATS CHARGE "BIG STEAL" OF LAOTIAN AID FUNDS

(By Tammy Arbuckle)

VIENTIANE.—Diplomats here are clearly critical of the American AID mission and the Lao government for failing to take meaningful steps to halt corruption and mismanagement in the foreign exchange operations fund established to stabilize the Lao economy.

The fund consists of more than $25 million, of which the U.S. contributed more than $16 million.

Diplomats here call the effort "the big steal," and claim the fund almost totally goes to the powerful Laos mandarinate, the Sananikone family, and a handful of Chinese businessmen.

One diplomat described the attitude of the donor nations other than the United States—Britain, France, Australia and Japan—as, "the British treasury feels they need this program like they need a hole in the head, the French and Japanese are squirming to get out of it, and the Australians will follow the British lead."

Diplomats are upset because the fund is for the third time in 10 months running low because they say, of the dollar-hungry Lao elite and Chinese businessmen, and they have no intention apart from the United States of contributing further.

The main complaint about the fund is that it allows the Chinese to import into Laos cheaply by giving them dollars at 600 Lao kip to one, but the merchants do not pass the benefit on to the Lao. Instead, they sell goods at a minimum of 850 Lao kip to the dollar.

There are no price controls effectively enforced by the Lao government because the whole situation is enmeshed in Laos internal politics. The power-hungry Sananikone family is giving the merchants police protection and encouraging them to raise prices at the expense of fellow Laotians, Finance Minister Sisouk Na Champassak says.

Their objective, according to other Laotians, is to eliminate Sisouk as a serious contender for the premiership when Souvanna Phouma steps down, and install as premier their own man, Works Minister Ngon Sananikone. This elimination can be achieved by runing Sisouk fiscal policies which, of course, is also the U.S. view of how best the aid money should be used.

At the same time, the Sananikone purses become heavier as the leading commercial family in Laos lives off U.S. financial support program, deals with the Chinese and smuggling of luxuries from Laos back into Thailand.

What incenses diplomats most is the failure of U.S. Aid Director Charles Mann to put pressure on Sananikones through the fund. Mann reportedly spends his efforts in raising more money for the fund through economic juggling of U.S. AID moneys instead of cutting it off or increasing the kip-dollar exchange rates, thus soaking up surplus kip and saving the fund's money.

Diplomats assess the U.S. mission as knuckling under to political pressure from the Sananikones, a pressure which is applied by that rightist family by threatening neutralist Souvanna Phouma's position as premier, a position the U.S. judges imperative for Souvanna to retain if there is ever going to be a political accommodation with Laos Communists with honor of some sort.

"The Sananikone have been smelling money and they are not going to let go now," diplomats said. A measure suggested to stop the drain on the U.S. and other donor nations is to stop the fund from allowing the kip-dollar ratio, to rise out of sight, and to put the Sananikone's and the merchants out of business by stopping their high profits. Merchant profiteers would leave Laos and by ceasing to tie the kip to the U.S. dollar, a tie imposed by Americans themselves, price stability could be obtained for ordinary Laos.

Sources note that in certain Laos concerns where proprietors have not felt it necessary to convert their kip profit into dollars, prices remained steady. Sources say much of Laos' imports are unnecessary luxuries which the country only buys because of the U.S. AID policy of soaking up kip with imports in the first place.

The U.S. Embassy fears the Sananikones would retaliate with a coup against Souvana, but diplomats say the U.S. could prevent this because it pays the army. The Lao budget deficit, which equals the amount of the exchange fund, would be overcome by paring war costs from it and putting them into U.S. military aid, where the money is not stolen, and the U.S. could avoid the blame from ordinary Lao for the cost of living mess.

Diplomatic disgust stems not just from the fact that the FEOF doesn't work, but from revelations of FEOF corruption in the Lao vernacular press.

Vientiane's prestigious Satlao newspaper this week revealed the fund is losing $3,000 per week because government officials are drawing money for holidays abroad, ostensibly for medical treatment by forcing physicians to falsify documents.

Also, the Lao commission which oversees documentation for imports takes 10 percent rakeoff from merchants to process their papers quickly, a tariff which the merchants pass on to the Lao consumer.

[The Baltimore Sun, Aug. 19, 1972]

IN CAMBODIAN ARMY—CORRUPTION THWARTS AID

(By Arnold R. Isaacs)

Phnom Penh, Cambodia—Despite massive American aid, the Cambodian Army, after 2½ years of war, is still far from an effective fighting force.

Its defenders say no more could be expected of an Army that has expanded, under wartime conditions and facing a better-armed and more experienced enemy, from a parade-ground force of 35,000 to a current strength, at least on paper, of 220,000.

$2,000 A SOLDIER

Critics charge that incompetent, corrupt leadership at all levels has prevented United States aid from doing much good, has cost needless lives, and has robbed Cambodia's soldiers of their most precious asset—a fervent, if naive, desire to drive the North Vietnamese and Viet Cong from their territory.

U.S. military aid has added up to an estimated $390 million since the Cambodians first went to war, wearing sneakers and riding soft-drink trucks, in March, 1970. This amounts to nearly $2,000 for every soldier.

GUNS FALL SILENT

But the U.S. has not been able to imbue effective leadership or the type of organizational ability that modern war requires.

"The officer corps is no damn good," tartly remarked a Western diplomat. And it seems clear that the offensive spirit of 1970 has all but vanished.

At a forward Cambodian position along Highway 1 to Saigon, the Army's 105-mm. howitzers fell silent after a single enemy recoilless rifle round slammed into the earthworks around the command post. "If we don't shoot," an officer said, a little sheepishly, they don't shoot."

The decline in morale reflects the course of a war which Cambodians entered with unrealistically hopeful expectations and which has now dragged on for 2½ years with no major victories at all.

HODGE-PODGE OF WEAPONS

"They were naive," one foreign observer said. "They thought the Americans were the same Americans of 1963, that they would rain down money, soldiers, and so on. They didn't know Americans have changed since 1963."

Although a large measure of U.S. aid goes to supply small arms and ammunition, units in the field still carry a bewildering hodge-podge of weapons.

At one battalion headquarters at the front line along Highway 1, 47 miles southwest of Phnom Penh, the troops were armed with four different weapons requiring three different types of ammunition—American M-16's, obsolete M-1 carbines, Soviet and Chinese AK-47's, and Chinese semi-automatic rifles. The Russian and Chinese arms are left over from the prewar days when the two Communist powers sent supplies to Prince Norodom Sihanouk's regime.

If the creaky supply system works—and it is a big if—Cambodian units in the field usually seem to have enough firepower. There is virtually no supply system for anything else, however. Except when they are actually in combat, and often not even then, troops are not issued rations. Instead they are given a little more than 15 cents a day in addition to their regular pay to buy food, cigarettes, soap and other daily necessities.

It is a system that sends cash, rather than supplies, down the chain of command, and it invites corruption. The number of officers living in expensive villas and driving late-model luxury cars is evidence that the invitation is often accepted. There is hardly a battalion or brigade command post without a gleaming white or pearl Mercedes parked among the olive-drab military vehicles.

No one knows how many "ghost soldiers" there are—names kept on the rolls so officers can collect their pay—but some unofficial estimates are that the Army's actual strength is nearly 50,000 less than its strength on paper. Late last year, the high command announced it was conducting a census to determine how many men were actually serving, but no results were ever announced.

There is no system of allotments for soldiers' families, and as a result, wives and children camp as close to Army positions as they can, even at the front lines.

"They have no choice," an officer explained, waving at the clusters of flimsy shacks along Highway 1 just outside his position. "If they cannot be with their husbands, how can they get money to eat? And besides, it is cheaper for the soldier, too, to eat with his family."

Some unit commanders, trying to clear their areas of civilians, attempt on their own to send money back to the families, but this is rarely possible.

The presence of civilian dependents inevitably slows down military operations. They often become casualties when positions come under attack—at the route 1 command post, one lieutenant had been trying for a week to lead his company out to recover the body of his wife. The pace of a unit on the march is slowed to the walking speed of the children.

The dependence of military units on local markets means the Cambodian Army is largely tied down to the main roads and populated areas, since they usually have no supplies to operate in open country. As a result, in the contested regions, Communist forces have virtually free movement through the countryside, avoiding only government enclaves around the principal towns.

It is not only food that soldiers must buy on the local markets. There are not enough uniforms to go around, or boots—one commander reported being issued 600 pairs of new American cambot boots for his brigade but, he said, most were too large for the slight Cambodian soldiers and were useless.

A thriving black market, supplied partly from stolen American supplies and partly from uniforms and other material sold across the border by the far better-equipped South Vietnamese, fills the gap, but at considerable cost to the Cambodian soldier.

"This cost me 700 riels," one soldier said,

pointing at his American fatigue uniform. The sum is equivalent to about $4. "And the boots," he went on, "1,300." Luckily, he grinned, he could wear large boots—if he had to buy a smaller size, which is in greater demand, he would have had to pay even more.

The amount comes to more than half a private's monthly pay, which is based on 2,500 riels and may go up to 4,000 with family allowances.

[From the Washington Post, Sept. 4, 1972]

CAMBODIA'S SOLDIERS STILL QUIT FIGHTING AT DINNERTIME

(By Thomas W. Lppman)

PHNOM PENH, CAMBODIA.—Two years after it first confronted the reality of modern warfare, the army of Cambodia remains a poorly trained and ill-equipped organizaton unable to seize the initiative in its struggle against North Vietnam.

Cambodian officials, ordinary soldiers and foreign analysts interviewed here agreed that corruption, inefficiency and political interference pressure from the Communists, have hindered the army's development into an effective fighting force and may have prevented it altogether.

There is also a widespread feeling that this is a war Cambodia does not want and cannot win, no matter what the army achieves and that the country is at the mercy of international forces it cannot control. Under those circumstances it is difficult to sustain the army's morale.

Even Chang Song, the spokesman for the army high command, wrote the other day that "The Khmer Republic is locked in a battle in which she has all to lose and nothing to gain."

Although it is accepted by military and diplomatic sources here that the North Vietnamese have no intention of trying to capture Phnom Penh, it is also agreed that they can do pretty much what they want in the rest of the country.

Six of the seven principal highways linking Phnom Penh with the provinces are cut, at distances ranging from 25 to about 100 miles from the capital. On one of them, Highway 5, Communist troops have blown up two bridges and seized control of the road at three other places, cutting off Phnom Penh from its rice supplies in Battambang province. The seventh major highway Route 4 to the seaport of Kompong Som, is open only to military convoys.

IN VIETNAM'S IMAGE

Phnom Penh lives with the nightly rumble of artillery. The countryside looks more and more like Vietnam, dotted with ruined towns, shattered bridges and abandoned farms. Except for the capital and its environs, already heavily attacked by rockets once this year, and the province of Battambang in the Northwest, Communist troops hold or are threatening most of the country.

Almost everything north and east of a line formed by Highways 6 and 7 remains in North Vietnamese hands and there is no prospect that the Cambodians can get any of it back on their own.

In what some sources viewed as an effort to discourage participation in Sunday's National Assembly elections, the estimated 43,000 North Vietnamese troops and 30,000 Khmer Rouge, or local guerrillas, have staged a new round of heavy attacks in central and southeastern Cambodia for the past month. The army has had its hands more than full coping with them.

A major counteroffensive last December in an attempt to clear Highway 6 and link up with the town of Kompong Thom ended in disaster, and no more such efforts are likely. The army's role is now entirely defensive and even in that task it has relied heavily on South Vietnamese and U.S. support.

"In my 18 months here," a Western military analyst said in an interview, "I have seen no situation where the Cambodians were able to clear major opposition on their own. In a major difficulty, they do not have the capacity to save themselves."

The best recent example of his point was the battle for the ruined provincial town of Kompong Trabek, 45 miles to the southeast, where the Cambodians were confronted by tanks for the first time in the war. It took a two-week effort by South Vietnamese rangers, in addition to heavy U.S. air support, to clear the North Vietnamese out.

The victory claimed by the Cambodians was more symbolic than real anyway, because there is nothing left of the town and the enemy is still in control of the countryside beyond it.

BRIDGE REPAIRS

The bridge that carries Highway 1 into the town was blown up during the fighting. A dozen Cambodian soldiers in their undershorts were swimming around in the river there last week trying to build a temporary footbridge out of rope, logs and bamboo poles. The army had no engineering unit available to put in a vehicular bridge—a task that the South Vietnamese routinely accomplish almost over night.

The most optimistic appraisal of Cambodian military performance encountered here this week was that of a high-ranking member of the 74-man U.S. Military Equipment Delivery Team. All team members incidentally, wear civilian clothes as part of the effort to avoid any show of U.S. military involvement here. The officer said he "would not want to say they're a juggernaut," and predicted "tough times over the next few months," but said that "in the end they will come out of it."

Even that officer, however, said that "they can't whip North Vietnam" and are dependent on political and military developments they cannot control.

LONG JOURNEY

No one doubts that the Cambodian army has come a long way from the 32,000-man force that existed when Prince Norodom Sihanouk was overthrown and war with North Vietnam erupted in 1970. It was, as Chang Song put it, "a parade ground army" that was "obsolete, under-sized and eccentrically equipped."

Authoritative figures on the current strengh of the army are hard to obtain. The Cambodian put it at 200,000 and increasing. The gloomiest Western analysts say it peaked at less than that a year ago and has now dropped to about 125,000. The Americans use a figure of 170,000.

WEAPONS GRABBAG

At the start of the war, the army was equipped with some Chinese weapons and a grabbag of leftover French, British and American weapons from World War II. As its early battles with the North Vietnamese showed, it deserved its reputation as a "shower shoe army" unprepared for fighting. Over the past two years the United States has supplied most of the soldiers with 16-mm. rifles and has set a goal of making the army a fully equipped light infantry. That means no heavy artillery and no tanks but all the other accoutrements of modern warfare. Mortars, grenades, communication equipment, automatic weapons and antitank guns.

The United States had also tried to set up the army's first real training program, although members of the U.S. team here are barred from participating in any such exercise and the training is done abroad. Uniforms, boots and personal gear such as helmets and canteens are still in short supply. Then Cambodian soldiers standing in a group will be wearing ten different outfits, ranging from crisp new camouflage fatigues to U.S. leftovers from Vietnam with the name and insignia of the original GI owner still on them. Some will have canteen, knife and entrenching tool, others will not. And there are still soldiers wearing shower shoes on duty.

DEEPER TROUBLES

The army's real troubles, however, go far deeper than appearance. They include:

Lack of training and absence of administrative talent. Cambodia has no basic combat training facility as it is known in the United States. Its soldiers are sent to South Vietnam, Thailand, Australia, Indonesia, the United States and other countries for training. Because the army had to expand so quickly and fight at the same time, there are still units in the field that have not been trained at all. As for the officers, "some of them are tough," a high-ranking American said, "but others aren't worth the powder to blow them up."

Manpower and recruitment problems. There is no draft. All soldiers are volunteers. The official reason is that none is necessary because the ranks are kept filled by young anti-communist patriots. Others say many young men join because their fields and villages are gone and they need jobs. The most pessimistic say that a draft would be unenforceable because of governmental ineptitude and would be useless anyway since the country has neither the equipment nor the money to handle any more soldiers. As it is, boys of 13 and 14 are common in the ranks and there are reliable reports that recruitment has dwindled to a trickle.

Primitive logistical support and living conditions. The soldiers' families live with them in the field. "You can imagine what that means when the enemy artillery starts coming in," one analyst said. Since neither living quarters nor food are provided, the soldiers and their families spend a lot of their time constructing huts and foraging for food. "You ought to see them when 5 P.M. comes," said a diplomat who has spent time with field units. "They stop fighting because they have to catch chickens and start their cooking fires."

Pay roll corruption. The monthly salary for an ordinary enlisted man starts at 2,500 riels, about $15 at the official rate of exchange. But delivery of the cash is erratic. Several soldiers interviewed on payday were grumbling because they had not received their money and their families needed food. There have been reports of entire battalions leaving the front in such incidents.

Several reliable sources also said that commanders, who distribute the payrolls, withhold news of deaths and desertions so they can draw for themselves the money intended for those troops.

One well-informed American familiar with the military situation said that such tales should be taken "with a grain of salt," but optimism about most things here appears to be higher at the U.S. embassy than anywhere else.

GENTLE PEOPLE

In addition there remains the fact that the Khmers are basically a gentle, superstitious and unwarlike people, far more confirmed in their Buddhist beliefs than the Vietnamese, to whom war is an alien occupation. The euphoria that swept the country with the overthrow of the monarchy two years ago has long since evaporated and an air of lassitude has returned.

There is a wide range of opinion here about what the North Vietnamese objectives are in their current campaign. Among those mentioned are hampering the elections, solidifying their control over base areas used by their troops in South Vietnam, stirring new antiwar sentiment in the United States and bringing the current Cambodian gov-

ernment to its knees in an attempt to gain Khmer Rouge representation, if not domination, in Phnom Penh.

But whatever the objectives are, everyone except the Americans and the leaders of the government seem convinced that the Cambodian army can do little to keep them from being achieved.

[From the New York Times, Sept. 7, 1972]

SAIGON DECREES END OF ELECTIONS ON HAMLET LEVEL—UNDER NEW SYSTEM NEARLY ALL OF COUNTRY'S OFFICIALS WILL BE APPOINTED

(By Craig B. Whitney)

SAIGON, SOUTH VIETNAM, Sept. 6.—The South Vietnamese Government, by executive decree, has abolished popular democratic election of officials at the most basic level—in the country's 10,775 hamlets.

Under the new system, which is going into effect now and will be completed within two months, nearly all the country's administrative officials—from the province chiefs down to the hamlet level—will be appointed.

The decree ends six years of popular election at the grassroots level of the hamlets. It was issued, without publicity, on Aug. 22 by Premier Tran Thien Khiem. It orders the 44 province chiefs, who are military men appointed by President Nguyen Van Thieu, to reorganize local government and appoint all hamlet officials and finish the job in two months.

AIDES TO BE APPOINTED

The new system calls for either two or three officials in each hamlet, depending on its population. There are the average Vietnamese citizens' closest contact with his government—the men he complains to, goes to when he needs help, or hears from when the Government wants to enforce its laws.

At the next highest level, the village—villages in Vietnam are administrative groupings of hamlets, not villages in the American or European sense of the word—village chiefs and their staffs have been elected by provision of the South Vietnamese Constitution. But now, according to the Premier's decree, their deputies and staffs will no longer be elected. They, too, will be appointed by the province chiefs.

In the space of a few months—since President Thieu began ruling by decree in June—he has centralized power in his hands and through men appointed by him, to a degree unknown in Vietnam since the Americans came here in strength in the nineteen-sixties and gave South Vietnam the forms of democratic government and popular elections.

Since 1967, the country has been governed by an elected President and a two-chamber legislation. President Thieu, who ran alone last Oct. 3 and won 94.3 per cent of the vote for his second term, controls a majority of the legislators in both houses but has been ruling by decree since June 27. On that night he wrested from the Senate authority to govern by fiat for six months in the fields of security, defense, economy and finance.

But it is clear, from this latest decree as well as from earlier ones by President Thieu that placed restrictions on the South Vietnamese press and stiffened the penalties for common crimes and for dereliction of duty, that the forms of democratic government are being weakened at a time when the United States is pulling troops out and, correspondingly, losing influence here.

SPEECHES NOT TRANSLATED

President Thieu has been saying as much in recent speeches, which his Government has not been translating into English or disseminating to the foreign press.

For example, on Aug. 11, in a speech in Quinhon, capital of Binhdinh Province, which the United States Government monitored and then translated into English, he said:

"I have never denied independence and democracy. As President of South Vietnam I have always observed democracy. However, if I [may speak as] a citizen, I must complain that our Government has allowed us to enjoy too much democracy too soon. This is like—if you will excuse me for my comparison—a small baby that is given an overdose of medicine or like a weak person who takes up physical exercise so that his health cannot endure.

"I have always respected the people's democratic rights and freedoms as basically outlined in our Constitution. However, these rights and freedoms must be properly practiced, such as simultaneously respecting the Constitution and responding to the demands of our nation."

"WE ARE TOO COMPLACENT"

"The Communists try to infiltrate our anti-Communist political parties, which are strong and which they cannot topple," Mr. Thieu said. "The Communists try to infiltrate our anti-Communist religions and our political parties. The Communists are now spending money buying newsmen, publishing newspapers and taking advantage of the disorderly and broad democracy and freedom in the south. When an election is held, the Communists try to benefit from it."

In a key passage he told his audience "Our political parties are still in small number and are not united; second, we are too complacent and are often disunited, and third, the most important is our disorderly democracy. Our democracy presents many gaps."

Mr. Theiu has often cited the extraordinary situation created by the Communist offensive, which began at the end of last March, as justification for restrictive measures. But the move to abolish election of hamlet officials and centralize local administration under the appointed province chiefs was in preparation even before the offensive.

An American Government interpretation of the Premier's decree says, for example, "These changes have been in the wind for the past several months" and were noted by the Americans in reports of Feb. 28 and March 7.

It says, of the effect of the decree on the only local officials who will continue to be elected, "The village chief, though still elected, will be in a much less commanding position since the officials who work under him will now be appointed by the province chief."

The province chiefs appointed by the President are military men—usually colonels—who owe their jobs to Mr. Thieu's patronage and are personally loyal to him. Often they do not even come from the provinces they serve. Last year Mr. Thieu said he intended to gradually put into effect the popular election of province chiefs beginning in 1972 but this has not happened.

"GUIDELINES" ALSO ISSUED

Along with the decree, Premier Khiem also issued to the country's province chiefs "general guidelines for the explanation and implementation" of it. It says, in the American Government's translation, "In sum, the administration in villages and hamlets is advanced but not quite adequate, and it doesn't satisfy the needs of the nation in the present phase of the struggle against the Communists."

"You must use your authority as fixed in Articles 3 and 6 of the new decree to screen the ranks of village and hamlet officials including hamlet chiefs because now they will be appointed by you. You must release those who are unqualified, negative, or who have bad behavior.

"In choosing which village officials and hamlet chiefs to keep," the Premier's explanation says, "you have to consider his anti-Communist achievements, services and training courses in national or local training centers.

"Especially to cope with the present situation, if localities don't have enough personnel and there are no civilian candidates after the screening, I will approve the use of popular forces, regional forces [militia] including lieutenant officers, in the village and hamlet administration."

The changes in the village administrations—there are 2,130 villages in South Vietnam—limit the number of officials per village to a maximum of eight, including the elected village chief.

The decree also provides that, where there is a police station in a village, the police chief will assume the function of the formerly elected deputy village chief for security, an important post because it includes such powers as determining who in the village may be a Communist sympathizer or a member of the Vietcong.

The Premier drew on Article 70 of the Constitution for his authority to issue the new decree. It provides that "the organization and regulation of local administration shall be prescribed by law."

Premier Khiem's explanation to his province chiefs says that, since the promulgation of such a law was still pending, a draft having been sent to the National Assembly, he was now issuing a decree superseding the one in 1966, which established the election of hamlet and village officers.

The Premier's measure goes beyond instructions that President Thieu issued to the province chiefs a few weeks ago. Then he told them that they could replace elected village and hamlet chiefs at their discretion.

The reason, according to American officials, was the discovery during the offensive this year that many locally elected hamlet chiefs were in fact Communists, who voluntarily provided valuable assistance to enemy forces.

[From the Washington Post, Sept. 8, 1972]

UNITED STATES ADMITS END OF VIET HAMLET VOTE

(By Stanley Karnow)

The Nixon administration has confirmed with apparent embarrassment that South Vietnamese President Nguyen Van Thieu has abolished the electoral process in his country's more than 10,000 rural hamlets.

Reacting to the Thieu decision, which effectively ends six years of democratic activity in South Vietnam's lowest administrative levels, U.S. State Department spokesman Charles W. Bray III said yesterday that the United States was not consulted in advance about the move. He added that the U.S. government is "not responsible for the internal affairs" of foreign states.

But another U.S. official, who declined to be identified, described the decree as "a step backward in terms of representative institutions" in South Vietnam.

The Saigon government's decision, which was issued without publicity by Premier Tran Thien Khiem on Aug. 22 and revealed yesterday by the New York Times, seemed to rebut assertions by Thieu that he has "always observed democracy."

The move also dealt a blow to contentions that the Thieu regime is encouraging "self-determination" while the Communist threaten totalitarian rule.

Bray speculated at his press briefing yesterday that the North Vietnamese offensive against the south was "a major factor in prompting Thieu to put an end to hamlet elections.

"The North Vietnamese are using a whole range of unconventional warfare," Bray said. "I assume that in view of this present danger, the South Vietnamese felt constrained to do what they could to provide stability at the extreme local level of the country."

Bray expressed the hope that "the restrictions adopted in this emergency could be

relaxed" when the situation in South Vietnam is "somewhat more normal."

Other U.S. sources voiced the belief that Thieu may have made his move because he anticipates the possibility of a cease-fire and is "trying to put himself in a better position."

While acknowledging that the decree would tarnish Thieu's public image internationally, one of these sources suggested that conditions on the ground inside Vietnam would probably not change.

The source explained that hamlet chiefs in areas under Saigon government control have tended to be elected if they enjoy the favor of senior province officials rather than on the basis of popular choice.

Under the new system which is going into effect, nearly all of South Vietnam's administrative officials will be appointed. The decree orders the country's 44 province chiefs, all of whom are officers responsible directly to Thieu, to reorganize local government and appoint hamlet officials.

Elections will no longer take place in villages, which are groupings of hamlets. Village chiefs were formerly elected but, like their counterparts at the hamlet level, they will henceforth be appointed by province chiefs.

Thieu, who won re-election in October in an uncontested election, has been ruling by decree since June 27. Within recent months, he has been tightening restrictions on press freedoms.

During the past few weeks, while denying that he is seeking to stiffen his rule, Thieu has explained that South Vietnam cannot afford an excess of democracy. In a speech delivered on Aug. 11 in the Binhdinh province capital of Quinhon, for example, he said:

"I must complain that our government has allowed us to enjoy too much democracy too soon. This is like . . . a small baby that is given an overdose of medicine or like a weak person who takes up physical exercise so that his health cannot endure."

Thieu went on to argue that the Communists were infiltrating South Vietnamese political parties, religious groups and newspapers. "When an election is held," he added, "the Communists try to benefit from it."

[From the New York Times, Sept. 10, 1972]

VIETNAM: DEMOCRACY WAS VERY DISORDERLY

(By Craig R. Whitney)

SAIGON.—"I abide by democratic principles," President Nguyen Van Thieu told a military audience here recently, "but the more open is democracy, the more disorderly it is, and the more fissures it will leave open to Communist penetration."

Over the past two months, President Thieu, who has been governing by decree since he pushed a special-powers bill through the South Vietnamese senate after curfew late one night in June, has been moving to cement those fissures.

His latest move was becoming apparent last week. Officials began putting into effect another executive decree which gives President Thieu's hand-picked province chiefs the power to appoint and dismiss all the previously elected officials of the 10,775 hamlets in the countryside. The effect was to abolish popular elections at the most basic local level and thus further reduce citizen participation in the democratic processes.

For the South Vietnamese peasant, hamlet officials are the closest governmental contact in his everyday life. He goes to them when he needs governmental assistance, permission or advice; and he hears from them when the Government needs taxes, professions of loyalty or information.

An American diplomat observed of the development, "The American-inspired democracy building era is all over." But to many, he was slightly off the mark: What is all over is the era of United States control over the war machine the Americans created in Vietnam.

Democracy is a Western concept not familiar to any Oriental society. President Thieu, it seems clear now, only put up with it as long as he had to when the Americans were so numerous, so generous, and therefore so powerful here. Now that they are leaving, he is confident that his benefactor, President Nixon, will be re-elected, no matter what happens in Vietnam, and so he is moving to rid the country of "disorderly democracy" because, to him, it is dangerous.

The official reason given by the decree on appointment of hamlet officials was "to unify the chain of command." This it does, since the lines of authority in the country now flow uninterrupted down from President Thieu through the province chiefs he appoints to the village and hamlet officials they name.

The decrees on the hamlets and rule by executive fiat were only the latest signs that the forms of democratic * * * previous decrees, but the plan to do away with election of hamlet officials was in the works as early as last February, before the offensive started.

The only people who really were embarrassed by all of this are American officials who have been pretending that South Vietnam is a democracy. It never was before the Americans arrived and never was when they were here in force. But, presumably to try to win some semblance of popular support for the war at home, the Johnson and Nixon Administrations in the 1960's portrayed it as democracy abuilding and forced upon the military regime the forms, if not the substance, of a freely elected civilian government.

A senior American in Saigon has occasionally described the South Vietnamese constitution, adopted in 1966 and 1967, as "grafted" onto Vietnamese society by the Americans. It has a bicameral legislature, a supreme court, and a popularly elected president—all only on paper. For these institutions have all been superfluous since Mr. Thieu's election last fall. In that election, Gen. Duong Van Minh and former Vice President Nguyen Cao Ky refused to run because they believed Mr. Thieu was rigging the elections against them. Mr. Thieu engineered a 94.3 per cent victory for a second four-year term.

On things Vietnamese and political at least, Mr. Thieu now cares so little for American opinion that he did not even inform the United States in advance of his decision to decree democracy in the hamlets out of existence, according to the State Department in Washington. "We have a free hand now, finally," one South Vietnamese palace adviser told a visitor recently.

Why get rid of even the pretense of democracy? Mr. Thieu explained, in a speech on Aug 11, before the decree was promulgated: "If our country were a secure, peaceful and properous country like the United States, all of our democratic rights and freedoms could be fully observed without any trouble at all. However, our country is still on the path of development and the Communists are blocking our way and interfering everywhere. We can find them everywhere, under our beds, under our ancestors' altars, behind our backs, and even among our ranks."

[From the Arkansas Gazette, Mar. 19, 1972]

UNITED STATES TO TRAIN TAIWANESE IN SUBMARINES

WASHINGTON.—Taiwanese sailors will start submarine training in the United States this month in what may be a prelude to the Taiwan navy's acquiring its first United States built submarine.

The move could arouse protests from senators that any new forms of military aid to the Chiang Kai-shek government could endanger United States relations with Communist China.

Pentagon officials said the Taiwanese had asked the United States for a submarine to be used in training.

The Taiwan government has not asked for any combat submarines, officials said.

Defense authorities said the matter has been under consideration for some time but that no final decision has been made on providing an old diesel-electric boat as "a target submarine for training purposes."

However, disclosure that 82 Chinese Nationalist naval officers and enlisted men will start 26 weeks of training at the United States Navy's submarine school in New London, Conn., March 27 suggests that the request will be approved.

Officials said such a craft could be taken out of mothballs and sold to Taiwan as surplus, or it could be loaned to the Taiwan government.

Specialists said the loan approach would require congressional authorization, and it was recalled that back in 1970 Senate opposition blocked the Nixon administration's proposed loan of three submarines to Taiwan.

Under this year's military aid program, the administration requested a total of $67.5 million in outright grants and "excess defense stocks" for Taiwan, with another $45 million in military sales credits.

The training of Chinese Nationalist sailors in operation of a diesel-electric submarine was described by the Pentagon as "solely to help improve the defense capability of the Republic of China military forces."

Pentagon officials said there was no friction between the Defense and State Departments over the question of providing a training submarine.

State Department sources indicated they were opposed to providing any combat submarines.

Authorities said United States submarines of the Seventh Fleet used to serve as training targets for Chinese surface craft during exercises, but that this no longer is the case.

While Nationalist China does not yet own a submarine, Defense Secretary Melvin R. Laird reported to Congress last month that the Chinese Communist navy has more than 40 diesel-powered attack submarines, most of Soviet make.

Recently, United States intelligence received reports of a new submarine of Chinese design based in Shanghai.

[From the Washington Post, Mar. 28, 1972]

UNITED STATES WILL PAY $9 MILLION ON MALTA RENT

The United States will pay about $9 million of the annual $36 million rental to retain British bases on Malta and is also considering economic aid for the Mediterranean island, State Department officials said yesterday.

Both innovations in American policy for Malta were justified by U.S. officials on grounds that continued Western use of Malta's naval and other facilities is necessary to deny the possibility that the Soviet Union or its allies will gain access to them.

In months of bargaining with the British, Malta's Prime Minister Dom Mintoff dangled the implied threat that he would turn to the Soviet Union if his terms were rejected. The United States and other NATO nations agreed to pay a share of the cost.

State Department press officers Charles W. Bray said that in addition to the U.S. share of the base fees, Washington agreed "to send a survey team to Malta to examine the possibility of whether the United States might play a useful role in providing economic assistance on a bilateral basis."

[From the Washington Post, Apr. 1, 1972]

GREECE'S JET PURCHASE WORRIES TURKISH REGIME

(By Dan Morgan)

IZMIR, TURKEY, March 31.—Turkish officials say they are concerned that Greece's purchase of 36 U.S. F-4 Phantom jets could put their country at a disadvantage in the event of new tensions over Cyprus.

There is fairly widespread concern in Ankara that the purchase, announced yesterday in Washington, could upset the military balance between NATO allies Greece and Turkey, which went to the brink of war over Cyprus in 1964 and in 1967.

Turkey does not feel economically strong enough to compete in the arms race with the wealthier Greek regime and the United States has made clear that it will not give away Phantoms as part of the military assistance program.

This has placed Ankara under pressure from some Turks who believe that the military potential of both sides weighs as a political factor in the dispute.

Both Greece and Turkey have been pressing for a settlement that would enable Greeks and Turks on Cyprus to end their long standing differences.

MAIN PROTECTOR

Despite the presence of a U.N. peacekeeping contingent on Cyprus, most of the minority Turkish look to the Turkish army as their main protector.

In military terms, Greece's possession of the F-4 will enable it to support Greek army units in Cyprus with long-range aircraft that are overwhelmingly superior to anything the Turks can muster. The estimated $5 million per plane is generally seen as prohibitively high.

NATO headquarters has been pressing both countries to modernize their air forces as a deterrent to the Soviet buildup on the southern flank of the alliance.

Lt. Gen. Richard H. Ellis, commander of the 6th Allied Tactical Air Force in Izmir, said today that the Greek purchase was "great" from a military standpoint.

"They need an aircraft that can do the job for the competition they're up against," he said. "We'd like to have F-4s for Turkey too. But it's a matter of economics."

The United States maintains a single squadron of its own Phantom aircraft in southern Turkey. American defense strategists contend that the Soviet naval buildup in the Mediterranean could make U.S. air power vulnerable by exposing the U.S. carriers to a quick knockout punch by Moscow's missile-firing cruisers. They maintain that local issues such as Cyprus cannot take precedence over the broader NATO requirements.

U.S. officials said yesterday Greece would pay about $2.5 million down on each plane, with the remainder financed through a credit under the foreign military sales act.

NATO REQUIREMENTS

The NATO military requirements for Greece and Turkey are set by the organization's defense council, in which the United States has a predominant voice and from which France is absent.

While cheaper modern aircraft, such as the French Mirage and the F-5 clear weather fighter, are also available, American officials say the "logical" weapon with which to satisfy the NATO recommendation is the Phantom.

Greece has been stepping up its purchase of equipment as the American program of outright gifts has declined. For instance it has supplied itself with Huey helicopters, French AMX-30 medium tanks and now Phantoms in this fashion.

PRESSURE FOR MODERNIZATION

Turkey's armed forces have been placed at a disadvantage by the NATO pressure for modernization because of the country's weaker economic position. It also lacks a significant local arms industry.

Turkey's armed forces are almost totally supplied with U.S. and, to a lesser degree, West German equipment. Turkey's per capita income is about half Greece's but it spends a larger proportion of its national income on defense. Turkish sources also contend that the U.S. aid to Greece is greater than appears on paper.

Gen. Ellis said military relations between Greece and Turkey were "very healthy." Next month, a Turkish air squadron will go to Greece for exercises. Earlier this year, Greek and Turkish units under the NATO command staged joint maneuvers in Thrace.

[From the New York News, Sept. 15, 1972]

UNITED STATES DROPS PIASTERS FROM HEAVEN ON NORTH VIETNAM

SAIGON, Sept. 14.—American planes are showering North Vietnam with counterfeit currency in a new move in the Vietnam war, it was disclosed today.

The bogus North Vietnamese notes, printed in several denominations, are being dropped as part of stepped-up psychological warfare operations.

A similar project, proposed during the administration of Lyndon Johnson, was turned down. Instead a crude photo facsimile of a North Vietnamese piaster on one side of a leaflet with a propaganda message on the other side was authorized.

The new drops are radically different. They consist of exact copies of North Vietnamese banknotes which could easily pass for the real thing. Attached to each note is a stub bearing a propaganda message which urges that North Vietnam spend its money for peaceful purposes instead of financing the war against South Vietnam.

Millions of counterfeit notes have been dropped, with more on the way. In time, they could disrupt North Vietnam's already shaky economy and create plenty of headaches for the Hanoi regime.

The Communists have launched a drive urging the people to destroy the notes. But money, falling from the heavens, may prove too great a temptation for the North Vietnamese peasants.—Joseph Fried

DEFENSE DEPARTMENT RAINMAKING PROJECT IN THE PHILIPPINES

Mr. FULBRIGHT. Mr. President, the Philippines were recently struck by devastating floods and the Committee on Foreign Relations, responding to the disaster, authorized $50 million for disaster relief and rehabilitation efforts in the pending bill.

In the last few days the General Accounting Office sent to the committee a report on their investigation of the military assistance program in the Philippines. Unfortunately the GAO report is classified. However, the State Department is being asked to sanitize it in order that the valuable GAO findings can be made public.

Because this bill contains $50 million for flood relief I bring to the Senate's attention an interesting unclassified excerpt from the Department of Defense comments on the GAO's report. The Defense Department described a research program for rainmaking which began in 1969 and was carried out by the U.S. Navy and Air Force in the Philippines.

During the course of Gromet II, as the rainmaking project was called, "personnel of the Philippines Air Force and Weather Bureau were trained to carry on such a program in future years."

The results were described this way:

Gromet II was a successful project in all respects. The desired research data was collected by DOD, and the drought in the Philippines was alleviated, resulting in a considerable increase in agricultural production. In 1970, those PAF (Philippines Air Force) and PHIL weather personnel trained during Gromet II conducted their own PHIL-funded program which resulted in an agricultural product increase estimated at approximately $50 million.

I ask unanimous consent that the entire text of this section of the Defense Department's comments be printed in the RECORD.

One would assume that with such success the program was probably continued and expanded. It raises the interesting question of whether there is a connection between the experimental rainmaking program initiated by the Defense Department and the flood disaster in the Philippines this summer.

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

GAO REPORT DATED SEPTEMBER 18, 1972, "MILITARY ASSISTANCE AND COMMITMENTS IN THE PHILIPPINES," APPENDIX II, PAGE 67

b. (U) Rainmaking Project—The United States Air Force (USAF) provided personnel and equipment to assist the Government of the Philippines rainmaking project. The project grew out of a request from the Government of the Philippines to the State Department for assistance in alleviating a drought situation in the Philippine Islands. The Department of State, in turn, requested DOD assistance, and on 19 April 1969 the Chairman of the Joint Chiefs of Staff, in CM-4128-69, reacted to a 17 April 1969 SECDEF memorandum and directed implementation of the program with USAF as DOD executive agent. Since the actual cloud seeding operations involved both USAF and U.S. Navy (USN) resources and required coordination with the Department of State, the American Embassy, Manila, provided overall direction. Scientific direction of the project was provided by the USN.

(U) The Department of Defense Environmental Research Center prepared and executed a research project in the Philippines known as GROMET II. Two USAF C-130 aircraft were used to perform the actual seeding under supervision of Environmental Research Center personnel from the Naval Weapons Center. During the course of the seeding experiments, personnel of the Philippines Air Force and Weather Bureau were trained to carry on such a program in future years. The project was carried out as a phase of an already on-going DOD Environmental Research Project involving the use of nucleating agents to stimulate precipitation.

(U) Gromet II was a successful project in all respects. The desired research data was collected by DOD, and the drought in the Philippines were alleviated, resulting in a considerable increase in agricultural production. In 1970, those RAF and PHIL weather personnel trained during Gromet II conducted their own PHIL-funded program which resulted in an agricultural product increase estimated at approximately $50 million.

Mr. FULBRIGHT. 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. HARRY F. BYRD, JR. 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. HARRY F. BYRD, JR. Mr. President, would the distinguished chairman of the Committee on Foreign Relations be willing to answer a couple of questions?

Mr. FULBRIGHT. Yes.

Mr. HARRY F. BYRD, JR. First, I would like to commend the Committee on Foreign Relations for inserting in its report, just as it did last year, a table showing the number of countries to which foreign assistance will be given. It adds up to about 88 different countries. There are 22 countries in Latin America, 16 countries in the Near East and South Asia, 13 countries in East Asia and the Pacific, and 37 countries in Africa.

The point I wish to raise with the distinguished chairman of the Committee on Foreign Relations is the total foreign assistance bill. As I read the figures on the top of table IV, which is a summary of all programs, the next to the last figure on the right is: "Total Military and Economic, Fiscal Year—1973" and the figure is $9.3 billion.

Is that the budget request? Is that what is being sought by the administration or is that the amount the committees recommended?

Mr. FULBRIGHT. It is the amount requested by the administration.

Mr. HARRY F. BYRD, JR. Then, the figure in the extreme righthand column of $7.4 billion for fiscal year 1972, I take that to mean that that is what was provided, namely approved by the Congress.

Mr. FULBRIGHT. That is what was provided.

Mr. HARRY F. BYRD, JR. Provided by Congress?

Mr. FULBRIGHT. Yes. The Senator can say that this year's request is $2 billion more than Congress approved last year.

Mr. HARRY F. BYRD, JR. The request this year is $2 billion more than the figure approved last year?

Mr. FULBRIGHT. The Senator is correct. That is one of the things I object to. I do not think it should be going up; I think it should be going down.

Mr. HARRY F. BYRD, JR. I thank the Senator. I concur in his point. I thank the Senator for clearing that up for us. I do not think we can justify a $2 billion increase in foreign assistance.

Mr. FULBRIGHT. I might say that on page 7. There is an explanation of table IV. It makes it clear that the table gives information concerning foreign military aid programs proposed for 1973, both in this and other bills, as well as data on economic assistance programs.

Mr. President, I ask unanimous consent that the explanation from the committee report be inserted at this point.

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

EXPLANATION FROM COMMITTEE REPORT

Table IV gives information concerning foreign military aid programs proposed for FY 1973, both in this and other bills, as well as data on economic assistance programs. This table is included in order to give members of the Senate a more detailed picture of the major elements in the foreign aid program. But it should be noted that this table is not all inclusive. It does not, for example, contain the major costs of supporting military assistance missions abroad, support for international military headquarters, U.S. costs of the NATO infrastructure, the value of property transferred to South Vietnam, and other items adding up to hundreds of millions more in foreign assistance.

Mr. HARRY F. BYRD, JR. Many of the items mentioned by the Senator from Arkansas a moment ago are very indirect costs.

Mr. FULBRIGHT. It depends on your definition of "aid."

Mr. HARRY F. BYRD, JR. This table purports to list as comprehensively as possible the direct cost of foreign assistance, as I understand it.

Mr. FULBRIGHT. The Senator is correct. It is awfully hard to draw these distinctions very clearly. There are always gray areas, but we do the best we can.

Mr. HARRY F. BYRD, JR. This includes economic assistance as well as military assistance.

Mr. FULBRIGHT. The Senator is correct.

Mr. HARRY F. BYRD, JR. And it does not include military sales.

Mr. FULBRIGHT. Only credit sales; not commercial or cash sales.

Mr. HARRY F. BYRD, JR. I thank the Senator.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ROBERT C. BYRD. Mr. President, I will shortly suggest the absence of a quorum. Prior to that time I wish to state that if other Senators have additional amendments to be called up today they would certainly be in order, and the leadership would hope that Senators would come to the floor and call them up. Otherwise, in a short time the leadership will ask that the pending measure be set aside and that the Senate turn to consideration of the unfinished business.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

S. 3987—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, it being my understanding that this request has been cleared on both sides of the aisle, I ask unanimous consent that at such time as S. 3987, a bill to replace the Vocational Rehabilitation Act, is called up and made the pending question before the Senate, it be subject to the following time agreement, under the usual form: that there be 1 hour on the bill, to be equally divided between Mr. CRANSTON and Mr. JAVITS; that time on any amendment, debatable motion, or appeal be limited to 20 minutes, to be equally divided and controlled, under the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistance 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.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on September 21, 1972, the President had approved and signed the act (S. 2969) to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. TUNNEY) 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 the Senate proceedings.)

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. 4383. An act to authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes;

H.R. 7614. An act to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes;

H.R. 9032. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket numbered 91, and for other purposes.

H.R. 9135. An act to amend the act of August 19, 1964, to remove the limitation on the maximum number of members of the Board of Trustees of the Pacific Tropical Botanical Garden;

H.R. 10486. An act to make the basic pay of the master chief petty officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other Armed Forces, and for other purposes;

H.R. 13697. An act to amend the provisions of title 14, United States Code, relating to the flag officer structure of the Coast Guard, and for other purposes;

H.J. Res. 135. Joint resolution to authorize the President to issue a proclamation designating the week in November of 1972 which includes Thanksgiving Day as "National Family Week";

H.J. Res. 807. Joint resolution authorizing the President to proclaim the second full week in October of 1972 as "National Legal Secretaries' Court Observance Week"; and

H.J. Res. 1232. Joint resolution designating, and authorizing the President to proclaim February 11, 1973 as "National Inventors' Day."

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore.

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, in accordance with the order entered on Friday, I ask that the pending measure, the Foreign Assistance Act, now be laid aside and that the Senate resume the consideration of the unfinished business, S. 3970.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant lgeislative clerk read the bill by title, as follows:

A bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consideration of the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TAX BENEFITS FOR GRAIN EXPORTERS

Mr. HARRY F. BYRD, JR. Mr. President, the press reports that grain exporters are pressing the Treasury Department for a ruling that would free them from taxes on half the profits made from the sale of wheat to the Soviet Union. If the Treasury rules favorably for the exporters, they would also pay no taxes on half the profits they made on wheat sales to other countries.

Mr. President, this is a very complex matter. It has to do with a provision in last year's statute permitting the establishment of so-called DISC's—Domestic International Sales Corporations—to handle receipts from exports.

I have not had a chance to study that phase of the tax law in detail recently, but I would hope that the Treasury Department would proceed very carefully before permitting tax benefits on the sale of grain to foreign countries. Increased sales of grain, in recent weeks, particularly to the Soviet Union, have meant that there have been tremendous profits made. I have no evidence to suggest that they were not proper profits. I do know that the taxpayers have paid substantial subsidies.

For example, on June 30 there was a 1-cent Federal subsidy on wheat exports. Three weeks ago, that subsidy had climbed to 47 cents per bushel. On September 15, it was 25 cents a bushel. As of last Friday or Saturday, the subsidy was eliminated. But undoubtedly there have been tremendous profits made on the huge sales of grain to Russia.

I think it is important that those businessmen who participated in those sales—and I do not charge there is anything wrong with such sales—pay their appropriate share of taxes to the Federal Government. As I mentioned earlier, the tax law in regard to the Domestic International Sales Corporation is a very technical and complex matter. The Treasury Department apparently has some leeway in how it interprets the law.

Without expressing any precise view, because I do not feel that I have reviewed recently enough the details of it to suggest a precise ruling from the Treasury, I do hope that the Treasury Department will proceed very slowly and very carefully before, in effect, forgiving, or, to put it another way, making it possible for these grain exporters to pay an income tax on only half of their profits.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

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

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

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

Mr. RIBICOFF. Mr. President, we have before us the amendment offered by the distinguished Senator from Alabama, which is referred to as the "amicus" amendment.

The Allen amendment would bar the Consumer Protection Agency from appearing as a party before any Federal agency or court. The CPA would be limited to the mere role of amicus curiae—regardless of how vitally consumer interests might be affected by the outcome of a case. Instead of allowing the CPA to be a vigorous advocate, the amicus amendment would allow the CPA only to review data submitted to Federal agencies by other parties and to comment upon that data. Unlike the parties to the case, the CPA could not present its own witnesses, cross-examine other witnesses, or invoke any of the host of other rights enjoyed by parties in an administrative proceeding. In addition, the CPA would be barred from appealing any administrative decision to the courts, but could only seek reconsideration by the very agency which rendered the decision in the first place.

This amendment has been described by its supporters as a "compromise amendment." But the only thing this amendment compromises is the vital interests of consumers in having an effective spokesman.

Following is a short analysis of the major arguments made by proponents of the so-called "amicus compromise amendment:"

1. That the amendment would give the CPA "more power" in rulemaking and informal activities.

Answer: There is absolutely no need to give the CPA the "last word" in these two areas. What the CPA needs is to have the right to participate as a party where necessary to protect consumer interests, to submit comments in notice-and-comment rulemaking proceedings, and to participate in informal activities. The amendment attempts to make the CPA appear to be "more than equal" to other parties in one trivial respect as a justification for making the CPA drastically less than equal to parties in many vital respects.

2. That the CPA ought to have "less power" in adjudicatory proceedings.

Answer: Adjudications are often as important to consumers in the development and elaboration of general standards as are rulemaking proceedings. Some agencies, such as the FTC, for example, use adjudication rather than rulemaking as a means for developing statements or standards of general applicability. In addition, it is in adjudication that broad principles are applied in particular cases. If rules that have been announced are not enforced, or if rules are interpreted loosely in adjudicatory proceedings, those rules are unlikely to be respected in the future. It is essential that the CPA have the authority to be a party in adjudications.

3. That the CPA should be allowed only to seek rehearing at the agency level and not be allowed a judicial appeal.

Answer: The amendment supposedly aims to avoid one government agency challenging another agency in court which the proponents argue has occurred in only "extremely rare instances."

This argument—as well as the whole rationale for the amendment—are flatly contradicted by a study recently submitted by the administrative law section of the American Bar Association to the ABA House of Delegates. The study urged approval of CPA intervention as a party in adjudicatory proceedings before the courts. The study stated:

Inter-agency litigation over the validity of administrative action has been commonplace since the early days of the Federal administrative process (the study cites dozens of cases) . . .

The interests asserted by the challenging agency have in some cases been proprietary . . . In other instances the challenging agency has sought to litigate pure policy differences . . . In neither type of dispute has the multiplicity of governmental parties appeared to create any difficulties for the courts, which indeed, have welcomed the presentation of all sides in the complex and important matters frequently involved . . .

We therefore conclude that no new problems, either doctrinal or practical, are presented by the proposal to give the CPA the right to initiate or intervene in proceedings for judicial review of other agencies' actions.

Furthermore, existing law explicitly empowers a number of Federal agencies to intervene before other agencies and appeal the other agencies' actions in the courts. A good example is the Agricultural Adjustment Act which authorizes the Secretary of Agriculture to appear

before the ICC and appeal ICC orders. See 7 United States Code 1291.

Every Federal agency already has the inherent authority—in the absence of statutory authority—to initiate or intervene in judicial review proceedings involving the actions of other Federal agencies. The ABA study documents this fact in great detail.

Mr. President, it would be a mockery to limit the CPA—whose purpose is to be an advocate—to the status of amicus curiae when all other agencies can become parties.

The amicus amendment, by denying the CPA the rights of a party, would prevent the CPA from effectively representing the interests of consumers.

The amicus, or so-called "friend of the consumer" amendment, would nullify the basic authority of the CPA, the right to intervene and participate in agency proceedings and activities.

A party in an administrative proceeding has many critical rights under the Administrative Procedure Act that an amicus curiae does not have. Among these are rights to: First, appearance and presentation of evidence; second, submission of rebuttal evidence; third, cross-examination of witnesses; fourth, participation in consultations by the presiding employee with other persons or parties; fifth, notice of agency actions and those of other parties; sixth, hearing and decision on the record; seventh, discovery authority; eighth, submission of proposed findings, conclusions and exceptions to any proposed agency decision; and, ninth, appellate review as of right.

An amicus curiae is merely an interested outsider who can ordinarily do no more than submit a written brief, or at most, make a single oral argument, generally at the discretion of the host agency or court.

Most Federal agency proceedings are highly technical and may involve extensive presentation of evidence, argument, and counter-argument. Without having the option to introduce evidence, cross-examine witnesses, and present argument on all aspects of a case, the CPA could not effectively develop its case. The amicus amendment would deny the CPA all these rights in every case.

The bill already provides that the CPA will intervene as a party only where party status is necessary for the protection of consumers.

Section 203(a) of S. 3970 expressly provides that the CPA is to "refrain from intervening as a party unless he—Administrator—determines that such intervention is necessary to represent adequately the interests of consumers." This determination will be subject to judicial review in the manner accorded by law together with all other aspects of the administrative proceeding.

The bill gives the CPA strong incentives to participate in agency proceedings only to the extent necessary. The CPA should not, however, be cut off from the right to become a full party if it determines that such status is necessary to protect consumer interests. It might make this determination, for example, where it has factual evidence it feels must be introduced, where it feels it necessary to cross-examine a witness, or to use agency discovery authority.

The committee should not adopt a rigid rule denying the CPA party status, but should allow it to make its degree of participation fit the facts and circumstances of each case.

Further, section 203 specifically provides that the CPA, upon intervening or participating "shall comply with the rules of practice and procedure governing the conduct thereof." Every agency has a set of rules which, together with the Administrative Procedure Act, establish the procedures to be followed in its proceedings. The CPA will abide by these rules. The host agency retains complete authority to conduct the proceeding in a fair and orderly manner.

Restriction of the CPA to amicus curiae status would not be a grant of authority at all.

Every Federal agency can already be an amicus or seek party status in proceedings of any other agency.

The amendment would also be contrary to the trend of recent agency and court cases which have expanded the intervention rights of third parties—including consumers. Recent cases have significantly increased the ability of the third parties to intervene in agency proceedings. See for example, *NWRO* v. *Finch*, 429 F. 2d 725, 737 (D.C. Cir. 1970). In the FTC's proceeding against Campbell Soup, a group of law students was permitted to intervene in a false advertising case and granted the right to discovery, presentation of evidence, and oral and written argument, with respect to the sufficiency of the remedy. For further discussion, see Comment, Public Participation in Federal Administrative Proceedings, April 1972 University of Pennsylvania Law Review; Public Participation in Administrative Hearings, Administrative Conference of the United States, Committee on Organization and Procedure, November 1971.

The amicus approach has already been considered and rejected three times.

In 1970, the committee unanimously approved S. 4459, the prior version of this bill, which authorized CPA intervention as a full party in agency proceedings. At that time, the committee considered and dismissed the amicus amendment as inadequate. The bill later passed the Senate, 74 to 4.

Last year, in approving similar legislation establishing a Consumer Protection Agency, the House decisively defeated by a vote of 240 to 149 the amendment to limit the agency to amicus status only. The amendment had earlier been rejected in committee, 26 to 9. The Senate Government Operations Committee defeated it 10 to 5.

Representative CHET HOLIFIELD, chairman of the House Government Operations Committee which reported the House bill establishing a Consumer Protection Agency, characterized the amicus bill in these words:

> To limit the CPA's advocacy role to amicus curiae alone . . . would tie one of the Administrator's hands behind his back and make him come, hat in the other hand, to plead the consumer's cause.

This statement was also endorsed by Representative FRANK HORTON, the ranking Republican on the Government Operations Committee.

Finally, in nearly 2 months of detailed discussion between the administration and the subcommittee staff, there was no suggestion by any administration spokesman of support for the amicus curiae amendment.

At the hearing on the predecessor bill, S. 1177, last November, Mrs. Virginia Knauer, Special Assistant to the President, testifying for the administration, and Roger Cramton, chairman of the Administrative Conference of the United States, the Agency designated by Congress to oversee the Federal administrative process, endorsed full party status for the CPA in cases before other agencies.

I hope and trust, Mr. President, that the full Senate, when it comes to a vote on the Allen amicus amendment, will reject it.

Mr. ALLEN. Mr. President, I wish to go into detail in explaining this amendment, a proposal that has become known as the amicus amendment because its philosophy is based upon the positive and persuasive role that an amicus curiae—friend of the court—has played in American advocacy.

This bill contains some very complex provisions having to do with administrative law, and the amicus amendment would modify these provisions.

Due to the complexity of the subject, however, the bill in general, and the amicus amendment in particular, have become the subjects of much confusion and consternation.

There are those, particularly nonlawyers not familiar with the amendment, who are of the opinion that the amicus amendment is a sham. They think it would limit the role of the Consumer Protection Agency merely to the powers of an amicus curiae.

They are wrong, as we shall see. Amicus advocacy as proposed in this amendment would be far stronger than amicus curiae advocacy, and far stronger than the present bill in certain proceedings.

There are those, particularly businessmen who wish to see no new CPA created to oversee their overseers, who greatly fear the amicus amendment. They feel that it is too liberal.

GENERAL PRINCIPLES OF AMICUS ADVOCACY

The goal of the amicus amendment is to achieve the most effective and comprehensive form of Federal consumer advocacy with the least amount of disruption.

Its philosophy is rooted in the positive nature of an amicus curial who assists and guides a forum without being disruptive.

It is also felt that this approach is more consistent with that of a Federal agency.

All Federal agencies, in my opinion, should be considered as part of one government. To create one Federal agency to attack its sister agencies—as, I submit, the present bill creating the Consumer Protection Agency would do—is a dangerous and unnecessary experiment in

splitting the Government into opposing forces.

The amendment would provide for forceful CPA advocacy in the same Federal agency proceedings and activities in which the CPA could act as an advocate under the present version of the bill.

This is essentially any Federal deliberation of the CPA's choice. The exceptions, such as the activities of the Central Intelligence Agency, are few.

Such a broad-brush approach to consumer advocacy is consistent with the pervasiveness of the interests of consumers.

But this very pervasiveness contemplates CPA advocacy into areas of which we know little, if anything.

Therefore, full party opponent advocacy—as proposed in this bill now without the amendment we have offered—calls for us to legislate an attack on the unknown through the discretionary power of the CPA.

Consumer advocates under the amicus amendment would, at least for a trial period, be used to assist and forcefully guide other Federal agencies in the protection of the interests of consumers in millions of unknown deliberations covered by the bill.

We anticipate that after a year or two of such experience, the CPA—not Mr. Ralph Nader nor Mrs. Virginia Knauer or the Chamber of Commerce—will come back to the Senate and the House and propose for itself additional and appropriate powers in identifiable areas. Indeed, the bill provides for this in section 202(b)(6).

As the committee reports on this bill clearly demonstrates, we now have no idea where the CPA is going or what it is going to do when it gets there.

The amicus amendment will provide for a positive consistency in CPA advocacy.

MORE EFFECTIVE IN RULEMAKING

The amendment would make the CPA advocacy powers more effective in the great majority of the Federal processes now covered.

That is, in rulemaking—which includes rulemaking—and all informal activities, the amicus amendment has more clout than the present bill.

As Roger Cramton, then chairman of the Federal Administrative Conference, said during the hearings on the House bill:

> Rulemaking is probably the part of the administrative process that [the CPA Administrator] should be most interested in, because it has the most general impact. It is the most important from this point of view and also the one in which consumer interests, as such, very rarely participate in the form of supplying comments or making oral argument if a public hearing is held.*

Federal agency rulemaking proceedings under the advocacy sections of this bill far outnumber the adjudications covered by those sections.

With few exceptions, the rulemaking proceedings covered by the present subsection 203(a) would be conducted through nonadversary procedures such as proposals in the Federal Register with an invitation for written comment by interested persons, or nonadversary hearings very much like a congressional hearing.

Similarly, the CPA would be limited to this form of written or oral comment in the "activities" of Federal agencies under subsection 203(b). It would present written or oral views, or, if persons outside the forum agency participate in such activities, be allowed roughly equal time to state its views on the matter in question.

MORE EFFECTIVE AMICUS PROCEDURE

Under the amicus proposal, the CPA would also, as a matter of unchallengeable right, be able to present the same written or oral comments in both rulemaking under subsection 203(a) and in Federal agency activities under subsection (b) of section 203.

In addition, however, the CPA would be able to have the last word, if it wanted it, in all proceedings and activities.

That is, the amendment provides that prior to the forum agency's taking any final action—including inaction—on the matter at issue, it must give the CPA the right to file written comments with respect to all data, views, and arguments presented. This is found in amendment subsection 203(g).

Such an approach is consistent with treating the CPA as an integral part of the Government, rather than an opponent of the Government.

That is one of the main issues on which I disagree with the concept of this Consumer Protection Agency legislation, and that is that it would create a superagency to regulate and control the regulator. As I have stated earlier, it would be the concept of the Senator from Alabama that we need one Federal Government, not a group of agencies whose function it is to oversee and then a superagency, a superlevel of bureaucracy set over the regulators. That is what the Consumer Protection Agency legislation does, and it is that concept that the amicus amendment seeks to change.

Mr. GURNEY. Would the Senator from Alabama yield for a question?

Mr. ALLEN. Yes, I would be delighted.

Mr. GURNEY. That is one thing that puzzles the Senator from Florida, too, for as I understand it, one of the chief reasons for setting this thing up is that present regulatory agencies either are not doing the job well and ought to be policed, or else this agency ought to be sort of a watchdog over them to prod them to do their job better.

As I understand it—and this is the question I am asking—the new agency is going to be set up in the same fashion as the old agencies were. In other words, the President is going to appoint the commissioners, as well as the administrator. As I understand it, that is the way all the other regulatory agencies, or most of them, were established.

Mr. ALLEN. The Senator is correct.

Mr. GURNEY. The President appoints the commissioners or the agency head, if it is an independent agency like NASA. So my question concerns these regulatory agencies. I understand there are now over 30 that involve themselves with consumer interests and consumer matters. If they are not doing their job correctly, what assurance will we have that another agency appointed in similar fashion is going to correct all the evils that we now have? Will the Senator inform this Senator how that is going to work?

Mr. ALLEN. It is a mystery to the Senator from Alabama, just as it is to the distinguished Senator from Florida, to have another regulatory body placed on top of the echelon of bureaucracy that we already have. The Senator will recall that here in the Senate some months ago we passed consumer products agency legislation, and the Senator from Alabama assumes that this Consumer Protection Agency would have jurisdiction to more or less oversee the activities of this Consumer Products Agency which was created just the middle of this year. So that is the reason the amicus approach seems more logical to the Senator from Alabama, so that we have an agency that would advise and inform and help and give constructive criticism to the whole agency and and thus enable it to do its job, rather than to be advisory to the agencies that we already have in the Government.

Mr. GURNEY. Mr. President, if the distinguished Senator will yield further, was there anything in the testimony, in the hearings conducted on this bill, or in the report to indicate why this Agency would be effective when other agencies were not effective? What super clairvoyance will this Agency have that others do not have?

Mr. ALLEN. That is something I feel that possibly the advocates of the bill would research rather than the Senator from Alabama because he does not see that this superagency would be more effective than agencies we already have charged with the duty of looking after the consuming public generally.

Mr. GURNEY. The distinguished Senator from Alabama mentioned the Agency that we created earlier, which has to do with consumer product safety. Let us pursue that for just a moment. I think probably the one product in this Nation that kills more people and injures more people every year is the automobile.

My recollection is that the deaths caused by automobiles are somewhere in the neighborhood of 50,000 people killed each year in the United States. I cannot remember the number of people injured, but that number definitely is greatly in excess of the 50,000 figure. So obviously there is something unsafe about an automobile. Should the Consumer Protection Agency enforce any and every possible safety device for automobiles, regardless of cost? Could such safety measures be taken to such an extreme that low- and medium-income families could not afford automobiles?

Might this not be taken to such an extreme that economical family travel by wheel would be virtually eliminated?

Mr. ALLEN. The Senator from Alabama would doubt if they would want to go back to the state of civilization as it existed before the wheel was invented because that was invented some thousands of years ago, although I understand that there are populations

*See p. 498, House Hearings (1971).

throughout the world that have not progressed up to the wheel stage, but I do not believe anybody would seriously recommend that we go back to civilization as it existed prior to the wheel.

Mr. GURNEY. I agree with the Senator. The reason I posed that rather dramatic question was to illustrate that there is another item involved in the matter of product safety, and that is the element of expense. In other words, if the safety of a product is to be improved, usually it is going to cost more. Some consumers would like to see the product made more safe, there is no question about it. Other consumers, if I read the reaction of consumers in my State of Florida correctly, would prefer to run the risk of the old product rather than to pay a substantially increased price for a product made more safe.

I would ask this question of the distinguished Senator from Alabama. Would that not be a matter the Consumer Protection Agency would want to get involved in, and if it did, whose interest would it protect?

Mr. ALLEN. Very definitely that would be an area in which the product safety legislation would be concerned. Very defintiely that would be an area that they would take note of and take action in.

Mr. GURNEY. As I understand it, if the Consumer Protection Agency were confronted with such a situation, it would have to make a determination of what interest it would represent—the consumer who wanted more safety or the consumer who wanted a product with less cost. Is that correct?

Mr. ALLEN. Yes. I certainly hope it would be with the consumer. They would have to represent one group or the other. It might be difficult to decide which group to represent.

Mr. RIBICOFF. I wonder if the distinguished Senators would allow me to intervene at this time.

Mr. GURNEY. Yes, indeed.

Mr. RIBICOFF. I am following the colloquy with interest. Let me point out the type work I think is necessary for this Agency.

The Washington Post this morning published an article by Morton Mintz, entitled "Abuses Hamstring FDA." I wish to read a few quotations from the article:

> A large share of the defective products that the Food and Drug Administration tries to take off the market ends up being sold to the public, the General Accounting Office has found.
>
> The GAO, reviewing 91 seizures by the FDA in fiscal 1971, found that 69 per cent of the total amount of defective merchandise actually was removed from the market. But the remaining 31 per cent apparently was sold.

The article goes on to give many examples. These examples indicate to me one of the reasons we need a consumer advocate. I agree with my distinguished colleagues from Florida and Alabama that we have many consumer programs and agencies. And I am worried by the very multiplicity of these Government agencies. At the present time we have at least 76 consumer programs in the Government. There may be more. There are some 30 agencies, as the Senator from Florida indicated, that are involved in administering these 76 programs. What has been so troublesome over the years is that the agencies that are supposed to protect the consumer fail to do their jobs, and end up being spokesmen for the industry they are supposed to regulate.

I think this country could use an agency that would cut through the maze of Federal agencies and legal technicalities and be an effective spokesman for 210 million consumers; to ride herd, if you will, to supervise all these agencies we have put into existence.

Perhaps it would be better to take all of those agencies and combine them into one. I have felt for a long time that health and consumer protection programs would function more smoothly if authority were consolidated.

The other day, one member of our committee, the distinguished Senator from Delaware (Mr. ROTH) made a proposal that received the unanimous approval of the Government Operations Committee. At Senator ROTH's suggestion, the committee mandated the staff to conduct a thorough inventory of all Federal programs—none of us understands all the programs that exist. Not even the Office of Management and Budget knows them all.

With Government so fragmented and responsibility so diffused, we need a consumer advocate to make Government agencies responsive to the needs of consumers.

The fact is that 210 million consumers today do not have a voice either in court or before the Federal bureaucracy. That is why I feel an agency such as this is necessary.

It is true, as the distinguished Senator from Alabama said, that the President would still appoint the administrator and the agency commissioner. Whether they will be any better than the commissioners he appoints to other Federal regulatory agencies I do not know. It will all depend on the President's commitment to consumers. My feeling is that an agency like this will put a President on the spot. This will be a consumer agency. The President and the country will be watching the caliber of man or woman who will be chosen to run this agency. I look upon this agency as a burr under the saddle of all the complacent agencies charged with protection of the consumer. We find today that the regulators are not regulating anything, and the public suffers. If the President is interested in consumer activities, then this agency will be meaningful. If the President of the United States, at any given time is not interested in the consumer, then this will be just another agency.

Critics of the bill have also asked several times: Will we have guerrilla warfare among agencies? I do not think so. I do not think the President of the United States will have agencies working under his jurisdiction that are competing destructively with one another. There will either be comity between those agencies or the President will clean house and a lot of heads will roll.

Congress is saying to the President of the United States, "We are putting this responsibility on your shoulders. We are making the term of the commissioners co-terminus with your term of office. They will come in when you come into office, and they will go out when you go out of office. So you either mean that you will protect the rights of consumers or you do not mean it."

It is my feeling that the consumer agency we seek to put into being at this time will be an agency that will truly be the advocate for the public. This CPA will have no regulatory authority, so it will not develop an overly close relationship with those whom they are supposed to regulate.

I believe thiis Agency is the most important one we could put into business, or put into existence, on behalf of the consumer. Without this Agency, much of the work we have done to protect the consumer is a facade and a charade.

I hope the Senate will adopt the bill we have before us now.

Mr. President, I ask unanimous consent that an article by Morton Mintz, entitled "Abuses Hamstring FDA," which appeared in this morning's Washington Post, be inserted in the RECORD at this point.

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

ABUSES HAMSTRING FDA

(By Morton Mintz)

A large share of the defective products that the Food and Drug Administration tries to take off the market ends up being sold to the public, the General Accounting Office has found.

The situation can pose "a serious health problem," the GAO said in a report on the problems created for the FDA by a lack of authority to get access to needed records (except for prescription medicines), to detain suspect products from interstate shipment and to take the steps necessary to force recall of foods and other products found to be adulterated, misbranded or illegally marketed.

The GAO, reviewing 91 seizures by the FDA in fiscal 1971, found that 69 per cent of the total amount of defective merchandise actually was removed from the market. But the remaining 31 per cent apparently was sold.

The GAO report said that in the period mid-1968 through mid-1971 a total of 3,300 firms refused to co-operate with more than 10,000 requests by FDA inspectors. In about 7,900 cases companies denied the inspectors access to information in their records, the report said.

The GAO, the investigative arm of Congress, urged remedial legislation, citing examples of existing abuses such as these:

The FDA had received several complaints that a liquid drain opener caused skin burns; one consumer said she had suffered serious facial scarring when a container of the product exploded when she poured it into the kitchen drain. Her eyeglasses prevented possible permanent blinding.

The FDA, finding that the label carried an inadequate warning, asked the manufacturer for the shipping records that would show if the product was shipped across state lines and was consequently in the agency's jurisdiction. The firm refused to co-operate.

(The GAO, as is customary, named none of the companies involved in such cases. Rep. Les Aspin, a Wisconsin Democrat, has asked the GAO to identify them.)

FDA inspectors at a processing plant found walnuts that were filthy and contaminated with bacteria from feces. The company refused to provide shipping data, forcing the FDA to obtain evidence of contamination in another state where it removed 36 cases of walnuts. But the delay and the firm's re-

calcitrance "exposed consumers to needless risk," the GAO said.

The FDA asked a bakery for records on coconut pies made with eggs supplied by a firm known to have had other eggs contaminated by salmonella, which can cause illness and even death. Inspectors also asked for the bakery's quality control records that were supposed to show the results of testing the pies for salmonella. This was especially important because pies made with possibly contaminated eggs already had been distributed. The bakery denied the FDA access to all of its records.

Mr. GURNEY. Mr. President, will the Senator yield at this point?

Mr. RIBICOFF. I yield back the floor.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. ALLEN. Mr. President, I shall yield briefly, but I would hope the distinguished Senators would interrupt their colloquy shortly in order that I may be able to finish my remarks, and then have the colloquy come later, and possibly the Senator from Alabama will withdraw from the colloquy at that time.

I might state that the Senator from Alabama is anxious to dispose of this legislation in order that we will have an opportunity to go ahead and bring up for action H.R. 13915, the Equal Educational Opportunities Act, possibly known as the antibusing legislation. The Senator from Alabama feels that the more time spent discussing this measure, the less time there will be to discuss the antibusing legislation, on which he places a much higher priority than the pending legislation.

Mr. RIBICOFF. Mr. President, if the Senator will yield, I have always felt that when a measure is before the Senate it should be voted on. I understand the anxiety of the Senator from Alabama to have that proposal voted on before we adjourn. I would hope the Senator from Alabama would use his great influence on other Members of this body who feel the same way to allow us, within the next few days, vote on some of his amendments to the pending legislation. I fear that we may have the makings of a filibuster, although I cannot accuse anyone of that at the present time. There are those who would like to see his antibusing proposal die before we adjourn, just as there are those in this body who would like to see this proposal die before we adjourn. I hope we will all have the opportunity to vote on this proposal as well as the proposal by the Senator from Alabama.

Mr. ALLEN. I appreciate very much the statement by the distinguished Senator from Connecticut that he would like to see a vote on the antibusing legislation. The Senator from Alabama takes that to mean that the Senator not only is going to use his efforts in prevailing upon like-minded Senators with him to allow the measure to come up for a vote, but that his vote will be cast in favor, not necessarily of the legislation, but in bringing the bill up for consideration and resulting in a vote on the legislation.

Mr. RIBICOFF. May I say to the distinguished Senator from Alabama that, while I will vote opposite to the distinguished Senator from Alabama on that issue, I personally would not delay a vote on that or participate in a delay on that or any other measure. I think that one of the failures of the U.S. Senate, is the fact that we delay the opportunity for the Senate to express its will and to stand up and be counted on every measure before us. I believe it is the obligation of a U.S. Senator, no matter how difficult and no matter how unpleasant it may be to him or how much he disagrees with it, to have the courage to vote on every measure, no matter how controversial, whether it helps him or hurts him. That goes whether it is consumer legislation, whether it is about the Vietnam war, or whether it has to do with the problems of busing. There could be no greater credit to the Senate as an institution if all of us would agree that, after adequate and reasonable debate, we have an opportunity, even a duty, to vote on every measure that comes before us as a body.

Mr. ALLEN. I thank the distinguished Senator from Connecticut for his statesmanship. Even though the distinguished Senator from Connecticut says he will vote opposite to the way the Senator from Alabama is going to vote on this particular bill, the Senator from Alabama would like to remind the distinguished Senator from Connecticut that the Senator from Alabama has, on more than one occasion, voted with the distinguished Senator from Connecticut on his efforts to provide a unitarian rule, a single rule for North and South, with regard to desegregation of the public schools.

Mr. RIBICOFF. That is correct. The problem of developing a truly national policy for providing equal educational opportunity has been overlooked in this country. Public debate has instead centered on the explosive and controversial issue of busing. My proposal for a uniform policy for desegregating the schools in our metropolitan area has received important support from the distinguished Senator from Alabama and other Senators from every section of the Nation. Unfortunately it has not yet met the approval of a majority of the Senate. If the President of the United States and other Senators from the North as well as the South had joined us in our efforts to treat both de facto and de jure segregation the same, we would not be in the fix we are in now. We would be able to defuse this emotional issue and begin developing solutions to this great problem.

I can assure the Senator from Alabama that, while I disagree with his proposal on busing, I will not participate in a filibuster designed to present a vote on it. Every issue a Senator believes important should be voted on if that Senator so wishes. In addition, every Senator should have an opportunity to vote on an issue a fellow Senator deems important.

Mr. ALLEN. I thank the Senator. I may say that possibly the legislation that has been referred to as the antibusing legislation may well have a misnomer, because it provides guidelines for the courts to use in desegregating a public school, and it merely suggests the order of priority of different methods to be used by the courts in their orders. It does provide busing may be used to transport children to the next school offering the same grade and course of study that they are receiving in their present school. So this would be a rule applicable to North and South.

The Senator from Alabama would hope that the distinguished Senator from Connecticut would give most careful consideration to this bill, because the Senator from Alabama believes that it is not too different from the views of the distinguished Senator from Connecticut on the proposition of providing a single rule for desegregation of schools applicable in the North and in the South.

That is one of the great strengths and one of the great virtues of the legislation we seek to bring up, H.R. 13915.

Mr. RIBICOFF. The difference, of course, is that my proposal called for orderly progress over a number of years in order to defuse the emotion of the moment and permit us to have a society where all people could live together.

I hope there will be opportunity afforded for the Senator from Alabama and those who oppose him to explore the issue, emotionally, perhaps, but intellectually as well, to determine what course we must follow in the future.

Although he opposes the legislation now before us, the Senator has assured me that as far as his amendments are concerned, he is ready to vote at any time. I know that the Senator from Alabama and I could reach an agreement in a matter of minutes as to when the votes will be taken on his amendments. Unfortunately that point of view does not have the support of other Members of the Senate. That, as I say, is unfortunate. I would like to finish this matter and every other piece of legislation now before us before November 7. I think we are entitled, in one way or another, to close up shop by election day, at least, and not to return here as an ineffective lame-duck Congress.

Mr. ALLEN. I thank the Senator from Connecticut, whom I greatly admire.

I yield to the distinguished Senator from Florida.

Mr. GURNEY. Mr. President, I shall be very brief, so that the Senator from Alabama can proceed with his statement.

I wish to join the Senator from Alabama and the Senator from Connecticut in expressing the hope that the Senate leadership will bring the antibusing bill onto the floor for debate and vote in the near future. I could not agree more with the Senator from Alabama that it has a very high priority, and I think it should have been brought on before this particular measure. It was on the calendar before this bill, and certainly as an issue it is one of greatest priority.

In the almost 4 years I have been a Member of the U.S. Senate, I have received tens of thousands of individual communications from the State of Florida on the matter of busing. I cannot remember 10 communications from people from Florida on the matter of consumer protection. So certainly, as far as the people of the State of Florida are concerned, the matter of busing has a much higher priority.

In view of the remarks of the distinguished manager of the bill, the Senator from Connecticut, I did want to mention an article on whether or not this super

agency would be a sort of catalytic factor in determinations of consumer interest.

An article published in one of the Washington newspapers very recently—in the Sunday Star and Daily News of August 13, 1972—written by Jeffrey St. John, who is a commentator for CBS radio and television and a columnist for the Copley News Service, made some interesting observations on a similar agency many years ago. I quote from his article:

Few realize that the CPA concept was tried during the early days of the FDR New Deal and was as big a disaster as that predicated for the current CPA proposals.

Set up with the old NRA, it was directed by Hugh S. Johnson, who later conceded in his memoirs that it was "a blunder in setting up a Consumer Advisory Board as I did."

General Johnson also conceded that the board was a factor in "increased prices to consumers"—in addition to FDR's monetary policy, price fixing in agriculture, and state and federal taxing policies.

"The board representing consumers," Johnson added, "should not have been set up exclusively in NRA where it felt a duty to 'Make A Record' and attack every code on general principles without regard to other influences affecting prices . . ."

So we have had a similar device in operation many years ago, during the 1930's. That was only an advisory board on consumers, and yet the man who set it up, General Johnson, who was as well known in Government circles as anyone in our generation, serving as he did in his most important role during the New Deal days, admitted that he had made a serious blunder because the very thing happened that both the distinguished Senator from Alabama and the Senator from Florida are afraid may happen with this one: This advisory board was so obsessed with protecting consumers' interests that it attacked all the other NRA actions that had to do with consumers, and thereby raised consumer prices, in the opinion of General Johnson.

Now, what we have before us is an agency with far greater power than this old advisory board ever had. If it did not work then, it seems to me it is doubly, trebly, or many times more certain that it will not work now.

I thank the Senator for permitting me to speak.

Mr. RIBICOFF. Mr. President, if the Senator from Alabama will indulge me to answer the Senator from Florida, for whom I have the highest respect, the problem raised by the Senator was subject to consideration by the American Bar Association at its annual meeting just concluded last month, I believe in San Francisco. I read from the report of its section on administrative law:

We have carefully reconsidered the desirability of giving the Consumer Protection Agency any authority at all to seek judicial review of other agencies' action. We conclude that interagency litigation over the validity of administrative action has been commonplace since the early days of the administrative process; that no new problems, either doctrinal or practical, are presented by the proposal to give the Consumer Protection Agency the right to initiate or intervene in proceedings for judicial review of other agencies' actions; and that the feasibility and desirability of inter-agency litigation should accordingly be recognized in this statutory context as well. The legal analysis supporting our conclusion is spelled out in the attached Second Interim Report of the Consumer Protection Committee of the Administration Law Section.

I ask unanimous consent, Mr. President, that this report and the second interim report of the consumer protection committee of the American Bar Association on this subject be printed in the RECORD at this point.

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

AMERICAN BAR ASSOCIATION SECTION OF ADMINISTRATIVE LAW

RECOMMENDATION

The Section of Administrative Law recommends the adoption of the following resolution:

Whereas, the House of Delegates has directed the Section of Administrative Law to preserve the gains made by adoption of the Administrative Procedure Act as the law of the land; and

Whereas, the purpose of the Administrative Procedure Act, as expressed in the title thereof, is "to improve the administration of justice by prescribing fair administrative procedure"; and

Whereas, fairness requires that the interests of consumers be adequately represented by administrative proceedings which may substantially affect such interests; and

Whereas, pursuant to the action of the House of Delegates at the 1972 Midyear Meeting, the Section has reconsidered its views in light of the suggestions advanced by the Solicitor General of the United States in the course of debate on the floor of the House of Delegates;

Now therefore, be it resolved: That the Chairman of the Section is directed to cause the Congress of the United States and the appropriate Committees thereof to be notified:

(a) that the American Bar Association supports in principle the enactment of Title II of H.R. 10835, 92d. Cong., 1st Sess. ("The Consumer Protection Act of 1971"), as passed by the House of Representatives on October 14, 1971:

(b) that the ABA recommends the inclusion therein of a provision which would confirm and make explicit the authority of the new Consumer Protection Agency to institute judicial review proceedings under the Freedom of Information Act if another Federal agency invokes the exceptions in that Act so as to preclude public disclosure of information such other agency has supplied; and

(c) that the ABA opposes the inclusion therein of any provision which would, under any circumstances, make special findings by a reviewing court a prerequisite to the Consumer Protection Agency's institution of or intervention in judicial review proceedings.

REPORT

At the suggestion of the Solicitor General, we have carefully reconsidered the desirability of giving the Consumer Protection Agency any authority at all to seek judicial review of other agencies' action. We conclude that inter-agency litigation over the validity of administrative action has been commonplace since the early days of the administrative process; that no new problems, either doctrinal or practical, are presented by the proposal to give the Consumer Protection Agency the right to initiate or intervene in proceedings for judicial review of other agencies' actions; and that the feasibility and desirability of inter-agency litigation should accordingly be recognized in this statutory context as well. The legal analysis supporting our conclusion is spelled out in the attached Second Interim Report of the Consumer Protection Committee of the Administrative Law Section.

We have also considered the implications of the recent Supreme Court decision in *S & E Contractors, Inc.* v. *United States*, 40 U.S.L. Week 4410 (April 24, 1972). In that case, the Wunderlich Act (40 U.S.C. Sec. 321–22) and the standard provisions of Government procurement contracts were held to preclude refusal by the General Accounting Office to approve payment on an award rendered in a contract dispute by the contracting Federal agency, and also to preclude relitigation by the Department of Justice when the contractor sues in the Court of Claims to recover on the award.

Not only did the decision apparently respond to the unique problems faced by contractors in dealing with the Government as customer, however, the Court made it perfectly clear that even these factors were considered merely as a guide in interpreting the particular statute involved and that Congress would have been perfectly free to promulgate a different rule. We therefore conclude that the reasons for allowing the Consumer Protection Agency to seek judicial review of other agencies' decisions, as expressed in the attached Committee Report, are in no way called into question by the *S & E* case.

The Section of Administrative Law endorses in principle Title II of the "Consumer Protection Act of 1971." We believe it will materially improve the administrative process by facilitating agency consideration of important interests—those of the consumer as defined elsewhere in the bill (Sec. 304 (4)–(5)). We also applaud the bill's utilization of the scheme of the Administrative Procedure Act as the frame of reference for defining the role of the Consumer Protection Agency.

We recommend, however, that the bill explicitly provide for judicial review of administrative agency action in two situations not presently included in it.

First, we believe there should be no room for doubt that the judicial-review provisions of the Freedom of Information Act are available to the Consumer Protection Agency when another agency invokes one of that statute's exceptions, pursuant to Sec. 209(a)(2) of the bill, so as to preclude public disclosure of information supplied by the other agency.

Private persons seeking the same information from the transmitting agency could obtain review of a decision to withhold it. In a dispute over applicability of a Freedom of Information Act exception, a Consumer Protection Agency assertion that disclosure should be allowed is at least as likely to be meritorious as the position of a private person seeking disclosure. Thus, review of the transmitting agency's contrary determination should be available to the Consumer Protection Agency just as it would be to the private person. Allowing such review if fully consistent with the limited reason for allowing a transmitting agency to forbid disclosure by the Consumer Protection Agency on Freedom of Information Act grounds, i.e., to prevent the Consumer Protection Agency from serving "either purposely or inadvertently as a conduit for information which would not otherwise be made available to the public" (H.R. 95–542, 92d. Cong., 1st Sess. 26 (1971)).

Second, we believe that the Consumer Protection Agency should not be required to satisfy a reviewing court as to preliminary matters before being permitted to institute or intervene in a judicial review proceeding, whether or not the Agency was a party to the administrative proceeding below. The inclusion of such a requirement in Sec. 204 (d) of the bill, which requires findings of adverse effect and inadequate representation in cases where the Agency was not a party below, should be deleted.

The preliminary-findings requirement seems to thwart the purpose of the bill in granting the Agency *any* authority to seek review in such cases, i.e., to make it necessary for the Agency to file *pro forma* papers in administrative proceedings so as to secure its right to review in the event the final agency action is adverse to consumers. Avoiding the need to satisfy a reviewing court as to preliminary matters would be just such an undesirable incentive to *pro forma* participation or intervention.[1]

Under the bill as presently written, moreover, Sec. 204(d) reviewing-court findings would arguably be required on review of fine/penalty/forfeiture adjudications where the Agency has merely filed briefs or argued as *amicus* pursuant to Sec. 204(c). If the reviewing-court findings requirement has any significance at all, it would thus hamper Agency efforts to obtain judicial relief from administrative action in such cases where the interests of consumers have been adversely affected.

The preliminary reviewing-court findings required by Sec. 204(d), finally, relate to the "standing" of the Agency to seek judicial review. The trend in recent decisions has been to minimize the role of such barriers to review and to focus attention on the merits of the challenge to administrative action. As amended on the floor of the House, the new Act would allow the Agency to institute judicial review proceedings where it had not been a party below only "to the extent that a right of review is otherwise accorded by law" (CONGRESSIONAL RECORD, vol. 117, pt. 28, p. 36209), thus insuring that generally-applicable doctrines of ripeness and standing will govern. No more stringent criteria should apply merely because it is the Agency rather than a private person which seeks review.

Respectfully submitted,

MILTON M. CARROW, *Chairman.*

Dated: August, 1972.

CONSUMER PROTECTION COMMITTEE SECOND INTERIM REPORT—MARCH 1972

In October 1971 the Council adopted a resolution which endorsed in principle Title II of H.R. 10835 (92d Cong.), the House-passed bill to create a Consumer Protection Agency. The resolution further suggested certain amendments strengthening the authority of the proposed Agency to seek judicial review of other agencies' decisions. At the 1972 ABA Midyear Meeting, the House of Delegates referred the resolution back to the Council for further consideration, after the Solicitor General unexpectedly suggested that we had inadequately examined the extent to which one agency of the Federal Government can or should appear in court against another.

This Second Interim Report, prepared by the Chairman of the Consumer Protection Committee, spells out the understanding upon which the Committee originally recommended the resolution adopted by the Council. We adhere to our views, and recommend that the Council do likewise.

SUMMARY

Inter-agency litigation over the validity of administrative action has been commonplace since the early days of the Federal administrative process. In some instances, such litigation has been expressly authorized by statute. Elsewhere, the right to seek judicial review of other agencies' action has been asserted as inherent in the challenging agency's authority to carry out its own statutory mandate.

The nominal posture of the challenging agency may vary. Sometimes the litigation has been between co-defendants in a judicial review proceeding brought by a private party. In other cases, the challenging agency has intervened as plaintiff or petitioner in a privately-initiated review proceedings. And in some instances, the review proceeding has been initiated by the challenging agency itself.

The interests asserted by the challenging agency have in some cases been proprietary, *i.e.*, involving the Government's financial interests. In other instances the challenging agency has sought to litigate pure policy differences, such as over the proper role of competition in a regulated industry. In neither type of dispute has the multiplicity of Governmental parties appeared to create any difficulties for the courts, which indeed have welcomed the presentation of all sides in the complex and important matters frequently involved.

The agency unable to secure the services of the Department of Justice in such a conflict has readily obtained legal representation from its own General Counsel. Several major agencies are expressly authorized by statute thus to defend their own actions independently of the Justice Department, in the Supreme Court as well as in the lower courts. Where no such statute obtains, the Solicitor General has simply authorized agency lawyers to conduct the litigation on behalf of their respective "clients".

We therefore conclude (a) that no new problems, either doctrinal or practical, are presented by the proposal to give the Consumer Protection Agency the right to initiate or intervene in proceedings for judicial review of other agencies' actions, and (b) that the feasibility and desirability of inter-agency litigation should accordingly be recognized in the context as readily as elsewhere.

DISCUSSION

1. Present Federal law provides a clear statutory precedent for allowing the Consumer Protection Agency to seek judicial review of other agencies' decisions. Section 201 of the Agricultural Adjustment Act of 1938 (52 Stat. 36, 7 U.S.C. § 1291) authorizes the Secretary of Agriculture not merely "to make complaint to the Interstate Commerce Commission with respect to rates, charges, tariffs, and practices relating to the transportation of farm products, and to prosecute the same before the Commission" (§ 201(a), 7 U.S.C. § 1291(a)), but also "to invoke and pursue original and appellate judicial proceedings involving the Commission's determination" (§ 201(b), 7 U.S.C. § 1291(b)). The provision was apparently intended as a vehicle for relieving farmers of exorbitant and discriminatory freight rates, which were thought by many members of Congress to be a significant cause of the economic depression then afflicting African agriculture (see generally the debates on the Act in 82 Cong. Rec.)

Section 201 may have been inspired by a provision in earlier legislation setting up what became the Bituminous Coal Consumers' Counsel (see 82 Cong. Rec. 1199 (remarks of Rep Mapes)). The original Bituminous Coal Conservation Act of 1935 (49 Stat. 991) had authorized the National Bituminous Coal Commission to participate in administrative proceedings before the ICC relating to the transportation of coal, although unlike the Agricultural Adjustment Act the coal statute was silent as to subsequent judicial review (§ 18, 49 Stat. 1007). This right of participation before the ICC had been extended by the Bituminous Coal Act of 1937 (50 Stat. 72) to the Coal Commission's office of consumer's counsel (§ 16, 50 Stat. 90), which had been created by the 1935 legislation to represent the consuming public in proceedings before the Coal Commission.[1]

Pursuant to the judicial review authorization in Section 201(b), the Secretary of Agriculture has repeatedly attacked a wide variety of ICC orders viewed as contrary to the interests of farmers. Typical cases include *Benson* v. *United States*, 281 F. 2d 34 (D.C. Cir. 1960) (Secretary filed suit to review ICC order denying reparations to cotton shippers, and took appeal from adverse district court decision); *Sec'y of Agriculture* v. *United States*, 350 U.S. 162 (1956) (Secretary intervened as plaintiff in suit to review ICC order approving exoneration-from-liability provisions in rail tariffs, and took appeal from adverse district court decision); *Sec'y of Agriculture* v. *United States*, 347 U.S. 645 (1954) (Secretary intervened as plaintiff, "acting on behalf of the affected agricultural interests" (347 U.S. at 647), in suit to review ICC order approving railroad charges for unloading, and took appeal from adverse district court decision); *East Texas Motor Freight Lines, Inc.* v. *Frozen Food Express*, 351 U.S. 49 (1956) (Secretary intervened as plaintiff in suit to review ICC order enjoining uncertificated carriage of allegedly nonexempt agricultural products, and defended favorable decision on appeal); *ICC* v. *Inland Waterways Corp.*, 319 U.S. 671 (1943) (Secretary intervened as plaintiff in suit to review ICC order setting rail rates for grain and defended favorable district court decision on appeal); *McLean Trucking Co.* v. *United States*, 321 U.S. 67 (1944) (relying on § 201, Secretary intervened as plaintiff in suit to review ICC order approving motor carrier merger, and took appeal from adverse district court decision).

Each of the foregoing cases, like many others in which the Secretary challenged ICC action, involved not only the Secretary and the ICC as parties, but also the United States as the statutory defendant (28 U.S.C. § 2322), represented by the Department of Justice (28 U.S.C. § 2323), in suits to review ICC orders.[2] In some instances, the Justice Department sided with the Secretary against the ICC (*East Texas Motor, supra; Sec'y of Agriculture* v. *United States*, 350 U.S. 162, *supra*). In others, the Justice Department took no position (*Sec'y of Agriculture* v. *United States*, 347 U.S. 645, *supra; ICC* v. *Inland Waterways Corp., supra*). Where the Justice Department has declined to support the Secretary, the latter has usually been represented by the General Counsel of his own Department.[3]

Another statute authorizing judicial review of agency action at the instance of another government agency is the Bank Merger Act of 1966 (80 Stat. 7, 12 U.S.C. § 1828(c)), which authorizes antitrust suits against bank mergers approved by the Comptroller of the Currency, the Federal Reserve Board, or the Federal Deposit Insurance Corporation. Although such suits technically arise under the antitrust laws, the Supreme Court has indicated that they are in the nature of judicial review proceedings (*United States* v. *First City National Bank*, 386 U.S. 361, 366–67 (1967)) indeed, under the terms of the statute. The function of the court in such suits is to "review de novo the issues presented" in the prior administrative proceedings (12 U.S.C. § 1828(c)(7)(A)), and the agency which granted approval is authorized to intervene as a defendant in support of its order (12 U.S.C. § 1828(c)(7)(D)).

Numerous proceedings have been initiated under this statute by the Justice Department in the name of the United States. In each instance the banking agency involved has vigorously opposed the Justice Department both at trial and on appeal to the Supreme Court. Examples include *United States* v. *First City National Bank, supra* (Justice De-

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[1] The provision in Sec. 204(d) requiring the Agency in some situations to move for reconsideration at the administrative level before seeking review does not, in our view, jeopardize its right to seek review when it was not a party below. It is our understanding that all agencies would be required to entertain such reconsideration motions notwithstanding that the Agency was not previously a party. Otherwise, we would oppose the reconsideration requirement on the ground stated in text above.

Footnotes at end of article.

partment filed suit and took appeal from adverse district court decision, which was defended by Comptroller of the Currency); *United States* v. *Phillipsburg National Bank & Trust Co.*, 399 U.S. 350 (1970) (same); *United States* v. *First National Bancorporation, Inc.*, 329 F. Supp. 1003 (D. Colo. 1971), *prob. juris. noted*, 40 U.S. L. Week 3398 (1972) (same).

2. While the Agricultural Adjustment Act was the first statute expressly to authorize the initiation of judicial review proceedings by one federal agency against another, litigation between agencies over the validity of orders entered by one of them has been authorized by statute ever since 1911 in a procedural context differing only in form. The Urgent Deficiencies Act (28 U.S.C. § 2321–25) provides, *inter alia*, that all actions to review orders of the ICC shall be brought "by or against the United States" (28 U.S.C. § 2322),[4] which shall be represented by the Justice Department (28 U.S.C. § 2323).[5] The ICC is authorized, however, to appear as a party in such a judicial review proceeding (ibid.), and to defend its order "unaffected by the action or nonaction of the Attorney General therein" (*ibid.*). Over the years similar provisions have been enacted to govern proceedings for review of certain orders entered by the Atomic Energy Commission, the Federal Communications Commission, the Federal Maritime Commission, the Maritime Administration, and the Secretary of Agriculture (28 U.S.C. §§ 2344, 2348).[6]

The Justice Department has consistently maintained that, in this as in all types of Government litigation, its duty differs from that of counsel for a private litigant in that if the Department is persuaded of the invalidity of the agency order in question its public responsibility requires it to so advise the court.[7] Such a course has frequently been taken at least since *Pennsylvania R. Co.* v. *ICC*, 235 U.S. 708 (1914) (Justice Department supported ICC below but took a neutral position in the Supreme Court) and *Assigned Car Cases*, 274 U.S. 564 (1927) (Justice Department opposed ICC throughout the litigation).

The result has been vigorous litigation between the Justice Department and the agencies subject to this procedure, on matters as varied as railroad mergers (*Baltimore & O. R. Co.* v. *United States*, 386 U.S. 372 (1967)); rate competition between railroads and coastwise water carriers (*ICC* v. *New York, N.H. & H.R. Co.*, 372 U.S. 744 (1963));[8] harmonization of the Administrative Procedure Act with procedural provisions of the Interstate Commerce Act (*Pan-Atlantic Corp.* v. *Atlantic Coast Line R. Co.*, 353 U.S. 436 (1957)); exclusive-dealing discounts in ocean freight rates (*FMB* v. *Isbrandtsen Co.*, 356 U.S. 481 (1958)); applicability of the APA prohibition against *ex parte* contracts in certain FCC rule making proceedings (*Sangamon Valley Television Corp.* v. *United States*, 269 F. 2d 221 (D.C. Cir. 1959)); and segregation in railroad dining cars (*Henderson* v. *United States*, 339 U.S. 816 (1950)). In virtually each instance[9] the agency has been represented by its General Counsel or a member of his staff, and the court has resolved the intra-Governmental dispute as readily as one between private parties.

The concept of litigation between agencies which nominally are codefendants has met with no disfavor in the courts. To the contrary, one court has expressly stated (*Consolidated Truck Service, Inc.* v. *United States*, 144 F. Supp. 814, 820 (D.N.J. 1956)) that:

"We can perceive no reason why a Department or a Cabinet Officer, charged with duties of decision by Congress may not express views in accordance with judgment and conscience. The writ of Mark, iii, 25 does not run in this case."[10]

Footnotes at end of article.

Before Congress, the Justice Department has steadily urged the preservation of its right to litigate against other agencies in judicial review proceedings, despite agency allegations that the procedure is "embarrassing" or otherwise unseemly. As recently as 1970, Deputy Attorney General Kleindeinst wrote (*Hearings on Judicial Review of Decisions of the ICC Before the Subcommittee on Improvements in Judicial Machinery of the Senate Judiciary Committee*, 91st Cong., 2d Sess. 8–9):

"Still applicable is the following objection to legislation to remove the United States and the Attorney General from suits to set aside Commission orders expressed by the then Deputy Attorney General William P. Rogers in an April 11, 1955 letter to the Director of the Bureau of the Budget:

"'* * * The overall legislative plan now is and should be to create a check and balance between the Commission and the Attorney General in such fashion as to give double protection to the people of the United States.'"

The Justice Department's testimony in the cited hearings explicitly recognized the particularly important role of "double protection" when the representation of consumer interests is involved (*id.* at 12):

"Mr. COMEGYS (Deputy Ass't Att'y Gen., Antitrust Division). * * * Transportation affects the economy. It also affects the consumer. There is no independent consumer counsel within the Interstate Commerce Commission. Therefore, it is important that the United States bring an independent view to bear on the conduct of this litigation at all levels."

3. Even in the absence of explicit statutory authorization, numerous federal agencies (sometimes represented by the Justice Department and sometimes not) have sought judicial review of other agencies' decisions. Their right to do so has regularly been asserted by the Justice Department, and been confirmed by the Supreme Court.

The seminal case is *United States* v. *ICC*, 337 U.S. 426 (1949). The Department of the Army (represented by the Justice Department) had sought reparations from certain railroads, alleging discrimination vis-a-vis other shippers. The district court had dismissed the Army Department's appeal from an adverse ICC decision, on the ground that the United States (in whose name the proceeding was being conducted) was statutorily required to be named as defendant in the review action and that a suit by the United States against itself could not be maintained. The Supreme Court reversed, holding that "courts must look behind names that symbolize the parties to determine whether a justiciable case or controversy is presented" (337 U.S. at 430).

The inherent right of Government agencies to protect the proprietary interests of the United States by seeking judicial review of other agencies' decisions had previously been recognized in *United States* v. *Public Utilities Commission*, 151 F. 2d 609 (D.C. Cir. 1945), where the Justice Department filed suit in the name of the United States to review an electric power rate order of the District of Columbia PUC. Subsequent instances include *United States* v. *ICC*, 352 U.S. 158 (1956) (controversy similar to that in *United States* v. *ICC*, 337 U.S. 426, *supra*); *Western Air Lines, Inc.* v. *CAB*, 347 U.S. 67 (1954), and *Delta Air Lines, Inc.* v. *Summerfield*, 347 U.S. 74 (1954) (Postmaster General, represented by Justice Department, petitioned for review of CAB orders setting mail pay rates); *Secretary of the Army* v. *FPC*, F. 2d 496 (D.C. Cir. 1969) (Secretary, represented by Justice Department, petitioned for review of FPC order disclaiming regulatory jurisdiction over natural gas sales to military post); *American Trucking Associations, Inc.* v. *FCC*, 377 F. 2d (D.C. Cir. 1966), *cert. denied*, 388 U.S. 943 (1967) (Administrator of General Services, acting in name of United States but represented by GSA lawyers, petitioned to review FCC order approving radio common carrier rates.[11]

4. In *Far East Conference* v. *United States*, 342 U.S. 570 (1952), the Supreme Court ruled that a Justice Department petition to review a Federal Maritime Board order on antitrust grounds would be justified by the position of the United States as a shipper of ocean freight. Even where no proprietary interests are involved, however, but only differences in policy, the Justice Department has relied upon the proprietary cases as establishing a right to seek judicial review.

Thus, when the Justice Department filed suit in the name of the United States to review on antitrust grounds the ICC order approving the Great Northern/Northern Pacific railroad merger, it asserted that "the government's right to maintain this action, even though it is in form of a suit by the United States against the United States, is clearly established by *United States* v. *Interstate Commerce Commission*, 337 U.S. 426, 430–32" (Brief for the United States, p. 85, *United States* v. *United States*, 296 F. Supp. 853 (D.D.C. 1968), *aff'd*, 396 U.S. 491 (1970)). Similarly, the Justice Department has cited *United States* v. *ICC* as well as confession-of-error cases as showing that intra-Governmental litigation on policy matters "in fact, of course * * * is far from unique" (Reply Brief for Appellant United States of America, p. 6, *Pacific Far East Line, Inc.* v. *FMB*, 275 F.2d 184 (D.C. Cir.), *cert. denied*, 363 U.S. 827 (1960) (Justice Department, in the name of the United States, intervened as plaintiff in suit to review FMB order on antitrust grounds).

The principal rationale invoked by the Justice Department to justify challenges in court by one agency to the decisions of another has been, however, that "government agencies have standing to protect the interests committed to their jurisdiction by participating in administrative proceedings or challenging administrative action even without express statutory authority for those specific acts" (Mem. in Support of Motion for Stay, p. 31, *United States* v. *FCC*, No. 21147, D.C. Cir., *dismissed as moot*, Jan. 23, 1968) (Justice Department took appeal in name of United States from FCC order approving transfer of ABC's broadcast stations to ITT as part of ITT/ABC merger). In that case, as in its suit to review the ICC order, approving the Great Northern/Northern Pacific railroad merger, the Justice Department relied upon "the authority of the Attorney General to protect the interests of the public in competition * * * as an independent basis for suit" (*ibid.*; Brief for the United States, p. 85, *United States* v. *United States*, 296 F. Supp. 853 (D.D.C. 1968), *aff'd*, 396 U.S. 491 (1970)).[12] Substantially the same argument had been advanced twenty-five years earlier, specifically as to a Consumers' Counsel, in *Associated Industries of N.Y. State, Inc.* v. *Ickes*, 134 F. 2d 694 (2d Cir.), *vacated as moot*, 320 U.S. 707 (1943).

In *Associated Industries*, the Government urged that individual consumers of coal had no standing to seek review of an order of the Interior Department's Bituminous Coal Division (successor to the National Bituminous Coal Commission, see note 1 *supra*) setting minimum prices for coal. The argument was (a) that if the Coal Consumers' Counsel had standing to assert consumer interests on review, his standing must be exclusive so as to protect his authority to forego judicial review on behalf of consumers, and (b) that the Consumers' Counsel did have standing, even though the statute nowhere so provided, because "being designated by § 2(b) [of the Coal Act] to represent the Consumers' interest in 'any proceeding before the [Coal] Commission,' he is necessarily, by clear implication, * * * a

'person aggrieved', for purposes of court review within the meaning of [the Act's general judicial review provisions]" (134 F. 2d at 708) (Frank, J.)[13]

The Second Circuit rejected the Government's claim of exclusivity, on the ground that "anyone possessing or representing a consumer's interest, is a 'person aggrieved', and accordingly, if he is a party to the Commission proceedings, entitled to seek court review" (*id.* at 709). There was no hint of disagreement with the Government's reliance on the same theory to show that, despite the lack of explicit statutory authorization for the Consumers' Counsel to pursue the interests of consumers beyond the administrative level, he was nevertheless empowered to seek judicial review.

The *Associated Industries* opinion was subsequently cited by its author in *Isbrandtsen Co.* v. *United States*, 96 F. Supp. 883 (S.D.N.Y. 1951) (3-judge court), *aff'd by an equally divided court*, 342 U.S. 950 (1952), as authority for the Secretary of Agriculture to intervene as plaintiff in a suit to review a Federal Maritime Board decision even though no statute explicitly so provided. In conjunction the court cited Section 203(j) of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, 7 U.S.C. § 1622 (j)), which authorizes the Secretary to "assist in * * * obtaining equitable and reasonable transportation rates and services and adequate transportation facilities for agricultural products and farm supplies by making complaint or petition to the Interstate Commerce Commission, the Maritime Commission, the Civil Aeronautcs Board, or other Federal or Sate transportaton regulatory body * * *". Unlike the Agricultural Adjustment Act of 1938, however, the 1946 statute makes no provision for judicial review at the instance of the Secretary.

It is therefore clear, we think, that the inherent-power rationale for allowing one agency to seek judicial review of another's decisions was accepted by the court in *Isbrandtsen*. And Judge Frank's reference to his prior *Associated Industries* opinion is further evidence that the Second Circuit in the latter case has entertained a similar view.

In *United States ex. rel. Chapman* v. *FPC*, 345 U.S. 153 (1953), the Supreme Court explicitly upheld the right of the Secretary of the Interior to petition for review of an FPC order granting a hydroelectric plant construction license even though no statute so provided. While declining to state its reasons, the Court indicated no disagreement with the inherent-power test which had been applied by the court below, *i.e.*, whether the challenging agency is "able to point to some special interest for which he is charged with responsibility that may be adversely affected by the decision attacked" (191 F. 2d 796, 800 (4th Cir. 1951)).[14]

In numerous other instances, both before and after that decision, the Supreme Court has similarly entertained challenges to agency orders initiated in the lower courts by other agencies despite the lack of an express enabling statute. Examples include *Vinson* v. *Washington Gas Light Co.*, 321 U.S. 489 (1944) (OPA filed suit to review D.C. Public Utilities Commission rate order); *ICC* v. *City of Jersey City*, 322 U.S. 503 (1944) (OPA intervened as plaintiff in suit to review ICC rail passenger fare order); *North Carolina* v. *United States*, 325 U.S. 507 (1945) (same); *FMB* v. *Isbrandtsen Co.*, 356 U.S. 481 (1958) (Secretary of Agriculture intervened as petitioner in proceeding for review of FMB order); *Udall* v. *FPC*, 387 U.S. 428 (1967) (Secretary of Interior petitioned to review FPC order granting hydroelectric plant construction license).

5. A remaining issue, and one possibly troubling the Solicitor General, may be the extent to which the Consumer Protection Agency should be free to litigate outside the Justice Department's control. The issue has occasionally arisen as to proposed legislation affecting other agencies, with the Justice Department usually insisting that its role as lawyer for the Government should be exclusive. But Congress has frequently declared otherwise, as the foregoing text demonstrates.[15] Even where no statute explicitly so authorizes, moreover, a number of agencies (*e.g.*, the FCC, the FTC, the SEC) conduct their own court of appeals litigation through their own lawyers despite the general provisions of 28 U.S.C. §§ 516 and 518 reserving the conduct and supervision of litigation to the Justice Department. See *FTC* v. *Dean Foods Co.*, 384 U.S. 597 (1966), where the Supreme Court endorsed this practice as proper. And in the Supreme Court the Solicitor General has frequently authorized agencies to litigate through their own lawyers when he determines not to support them. For examples, in addition to many of the cases cited herein, see *Purolator Prods., Inc.* v. *FTC*, 389 U.S. 1045 (1968); *Standard Oil Co.* v. *FTC*, 340 U.S. 231 (1951).

CONCLUSION

Against this history of inter-agency judicial review litigation, it would be difficult to argue that fundamental principles are infringed by the proposal explicitly to authorize the Consumer Protection Agency to seek judicial review of other agencies' decisions. To the contrary, it is probable that the courts would recognize the standing of the Agency to seek review even in the absence of statutory provision therefor.

The Consumer Protection Agency proposal is in substance identical, moreover, to the existing provision for review of ICC orders at the instance of the Secretary of Agriculture. That procedure has apparently worked well to protect the interests of farmers for almost 35 years. We perceive no reason why the use of a similar procedure to protect the interests of consumers would not be equally workable.

Nor would any problem in fact arise in determining the proper role of the Justice Department in such interagency review litigation. As in the cases cited herein, an agency which the Justice Department is unwilling to support can readily be authorized to litigate through its own lawyers. This procedure has worked well in the past, and there is no reason to suppose it would not work here.

The desirability of this practice where agencies are in dispute was spelled out by a former Acting Solicitor General in *Stern, "Inconsistency" in Government Litigation*, 64 *Harv. L. Rev.* 759, 768–69 (1951). It was noted that "even where the ultimate authority over litigation policy rests in the Attorney General and Solicitor General, the most orderly course may not be the best course. Many of the administrative agencies are important policy-making bodies. Not even the President has authority to tell them how to decide particular cases. They are not subject to the supervisory authority of the Department of Justice. "In such cases, determination by the judiciary is often more satisfactory than an effort by the Department of Justice to force its own views on the disagreeing agency, by refusing to present the agency's position to the courts. The Attorney General has no authority to give binding legal advice to the independent agencies. Only the judiciary has authority to give the conclusive answer to the question in dispute."

We believe this view is sound. We believe it applies to the proposed Consumer Protection Agency as well as to the agencies before which the new Agency would appear, just as it was in fact applied to officers such as the Secretary of Agriculture, the Secretary of the Interior, or the Director of Economic Stabilization in the cases cited herein. As a recent study concluded (Note, *Government Litigation in the Supreme Court: The Roles of the Solicitor General*, 78 *Yale L. J.* 1442, 1466 (1969)):

"The fact that * * * policy disagreements involve intra-government conflict should not alter the appropriateness of the court's assuming the responsibility for resolution. * * *

"Where an issue has reached the court, the presentation of the conflict within the Executive, and certainly between the Executive and the regulatory commissions, may encourage more informed decisionmaking by the court."

FOOTNOTES

[1] In 1941 the Bituminous Coal Consumers' Counsel was established as an independent agency in the Executive Branch to carry on the work of the former office of consumers' counsel in the Coal Commission (55 Stat. 134), which was then being performed by a Division in the Office of the Solicitor of the Interior Department pursuant to Executive Reorganization Plan No. II of 1939 (53 Stat. 1431). Participation in ICC proceedings was thus among the functions of the Coal Consumers' Counsel and his predecessors from 1935 until the expiration of the Bituminous Coal Act in 1943 (57 Stat. 84).

[2] The statute speaks of the Attorney General. In the Supreme Court, however, the United States is represented by the Solicitor General (28 C.F.R. § 0.20(a)). References hereafter to the Justice Department should therefore be read to include not merely the Attorney General and his subordinates but also the Solicitor General insofar as Supreme Court proceedings are involved.

[3] In *McLean Trucking, supra*, the Attorney General sided with the Secretary in the district court and formally took no position in the Supreme Court. Lawyers supplied by the Antitrust Division were among those representing the Secretary on appeal, although the complaint filed by the Secretary as plaintiff in the district court had been signed only by the Acting Solicitor of the Department of Agriculture.

[4] The reference to actions "by" the United States may have been intended to cover actions to *enforce* ICC orders, which are provided for in the same section as review actions (28 U.S.C. § 2321).

[5] See note 2 *supra*.

[6] The procedure has also been made applicable to judicial review of certain orders of the Secretary of the Interior (50 U.S.C. § 167h(b)).

[7] *E.g.*, Reply Brief for the United States, p. 1, *Maintenance of Way Employees* v. *United States*, 221 F. Supp. 19 (E.D. Mich.) *aff'd*. 375 U.S. 216 (1963).

[8] In this case the Attorney General took an appeal from a district court decision overturning an ICC order but reserved the right to part company with the Commission, and ultimately argued that the ICC order was erroneous.

[9] See note 3 *supra* as to the unusual situation in *McLean Trucking Co.* v. *United States*, 321 U.S. 67 (1944).

[10] The cited verse reads, "And if a house be divided against itself, that house cannot stand" (King James).

[11] The United States was also named a respondent in the review petition, as required by statute (see p. 8 *supra*).

[12] See also Brief for Appellant United States of America, pp. 12–13, *Pacific Far East, Inc.* v. *FMB, supra* ("* * * intervention [by the United States as a plaintiff in suit to review FMB order] was deemed necessary in order to permit the United States to protect its 'interest' in assuring that fullest consideration be given to these basic competitive factors").

[13] The Attorney General had previously given a formal opinion to the Secretary of the Interior that the question whether the Consumers' Council had standing to seek review "can be finally determined only by the

courts" and that, if called upon to appear in a review proceeding initiated by the Consumers' Council, "it would be my purpose not to oppose the position of the Consumers' Counsel but only to collaborate in the full and free presentation of the issues to the court for its assistance in resolving any doubts that might be suggested concerning the right of the Consumers' Counsel to the relief sought" (Letter dated Feb. 3, 1938, from Att'y Gen. Cummings to the Secretary of the Interior, in *Hearings on Interior Department Appropriation Bill for 1939 Before the Subcommittee of the House Appropriations Committee*, 75th Cong., 3d Sess., Pt. I, at 78 (1938)).

[14] The same test was applied by the D.C. Circuit in holding that the Civil Aeronautics Administration, the prosecutor in pilot license revocation proceedings before the Civil Aeronautics Board, could not seek judicial review of Board decisions favorable to the pilots (*Lee* v. *CAB*, 225 F.2d 950 (D.C. Cir. 1955) ("When one government agency has been found to have standing to seek review of another government agency's action, the two agencies have had different interests * * *. We have found no case in which agency action has been reviewed on the application of an official whose function is to prosecute claims in and for the same agency.")

[15] See also § 4(a) of the National Labor Relations Act, 49 Stat, 451, as amended, 29 U.S.C. § 154(a) ("Attorneys appointed under this section may, at the direction of the [National Labor Relations] Board, appear for and represent the Board in any case in court"); § 20(c) of the Natural Gas Act, 52 Stat. 832, 15 U.S.C. § 717s ("The [Federal Power] Commission may employ such attorneys as it finds necessary * * * to appear for or represent the Commission in any case in court); § 213(c) of the Federal Power Act, 49 Stat. 861, 16 U.S.C. § 825m(c) (same).

Mr. RIBICOFF. The committee concluded that:

> No new problems either doctrinal or practical, are presented by the proposal to give the Consumer Protection Agency the right to initiate or intervene in proceedings for judicial review of other agencies' actions, and (b) that the feasibility and desirability of inter-agency litigation should accordingly be recognized in this context as readily as elsewhere.

So, while I recognize there is a difference of philosophy and opinion as to whether this should or should not be done, we do have precedents for it, and we do have two groups which have given this matter much more exhaustive study than any of us, who have indicated that the proposal is proper and should be recommended.

Mr. GURNEY. Mr. President, will the distinguished Senator from Alabama yield for a unanimous-consent request?

Mr. ALLEN. I yield.

Mr. GURNEY. Mr. President, I ask unanimous consent that two staff members, Peter Chambless and George Beal, be permitted to be on the floor during the debate on the consumer protection bill.

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

Mr. ALLEN. Mr. President, I commend the distinguished senior Senator from Florida (Mr. GURNEY) for his comments and colloquy and the contributions he has made in pointing out the dangers inherent in this legislation. I want to commend him also on the hard work that he did in the Committee on Government Operations over a period of months, in seeking to make this bill less objectionable, and remove some of the bugs from the legislation, in order that the committee might send to the floor a bill that he could support and that the Senator from Alabama could support in this area. Certainly I want to commend highly the distinguished senior Senator from Connecticut (Mr. RIBICOFF) for his dedication to this concept of a Consumer Protection Agency and the many hours, weeks, and months that he has put in working toward getting legislation passed that would set up a Consumer Protection Agency.

Simply because the Senator from Alabama does not agree with the distinguished Senator from Connecticut does not lessen my admiration for the distinguished Senator from Connecticut (Mr. RIBICOFF) who is so effective in this field and in so many other fields of legislation. The Senator from Alabama greatly admires and respects the distinguished Senator from Connecticut.

I continue with my remarks in connection with the pending amicus amendment.

Such an approach—that is, the giving of the CPA the right to file written comments with respect to all data, views, and arguments presented before the agency—is consistent with treating CPA as an integral part of the Government rather than as an opponent of the Government, which the distinguished Senator from Florida pointed out is embraced in the concept of the proposed legislation. But it is also consistent with the goal of giving the CPA the most powerful and effective advocacy that would be appropriate.

AVOIDING PROBLEMS IN ADJUDICATIONS

The remaining area of Federal agency process covered by the bill, adjudication—which includes licensing—accounts for far fewer proceedings than does rulemaking.

The point is that, actually, there would be a greater field of operation for the CPA under the amicus concept than under the bill pending before the Senate.

The remaining area of Federal agency process covered by the bill, adjudication—which includes licensing—accounts for far fewer proceedings than does rulemaking.

This is because rulemaking is essentially quasilegislative and of general applicability. Adjudication is essentially quasijudicial and of specific applicability—often applicable only to one person or company.

It is in formal adjudications on the record, a very limited area considering the scope of Federal agency process, that the term "intervene as a party" is appropriate for adversary advocates; in rulemaking, the term "participate" is used more often, and you will note that the present bill so segregates these terms.

Under the present section 203 of the bill, the CPA would be given the right to assign itself whichever advocacy status it felt appropriate, from full party opponent down to filing a written comment, and to make use of the forum agency's discovery process—subpoenas, and so forth—no matter what status the CPA chose for itself.

This would vary considerably existing law under which the forum agency has discretion to exclude entrants as well as to assign them whatever status deemed appropriate under the relevant law.

As Senator ERVIN stated so well in the committee report:

> This represents a vast amount of unprecedented discretion, similar to a football fan having the discretionary right to come off the sidelines, whenever he sees the need, and order the quarterback to allow him to play at any of the positions the interloper sees fit to play. All this, of course, in the praiseworthy interest of winning the game. Certainly, that is a most appropriate analogy.

It is in relation to adjudications that most Federal agencies objected or expressed reservations to the bill's advocacy powers. See, for example, the letters from the Federal Trade Commission, Justice Department, Food, and Drug Administration, Comptroller of the Currency, Federal Home Loan Bank Board, Federal Mediation and Conciliation Service, National Labor Relations Board and Pay Board which I have inserted in the RECORD from time to time.

Mr. President, in order to conserve time, I ask unanimous consent to have printed at this point in the RECORD the text of my minority views with respect to the bill, as contained in committee report 92–1100, starting on page 99 and continuing through to page 116.

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

THE AMICUS AMENDMENTS

An amendment was offered in Committee that was not only consistent with the Democratic plank, but, in my opinion, would have resolved the major problems contained in the bill. The amendment was defeated in Committee, but it should be given serious attention on the floor.

It was called the "Amicus" amendment by some, because it would have attempted to grant the Consumer Protection Agency a type of advocacy based on the positive powers enjoyed by an amicus curiae ("friend of the court") when he appears before a court.

A less powerful version of this amendment was offered during the debate on the House-passed Consumer Protection Agency bill, H.R. 10835. At that time, Congressman Benjamin Rosenthal of New York, a supporter of a House amendment which would have made their bill more like the one reported here, stated that the weaker House version of an Amicus Amendment was more desirable for consumers than the bill that passed that chamber.[1]

Mr. Rosenthal, of course, preferred his amendment which was actively supported by Mr. Ralph Nader, but ranked the Amicus Amendment as second best. Both Mr. Rosenthal's and the Amicus Amendment failed in the House. But it would appear that Mr. Rosenthal, an acknowledged advocate for consumer causes, considered even the weaker House version of an Amicus Amendment as on a middle ground between the House-passed bill and the bill reported by the Senate Government Operations Committee.

The Senate Amicus Amendment would allow the Consumer Protection Agency to participate in any of the deliberations subject to advocacy under the reported bill, those of administrative agencies and courts at Federal, State and local levels.

In these deliberations, however, the amendment provides the Consumer Protection

[1] See CONGRESSIONAL RECORD, vol. 117, pt. 128, pp. 36197–36198.

Agency with a status consistent with that of a Federal agency, not that of a party opponent.

The Consumer Protection Agency, under the Amicus Amendment, would act as a Congressional delegate to forcefully assist—not oppose—current agencies in giving the interests of consumers appropriate consideration, and to identify areas in need of restructuring or additional consumer advocacy power.

The Amicus Amendment provides that the Consumer Protection Agency would, first be allowed to comment in writing or orally in any Federal proceeding or activity of its choice. It would do this, however, in much the same manner as an amicus curiae, instructing the agency or court on the appropriate law and advocating a position favorable to the interests of consumers.

Secondly, administrative forums, prior to taking action resulting from a deliberation in which the Consumer Protection Agency appeared, must give the consumer agents an opportunity to review and comment upon all submitted data, views and arguments upon which the forum agency will make a decision.

Thirdly, if the forum agency still proposed to take final action that in the opinion of the consumer agents was inconsistent with the interests of consumers, the Consumer Protection Agency would have an unchallengeable right to invoke that forum's provisions providing for an administrative rehearing or reconsideration.

Thus, the Amicus Amendment attempts to perfect the administrative process, rather than subvert it in the Judicial Branch, forcing Federal judges to make public policy.

We envision that the Consumer Protection Agency will return to Congress shortly with recommendations for increasing its powers in areas needing stronger advocacy. It is at that point that Congress will be able to ascertain what specific agencies, if any, should be subjected to different forms of advocacy.

SURVEY OF AFFECTED AGENCIES

In the months that the Subcommittee and Committee have been considering the technicalities of this bill, I have asked selected major Federal agencies to list for me those of their proceedings or activities that would be subject to Consumer Protection Agency intrusion under this bill.

The response was shocking. I have introduced into the Congressional Record copies of some of these answers, many of which go beyond my request for a list of proceedings and point out the severe dangers of this bill.

To illustrate with just a few examples, a legal opinion from the Justice Department stated that the powers "pose a threat that the orderly and effective dispatch of the public business in the public interest might be significantly disrupted."

The Federal Mediation and Conciliation Service expressed the fear that federally administered collective bargaining could be severely hampered.

The Comptroller of the Currency expressed serious concern over the fact that consumer protection agents would have access to sensitive data developed in bank examinations. The Tennessee Valley Authority advised that intervention in its Board's activities would be contrary to the public interest; and, the Federal Trade Commission thought that the proposed intervention in its adjudications would be inappropriate.

The list could go on. In the responses received from 36 Federal agencies that were reprinted in the Congressional Record, there are described in detail 1,308 proceedings and activities subject to intrusion under the bill, and thousands more described generally by such comments as "everything we do." Over the recent recess I have received more responses describing hundreds of additional Federal actions that will be affected by the bill, and even these show just the iceberg tip. In short, under the bill, the potential for administrative mischief is limitless.

One need only read a few of these responses to realize the overwhelming lack of knowledge that exists concerning the impact of this bill on the administration of our laws. The letter from the Department of Agriculture, alone, lists hundreds of agricultural proceedings and activities which are little known to many, but nonetheless subject to disruption under the bill at the discretionary whim of the Consumer Protection Agency.

For those who have not read any of the responses from Federal agencies, I shall append a relatively short one received from the Environmental Protection Agency.

You will note that the EPA response is based upon a reading of a June 20 print of this bill, as were most responses. Let me hasten to point out—as a reading of this response in conjunction with the reported bill will demonstrate—that none of the subsequent changes made in Committee affect the unchallengeable discretion of the Consumer Protection Agency to intrude into the described proceedings.

For example, most, if not all, of the described EPA activities could and do have the effect of increasing the prices consumers pay in the marketplace for countless goods and services. This is a substantial concern of consumers, and the bill provides the Consumer Protection Agency with unchallengeable discretion to intrude in such proceedings and take the EPA to court, if it wishes, to protect that interest. The EPA, of course, will be one of the Federal agencies required by this bill to change its rules of practice to allow for intrusion by consumer protection agents.

THREAT TO FREE COLLECTIVE BARGAINING

The EPA is a Federal agency that is often in the public spotlight, and, therefore, it is no surprise to many that its important activities have a substantial effect on the interests of consumers in the areas of purity, quality, healthfulness and safety of products bought in the marketplace, not to mention the cost and availability of such products.

But there are many Federal agencies that perform equally important functions in relative obscurity. We have no idea how many of these agencies exist, but my survey has disclosed a few of them, including the Federal Mediation and Conciliation Service (FMCS).

The FMCS is active in Federally-mediated collective bargaining situations between management and labor. It prefers to perform its vital functions without fanfare, because it is such fanfare that makes its negotiation efforts difficult.

One need only be reminded of the recent dock strikes as well as past and pending attempts to further unionize the lettuce growing portion of the agriculture community to realize the major impact collective bargaining negotiations have upon the interests of consumers.

Vital issues of tremendous concern to the economy of the country and safety and comfort of its public often are resolved in such negotiations. Management may say that a second or third man in the train cab is wasteful featherbedding and should not be allowed in the interests of keeping passenger costs down; labor will say that the extra personnel represent a safety factor, protecting passengers.

The atmosphere in these negotiations is often tense, and could become further charged, if not completely disrupted, by the entrance of a third negotiator such as the Consumer Protection Agency.

For those who are not familiar with the intricacies of this complicated bill, here is how the Consumer Protection Agency will be able to intrude into collective bargaining activities of the FMCS:

1. The FMCS, obviously, is a Federal Agency. See section 401(a) of the bill.

2. The collective bargaining activities of the FMCS, being part of its authorized responsibilities, therefore are "agency activities" under the bill. See section 401(4).

3. The Consumer Protection Agency makes a discretionary determination that the result of the collective bargaining activities of the FCMS "may substantially affect the interests of consumers." See section 203(b).

4. It bases this determination on a discretionary finding that consumers have substantial concerns in relation to the costs they have to bear in the marketplace for goods and services and for preservation of consumer choice and a competitive market, all of which "may" be affected substantially by the outcome of the collective bargaining. See sections 401(11), 203(b).

5. The FMCS or labor and management officials cannot challenge the Consumer Protection Agency's determinations, findings or right to enter into the negotiations. See section 210(e)(1).

6. After having used its unchallengeable power to intrude, the CPA must, if it asks for it, be given "an opportunity equal to that of any person outside the agency (FCMS) to participate in such activity." See section 203(b)(2).

7. No one can challenge this right to participate equally with representatives of labor and management. See section 210(e)(1).

It should be noted that the same Consumer Protection Agency rights would apply to conferences between the President and his advisers on whether to invoke the Taft-Hartley Act to provide a cooling off period during a strike, or to negotiations that could lead to any Federal consent order.

The Director of the FCMS has indicated in a letter to me that he is appalled at the prospects under this bill as they relate to his agency. He has asked that FCMS be specifically excluded.

A copy of the FCMS letter is also appended to these views for study by those who are concerned with the continued viability and preservation of American collective bargaining.

We, of course, cannot exempt FCMS under this broad brush bill, because it is only one of many Federal agencies the activities of which vitally concern the interests of consumers. To so exempt FCMS would start a landslide of similar requests.

We could, however, provide the Consumer Protection Agency with Amicus advocacy across-the-board, and await its recommendations as to which particular Federal agency activities deserve to be subject to more aggressive intrusion.

ARBITRARY EXEMPTION ATTEMPTS

One of the major difficulties I have with this bill is that we must trust in the judgment of three as of yet unknown commissioners as to what is, or is not a Federal proceeding that "may" result in a substantial impact upon the interests of consumers.

My concern here is that we are mandating arbitrariness. If there is any doubt about this, one need only look at the majority views as to what proceedings may or may not substantially affect the interests of consumers.

The majority says, for example, that a rise in the price of steel may affect substantially the interests of consumers of automobiles. Therefore, we are to assume that a Price Commission or Pay Board proceeding that could result in such a price rise would be subject to CPA intrusion. One easily can see the causative relation between the result of the proceeding and the consumer marketplace transaction.

But then, the majority makes the arbitrary blanket statement that "NLRB cases . . . are beyond the jurisdiction of the CPA." Even the law department of the NFL–CIO admits the NLRB proceedings would be subject to CPA intrusion because they might result in

a substantial impact on the prices consumers pay. The AFL-CIO submitted a legal opinion on the matter which was included in the hearings on the House-passed bill.[2]

Has no one on the majority heard of a secondary boycott or the charges made by both General Motors and the United Auto Workers concerning, on the one hand, sabotage by workers that results in unsafe and higher priced cars, and, on the other hand, about harassment by management which results in such actions? Does the majority have no idea of what an NLRB unfair labor practice proceeding involves, or is there some reason to protect labor unions and not management?

The majority also arbitrarily says that Environmental Protection Agency proceedings involving water quality standards "are beyond the jurisdiction of the CPA," yet says that intervention in food plant inspections is covered as well as the use in those plants of unsafe additives. Does the majority think that all Americans get their water free, or that no food plant uses water to prepare its product? Does the majority think that water pollution control devices do not cost producers money which is added to the price of consumer goods—such as automobiles? The EPA, in its letter to me, recognizes this; who convinced the majority otherwise?

The majority says that Equal Employment Opportunity Commission proceedings "are beyond the jurisdiction of the CPA," yet says that a proceeding to determine whether a Federal inspector took a bribe is within the jurisdiction of the CPA.

Where was the majority when we debated the EEOC bill and the Equality of Rights Constitutional amendment? What happened to all the arguments about how discrimination in commerce depresses the economy to the detriment of consumers?

The majority says that Federal Communications Commission license renewal proceedings "are beyond the jurisdiction of the CPA," yet Civil Aeronautics Board route designation proceedings are subject to CPA intrusion. What is the rationale for this? What does the majority mean, then, when it lists "such important areas of consumer concern as the preservation of consumer choice and a competitive market" as interests of consumers which must be protected by CPA intrusion into agency proceedings and activities?

The majority says that the above described proceedings are exempted because "they do not involve marketplace transactions," and are therefore not interests of consumers.

There is no such criterion for exemption from CPA intrusion in the bill, nor one that remotely resembles this test. If the majority can so misread a bill that it has just drafted, what will the CPA do? How will our three fallible human commissioners interpret this faulty "legislative history"? The message they will receive is clear: Do what you darn well please in interpreting this bill?

INCOMPREHENSIBLE GUIDELINES

If the majority would look closely at sections 203 and 401(11) of the bill, they will see that the test of CPA intrusion is not simply whether proceedings or activities "involve marketplace transactions," but is a complex and circular set of guidelines that can be reduced to 13 words: The CPA may intrude in any Federal proceeding or activity of its choice.

In determining whether a proceeding or activity "may" result in an impact on consumer interests, the CPA will not attempt to determine if a marketplace transaction is "involved" (unless it relies on the majority views and ignores the bill). All the CPA has to do is issue an unchallengeable (see section 203) that the proceeding or activity "may" affect "substantially" the "substantial concerns" of consumers "related to" a series of transactions "regarding" an all-inclusive laundry list of possibilities.

Before going into the laundry list, let me repeat for clarity's sake this convoluted and meaningless portion of the CPA guidelines we are about to vote on. The CPA, before intruding, must make an unchallengeable prediction prior to a fact-finding proceeding or activity that this proceeding or activity under sections 203 and 401(11)—

1. "May" result in a—
2. "Substantial" effect on a—
3. "Substantial concern"—
4. "Related to" a series of transactions—
5. "Regarding" an all-inclusive subject.

How one predicts a "substantial effect" on a "substantial concern" "relating to" something "regarding" something else is beyond me. But one thing is sure, that concern cannot, as the majority says, be limited to a case that "involves" a marketplace transaction.

Section 401(11) says that the concerns of consumers to be protected by the CPA must "relate to" (not involve) "any business, trade, commercial, or marketplace transaction," (not just marketplace transaction), and these affected, related concerns must be "regarding" any one of the following:

1. safety,
2. quality,
3. purity,
4. potency,
5. healthfulness,
6. durability,
7. performance,
8. reparability,
9. effectiveness,
10. dependability,
11. availability, or
12. cost of—
a. real property,
b. personal property,
c. tangible goods,
d. intangible goods,
e. services, or
f. credit,

As well as:

13. preservation of consumer choice,
14. preservation of a competitive market,
15. prevention of unfair or deceptive trade practices,
16. maintenance of truthfulness and fairness in the
a. advertising,
b. promotion, and
c. sale by a—
(i) producer,
(ii) distributor,
(iii) lender,
(iv) retailer, or
(v) supplier of—

all of the property, goods, services, and credit mentioned above,

As well as—

17. Availability of full, accurate, and clear information and warnings concerning all of the above, and, finally,
18. Protection of the legal rights and remedies of consumers.

Thus, the question is not what is included in this confusing mess, but what could possibly be excluded. And the answer, of course, is that nothing is excluded if the CPA says it is included—the bill provides, and the majority views state, that such a determination by the CPA is unchallengeable. See section 210(e)(2).

If there is any doubt about the overextension of CPA's scope of authority, look at the one example the majority gives in an attempt to explain in some detail how this intrusion power works. They did not choose the Food and Drug Administration, or the Federal Trade Commission or any of a host of Federal agencies well known to consumers. They choose the Commodity Credit Corporation in the Department of Agriculture which deals extensively with exports of commodities by American companies to foreign buyers. Where is the marketplace transaction involved here that is not involved in EPA water quality standard setting?

ALL-INCLUSVE SCOPE OF AUTHORITY

The circumlocution in Section 401(11) becomes partially significant in relation to the informal deliberations subject to CPA intrusion under Section 203(b).

Section 203(b) provides that—

"Whenever the Administrator determines that the result of any Federal agency activity [other than a formal proceeding,] of which the Administrator has knowledge or receives notice, may substantially affect the interests of consumers, he may as of right participate for the purpose of representing the interests of consumers in such activity. In exercising such right, he may in an orderly manner and without causing undue delay * * * (1) present orally or in writing to responsible agency officials relevant information, briefs and arguments; and (2) have an opportunity equal to that of any person outside the agency to participate in such activity. Such participation need not be simultaneous, but should occur within a reasonable time."

Section 401(4) of the bill defines "agency activity" to mean "any agency process, or any phase thereof, conducted pursuant to any authority or responsibility under law, whether such process is formal or informal, but does not mean any particular event within such process."

Even a cursory examination of these provisions makes it abundantly clear that the Consumer Protection Agency has been given unprecedented authority to participate, as of right, in virtually every activity and operation of virtually every executive branch department and agency, including regulatory agencies and wholly owned Government corporations.

The only exceptions are activities of the Federal Bureau of Investigation, Central Intelligence Agency, National Security Agency and the national security and intelligence functions of the Defense Department and the Office of Emergency Preparedness.

In responding to my survey of selected agencies, the Justice Department expressed considerable concern over the fact that its prosecutorial responsibilities were "activities" subject to CPA intrusion. The Justice Department's reply said:

"The bill's definition of "agency activity" in section 401(4) fails to set any reasonable limits on areas of possible intervention by the Administrator * * *. In our view, this definition is at best imprecise, and implementation of Section 203(b)'s mandate under it would cause great problems for administrative agencies in general, and particularly for the Department of Justice in performing its prosecutorial functions. Since the Department would appear to be a "Federal agency" within the meaning of Section 401(9), the Committee Print would guarantee the Administrator the right to participate in decisions concerning whether or not particular cases should be filed, settled, or appealed. No other Government official has that right at present, and for good reasons. The exercise of prosecutorial discretion is a delicate and sensitive task, best left to the branch of government chosen by Congress to conduct litigation involving the interests of the Federal Government. See 28 U.S.C. 516. * * * Section 203(b), however, would unnecessarily grant a statutory right to such participation, and, coupled with Section 203(d)'s requirement that Federal agency's declinations to act in response to the Administrator's requests must be justified by a public written statement setting forth the reasons therefor, could require disclosure of the various sensitive matters, often told to the Department in confidence, underlying the decision. * * *"

The Secretary of Transportation also expressed concern regarding Section 203(b), as follows:

[2] See 1971 House hearings, at 257–258.

"The other major category of activities which would be subject to intervention under section 203(b) of the legislation is also rather difficult to establish with any degree of certainty. The proposed definition of 'agency activity' is so general as to encompass a wide range of activities under the many statutes which the Department administers* * *.

"Applying to the proposed bill a literal construction, it appears to us that section 203(b) thereof cuts across virtually every activity of this agency, formal or informal, that does not fall within its formal rulemaking or adjudicative functions."

Numerous other activities of component agencies of the Department of Transportation, which would be affected by Section 203 (b) are set forth in the Congressional Record, July 25, 1972, pp. 25184–25187.

Federal departments and agencies are faced each day with the making of decisions in complex matters involving the rights of individual members of our citizenry. Although these proceedings are considered informal, the rights and interests involved are just as important to these persons as are those which are the subject of formal proceedings.

The interminable and costly delays which the public now endures in connection with both formal and informal Federal department and agency proceedings and activities are too well known to require documentation. Section 203(b) would add an additional barrier which would serve to further delay the final determination of the issues involved. By allowing the Consumer Protection Agency to participate fully as of right, in these informal activities and proceedings, the decision-making process of Federal departments and agencies might conceivably come to a grinding halt.

It is not my intention to propose that the Consumer Protection Agency be barred from participation in such activities, in a proper case. However, the determination of what is a proper case, and the time and manner of participation, must be either left to the discretion and judgment of the Federal department or agency which has the statutory responsibility for the conduct of such activities or the role of the CPA made more positive as was suggested by the Amicus amendment. To provide otherwise would be productive of nothing but mischief and the continuous disruption of the orderly processes of government.

HIDDEN SUPPLEMENTAL APPROACHES

There are approaches other than adversary advocacy that can be taken to perfect the consumer's right to participate in Governmental decisions that affect him.

The Comptroller General issued a legal opinion on July 24, 1972, to the Federal Trade Commission holding that the FTC could expend taxpayers' money to pay the costs of participants who are legally indigent (not necessarily without money themselves, possibly belonging to a protectionist group without adequate funds for the purpose.)

Two seldom-discussed provisions of this bill would, by statute, take that GAO opinion and expand it to cover all "Federal agencies," and all potential special interest participants—consumerists, environmentalists, taxpayers, women's liberationists, etc.

Section 405 would require all "Federal agencies" to greatly expand the public's right to participate in their proceedings, including the waiving of financial requirements where appropriate for participants who would suffer a financial burden. Section 403 applies specifically to the transcripts of public agency proceedings and the production or search for documents. It requires all "Federal agencies" to provide such transcripts at cost to anyone requesting them, and to reduce or waive, where appropriate, the costs charged for the document production or searches.

Perhaps one of the reasons these sections have not been very much discussed is the fact that they pertain to matters far beyond the interests of consumers, although they also concern the interests of consumers.

In any case, these provisions provide us with an indication that there may be viable alternatives to improve Governmental consumer protection efforts. The attempted perfection of public participation proposed in these provisions could be considered consistent with the type of advocacy proposed under the Amicus Amendment. But one has to wonder whether it is consistent with the adversary advocacy mandated in the reported bill, an advocacy that may discourage further public participation.

CPA, NYCFA VERSUS EPA, EDF, UHRCFA

Let us take a hypothetical example based on a recent case that has been in and out of administrative agencies and the courts for more than nine years—and is still unresolved.[3] The Federal Power Commission is conducting a proceeding to determine whether it would be appropriate to construct a power plant on the Hudson River to prevent an impending power shortage on the East Coast. The FPC, of course, is tax funded to take action in the public interest, including the interests of consumers of power on the East Coast.

The Environmental Protection Agency intervenes in the proceeding to object to the proposed construction on the grounds that it may create an ecological imbalance. The EPA, of course, is tax funded to take action to preserve the public's special interest in its environment.

The Consumer Protection Agency intervenes on behalf of East Coast power consumers, saying that they need the power and that construction of the plant will prevent a rise in power rates. The CPA, under the reported bill, would be tax funded to take action to represent the special interests of consumers, including their interests in fairly priced and available power

A local branch of the Environmental Defense Fund now steps in to take the side of the EPA against the CPA, pointing out that the branch was a balance of $12.00 in the bank account, and therefore is legally indigent and in need of tax funds to participate adequately in the FPC proceeding.

A New York City branch of the Consumer Federation of America, sensing a possible imbalance to the FPC hearing record on which a decision must be made, takes up the cudgels and demands tax funds to support CPA against the EPA and EDF.

This enrages the Upper Hudson River Branch of the Consumer Federation of America whose members are primarily consumers of recreational facilities that would be inundated if the power plant were sited as proposed. They demand to participate at government expense to support the EPA and EDF and oppose the CPA and the NYCCFA.

Four years after the introduction of voluminous environmental impact reports and consumer impact reports, the FPC comes to a decision that should have been reached in less than two years.

It decides not to allow construction of the plant at this time. In other words, it decides against CPA and NYCCFA and in favor of EPA, EDC and UHRCFA.

Does the process stop there? Not on your life. The reported bill would give the CPA statutory authority to take any Federal agency to court and, once again, challenge its fellow agency in the Judicial Branch.

Therefore, a suit is filed, CPA v. FPC, with taxpayers paying for the attack, the defense and the courts' time and expenses. EPA, EDF and UHRCFA intervene on behalf of FPC at taxpayer expense, and NYCCFA and Consolidated Edison Company of New York (the power company) intervene on behalf of CPA.

The Justice Department has decided to use its Government lawyers to defend FPC, rather than to support CPA which must use its own government lawyers to appeal the action. But CPA manages to convince the Department of Interior to intervene on its behalf and against the FPC, EPA, EDF and UHRCFA, thus evening the score up a bit.

What does the court do? If it is smart, it will probably remand the case for further consideration by the FPC, thereby avoiding the issue for another six years as happened in the case on which this hypothetical is based. If this bill is passed, the hypothetical will no longer be hypothetical insofar as CPA is concerned, inasmuch as intervention by the new agency would be a definite possibility, if not a reality.

SUMMARY

I have stated on the Senate floor several times this year that I am basically in favor of the establishment of a Consumer Protection Agency to instill new vigor in Governmental efforts to protect consumers.

It would be disappointing to me to have to vote against such a bill. In 1970, I voted with reluctance against a bill that would have created and independent Consumer Protection Agency.

That dissenting vote has been vindicated. The Committee on Government Operations, after a thorough review of the 1970 bill, rejected and completely rewrote its major provisions because they were fraught with dangers and inadequacies.

But there is little solace in the vindication when I know that we have reported a bill which will have to undergo complicated major surgery by the full Senate at one of its busiest times. Never mind that its purposes are allegedly beneficent. Its potentialities have the seeds of malignancy which it would be folly to ignore.

This bill, as presently written, will do violence to the administrative process, and I cannot do in my legislative capacity that which will shame me afterwards in my private capacity.

* * * * *

The letters from the Environmental Protection Agency and the Federal Mediation and Conciliation Service, referenced above, follow, together with the letter from the Department of Justice.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., August 18, 1972.

Hon. JAMES B. ALLEN,
Committee on Government Operations,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: This is in response to your letter of July 26, 1972 requesting our comments on how S. 1177, a bill to establish an independent Consumer Protection Agency (CPA), would relate to the Environmental Protection Agency (EPA). You specifically requested information as to which of our proceedings or activities would fall within the purview of Sections 203 and 204 of the proposed legislation. Our comments on this legislation refer to the Committee Print of S. 1177, dated June 20, 1972.

Section 203 of S. 1177 provides that the CPA may intervene or participate in each of three kinds of agency procedure or activity provided only that CPA finds, in its discretion, that that procedure or activity "may substantially affect the interests of consumers." These categories are, first, "any Federal agency proceeding which is subject to the provisions of section 553, 554, 556, or 557 of title 5, United States Code," second, "any Federal agency proceeding . . . which is conducted on the record after opportunity for

[3] See Federal Power Commission Project No. 2338, 28 FR 2757, March 20, 1963; 33 FPC 428 (1965); Scenic Hudson Preservation Conference v. FPC, 354 Fed 2nd 608 (2nd Cir—1965), *Cert. den.*, 384 U.S. 941 (1966), 453 Fed 2nd 463 (2nd Cir—1971).

an agency hearing," and third, "any Federal agency activity to which . . . [the above two categories do] not apply". According to the statute, " 'agency activity' means any agency process, or any phase thereof, conducted pursuant to any authority or responsibility under law, whether such process is formal or informal, but does not mean any particular event within such process".

The first category might allow CPA participation in all EPA rulemaking under 5 U.S.C. § 553 and in all EPA adjudications under 5 U.S.C. § 554.

The Administrative Procedure Act describes a "rule" as including "an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy". 5 U.S.C. § 553 requires all EPA rules, except those relating to agency management or to grants and contracts, to be published in the Federal Register, and we interpret the Act as allowing CPA participation in the formulation of any rules that must be published.

The most significant grant or rule-making authority to EPA is contained in the Clean Air Act, 42 U.S.C. § 1857 *et seq.* Under Section 107 of that statute, the Administrator is authorized to establish air quality control regions throughout the country, and, under Sections 108 and 109, to set both primary and secondary air quality standards for any pollutant. States must then submit implementation plans for achieving these standards for the air quality control regions over which they have jurisdiction. On approval by the Administrator, a plan becomes enforceable under Federal law pursuant to Section 113.

Under Section 110, if the Administrator finds any plan inadequate to attain these standards, he can, and must, disapprove it and issue a new plan himself. In addition, the Administrator may set emission standards for new stationary sources of air pollution, Section 111; for hazardous air pollutants, Section 112; for aircraft, Section 231; and for new motor vehicles, Section 202. Pursuant to Section 211, he may regulate or ban any additive in motor fuel. Under Section 114, he has broad power to set rules to require polluters to keep records and submit to various kinds of inspections, and in Sections 206–208, which concern new motor vehicles, this power is especially detailed. There is a limited authority in Section 202 to extend the date for compliance with automobile emission standards.

Under Section 10(c) of the Federal Water Pollution Control Act, 33 U.S.C. § 1151 *et seq.*, the Administrator has the power to set water quality standards for a State that has failed to do so itself. Under Section 11 and Executive Order 11548, (35 F.R. 11677) he has authority to regulate the discharge of oil, and under Section 12 and Executive Order 11548, the power to designate hazardous water pollutants. He also must, pursuant to Section 13(b), prescribe perfomance standards for toilets on ships and boats.

Under Section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 135d, the Administrator may set standards and procedures for the registration of pesticides, and under Section 406 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346, he may set maximum levels for pesticide residues on food. Finally, under Section 209 of the Solid Waste Disposal Act, 42 U.S.C. § 3254(c), EPA may set guidelines for the disposal of solid waste which are binding on Federal agencies through Section 210. Any rule-making activity under any of these statutory provisions might be subject to CPA intervention.

S. 1177 might also allow CPA intervention in any agency proceeding which is conducted on the record after opportunity for an agency hearing, both by its explicit language and through its reference to 5 U.S.C. § 554, which governs such proceedings. EPA conducts such hearings in connection with the cancellation of pesticide registrations or the refusal to register pesticides under Section 4 of the Federal, Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 135b, and if a standard for pesticide residues on food is challanged, pursuant to Section 408 of the Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a.

The provision in S. 1177 for intervention in other agency activity" would allow CPA participation by oral and written argument and to such extent as any outside person might participate in any other EPA activity provided that the CPA determined that it had some connection with consumer welfare. This language, taken literally, might allow CPA participation at any stage of any EPA enforcement proceeding; in planning for future EPA standards and for future EPA regulatory and testing policy; in decisions on how EPA spends its research funds; and in setting standards for making EPA grants for any purpose and in deciding to make any award under those standards. In addition, EPA has the responsibility under Executive Order 11574, (35 F.R. 19627), for advising the Corps of Engineers on when permits to discharge matter into the waters of the United States would be consistent with water quality standards, and the responsibility under Section 309 of the Clean Air Act to commend on the effect of actions by other Federal agencies on matters within its areas of expert knowledge. Since such advice and comments might affect the interests of consumers, CPA participation would also be possible here.

I hope that this information will adequately demonstrate to you and the Government Operations Committee the extent to which the activities of the Environmental Protection Agency would be affected by the operation of the proposed CPA. If I may be of any further assistance, please so advise.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,
Administrator.

FEDERAL MEDIATION AND CONCILIATION SERVICE,
Washington, D.C., June 19, 1972.

Hon. JAMES B. ALLEN,
Committee on Rules and Administration,
U.S. Senate, Washington, D.C.

DEAR SENATOR ALLEN: This is in reply to your letter of June 6, 1972 regarding S. 1177 and its possible effect on the Federal Mediation and Conciliation Service.

In response to your two categories of inquiries our response is as follows:

1. Formalized proceedings

It does not appear that the activities of the FMCS fall within the purview of the Administration Procedures Act (5 U.S.C., sections 553, 554, 556 or 557) or within the scope of sections 203(a) or 401(5) of the proposed legislation.

In general, the activities of the FMCS center on the following:

A. Informal mediation efforts which are not subject to the Administrative Procedures Act. Such activities are not "conducted on the record after opportunity for agency hearing * * *" in the language of section 203(a).

B. Arbitration matters concerned with establishing the procedures for the administration of the National Roster of Arbitrators and related activities.

2. Informal activities

Since its inception in 1947, the Service has insisted on maintaining in the strictest confidence all case files and information disclosed in the course of its labor-management collective bargaining activities. Outside persons are permitted no participation in or access to this information. The acceptability of FMCS personnel as third party neutrals is founded upon this confidentiality. It, in turn, permits that candor by the parties which is so essential to the avoidance of labor disputes and the successful settlement of such disputes as do arise.

I have serious concern insofar as the proposed legislation may be nterpreted in a way so as to grant the Consumer Protection Agency rights to intervene in these delicate negotiations. If this legislation were so interpreted, there is no doubt that S. 1177 would have an adverse impact on the mission of the Service.

In light of the possible future implications of this proposed legislation, it is respectfully requested that the Service be excluded from the provisions of S. 1177.

Thank you for this opportunity to state the position of the Federal Mediation and Conciliation Service on this important matter.

Sincerely,

J. CURTIS COUNTS,
Director.

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, D.C., July 20, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: This is in response to your letter to the Solicitor General concerning the activities of this Department which would be affected by S. 1177, the Consumer Protection Organization Act of 1972. At the request of Mr. Charles Mitchell of your staff, this letter expresses generally the views of the Department of Justice on S. 1177 (June 14, 1972 Committee Print).

In the Department's view, the proposed Agency's powers of advocacy and intervention in Federal administrative agencies' decision-making are too broad, and pose a threat that the orderly and effective dispatch of the public business in the public interest might be significantly disrupted. For this reason, the Department strongly prefers the more narrowly drawn provisions governing the propoed Agency's interventionary powers which are contained in H.R. 10835 as it passed the House of Representatives last year. A comparison of provisions of the Committee Print and H.R. 10835 in this important area may help illuminate some of our concerns.

Section 203(b) of the Committee Print gives the Administrator the power to participate in any "Federal agency activity" which may substantially affect the interest of consumers. The bill's definition of "agency activity" in Section 401(4) fails to set any reasonable limits on areas of possible intervention by the Admnistrator:

" 'Agency activity' " means any agency process, or any phase thereof, conducted pursuant to any authority or responsibility under law, whether such process is formal or informal, but does not mean any particular event within such process[.]"

In our view, this definition is at best imprecise, and implementation of Section 203 (b)'s mandate under it would cause great problems for administrative agencies in general, and particularly for the Department of Justice in performing its prosecutorial functions. Since the Department would appear to be a "Federal agency" within the meaning of Section 401(9), the Committee Print would guarantee the Administrator the right to participate in decisions concerning whether or not particular cases should be filed, settled, or appealed. No other Government official has that right at present, and for good reasons. The exercise of prosecutorial discretion is a delicate and sensitive task, best left to the branch of government chosen by Congress to conduct litigation involving the interests of the Federal government. See 28 U.S.C. § 516. This is not to say that the views of the Administrator should not be heard by those exercising this discretion. At present, the views of administrative agencies on matters involving the regulatory statutes

they enforce are actively sought by the Department as a matter of course. There is no reason to think that the Department would not be equally eager to hear and consider the views of the Administrator when prosecutorial decisions are being made which appear to involve the interests of consumers. Section 204(b), however, would unnecessarily grant a statutory right to such participation, and, coupled with Section 204 (d)'s requirement that Federal agency's declinations to act in response to the Administrator's requests must be justified by a public written statement setting forth the reasons therefor, could require disclosure of the various sensitive matters, often told to the Department in confidence, underlying the decision. At the very least, therefore, the Department would urge that the provisions of the bill be made inapplicable to prosecutorial or appeals decisions made by appropriate officers of the Department.

The Department is also opposed to the broad reach of Section 204(a) of the bill, which gives the Administrator "standing to obtain * * * judicial review of any Federal agency action reviewable under the law and to intervene as of right as a party in any civil proceeding in a court of the United States involving the review or enforcement of a Federal agency action, if he intervened or participated in the Federal agency proceeding out of which the action arose or, if he did not so intervene or participate, the court finds that the result of such action may substantially affect the interests of consumers."

It is unclear whether this provision will permit the Administrator, without the authorization of the Solicitor General, to file a petition for a writ of certiorari in cases in which he has become a party. With certain narrow statutory exceptions (see 28 U.S.C. 2323, 2350), it is a well-settled practice of many years standing that only the Solicitor General appears for the federal government in the Supreme Court. One aspect of this practice is that agencies, including independent agencies, cannot seek Supreme Court review without the authorization of the Solicitor General. This practice, we believe, rests upon sound considerations of public policy. We think it would create serious problems for all government litigation before the Supreme Court if the Administrator were singled out to permit him to present his own cases to the Supreme Court without the authorization and supervision of the Solicitor General. The interests that the Administrator would represent, important as they are, seem no less important than the interests represented by many other government agencies; and the policy considerations that require those agencies to appear in the Supreme Court through the Solicitor General are, in our judgment, equally applicable to the Administrator of the Consumer Protection Agency.

In contrast to the unfettered grant of authority to the Administrator to obtain judicial review and to intervene as a party in a court proceeding involving the review or enforcement of a Federal agency action, we note that there is no provision in the Committee Print comparable to H.R. 10835's Section 204 (c)(2), which allows the Administrator to appear as *amicus curiae* in other actions to which the United States or any Federal agency is a party. We believe that the Administrator's authority (or lack of it) to participate in judicial proceedings not involving the review or enforcement of Federal agency action should be specifically set forth.

The Committee Print's grant of compulsory information gathering powers to the Administrator also seems excessively broad. Both the Committee Print and H.R. 10835 authorize the Administrator to use in any Federal agency proceeding to which the proposed Agency is a party to all types of compulsory process and discovery devices available to any party to the proceeding under the terms of the statute governing the agency conducting the proceeding. There is no difficulty with this provision, for it only guarantees that the Administrator, after intervention, will have the same rights to discovery and to the use of the host agency's compulsory process as all other parties to the proceeding. But the Committee Print goes further, and extends in Section 203(e) these same rights to the Administrator whenever he is participating in any Federal agency "activity". Given the great latitude of the bill's definition of agency "activity", which has been previously noted, granting such rights to the use of compulsory process and other discovery devices in advance of any agency proceeding would give the Administrator an advantage not afforded any other person or official, and would jeopardize the host agency's ability to regulate effectively in the public interest. Moreover, such powers do not appear necessary for the new Agency to perform its advocacy function, since Section 207(c) would guarantee the Agency's access to all information in the hands of other Federal agencies, and since all the powers in question would become available to the Agency as soon as a formal proceeding had been commenced.

For similar reasons, the Department would recommend the deletion of Section 207(b) of the Committee Print in its entirety. In essence, Section 207(b) would give the Administrator the right to compel any person who is engaged in a trade, business or industry affecting commerce and whose activities substantially affect what the Administrator determines to be the interests of consumers to answer interrogatories under oath "concerning such activities and other related information." The Department regards this proposal as unsound and unnecessary. The proposal is unsound, because it is at odds with the basic premise of the legislation, which, as we understand it, is that the interests of consumers need more adequate representation in the processes of Federal administrative agency decisionmaking. To our knowledge, the proposed Agency has never been intended to be a wide-ranging investigative agency, empowered to scrutinize the business practices of any person or business entity whose activities might affect the interests of consumers. Section 207(b) would give to the Administrator, who would have no substantive regulatory responsibilities, interrogatory authority far in excess of that possessed by any other Federal official, department or agency similarly situated. The grant of such authority is also unnecessary, for by virtue of the discovery procedures made available to the Administrator in any agency proceeding by Section 203(e), and Section 207(c)'s guarantee of access to information already in the possession of other agencies, the Administrator already has all the information gathering powers he would reasonably need to give consumer interests the high quality of representation and advocacy that they deserve.

The Department of Justice is opposed to the enactment of S. 1177 in its present form.

Sincerely,

RALPH E. ERICKSON,
Deputy Attorney General.

PROPOSED AMICUS ALTERATION IN POWER

Mr. ALLEN. Mr. President, the amicus amendment would apply the same criteria to adjudications as it does to rulemaking and Federal agency "activities"—it would allow the CPA, as a matter of unchallengeable right to present orally or in writing its case, then, prior to final agency action, allow the CPA the opportunity to make comments based upon the data, views, and arguments presented.

All adjudications under subsection 203(a), it should be noted, will be record proceedings, since a hearing on the record is required by the Administrative Procedure Act.

This approach is more consistent with the "One Government" approach favored by some members of the committee; yet the "last word" opportunity provides a more effective means of advocacy than would be enjoyed by any of the parties to the adjudication proceeding.

It would also avoid the specter of the Government presenting two prosecutors—with potentially differing views—in a sanction-oriented adjudication, or of the Government—that is, the CPA—being cross-examined and impeached.

ADMINISTRATIVE APPEALS, RATHER THAN BURDENING THE COURTS

The amicus amendment provides, as a matter of unchallengeable right, that the CPA may seek an agency rehearing or reconsideration of an action if any person could seek such action. From a one-government point of view, this is far more effective and far less disruptive than the present bill which does not provide for this power as a matter of right.

Granting the CPA the automatic right to seek judicial review of Federal actions, as does present section 204, will result in "United States against United States" court cases. This is not administration of the laws as required by the Constitution, but a division of the Government that must be resolved by the overburdened courts. This not only is going to make for multiplicity of agencies; it is going to make for a multiplicity of lawsuits for a judiciary that is already overburdened. We hear that complaint from the Justices of the Supreme Court—the Chief Justice in particular—and we see it from the fact that we provide for the appointment of dozens upon dozens of additional Federal district judges.

So that the courts very definitely are overburdened; and we see that in the crime statistics, from which the case is made that the overburdened courts delay justice and delay the imposition of penalties on those who violate the laws. This, of course, would add many hundreds, if not thousands, of cases to an already overburdened judiciary.

If it can be avoided, it should be. In the extremely rare instances in which this has happened, the courts have usually been divided and have often expressed not only their confusion, but their annoyance over the fact that the executive branch could not administer the law with one voice.

Grave problems relating to due process, equal protection, and realistic court burdens should be considered by the Judiciary Committee before any such proposal is enacted.

Has no one read Mr. Chief Justice Burger's state of the judiciary speech August 14, 1972, calling for such a "judicial impact" report on legislation of this type?

The issue is adequate consumer representation in the Federal agency process, and all efforts to assure such representation would best be made toward improving the administrative process rather than challenging it.

Once Congress takes the unprece-

dented step of granting one Federal agency authority, as a matter of right, to challenge the actions of another court, the whole principle of Federal agency expertise comes into question.

At present, the courts generally consider the actions of Federal agencies as being clothed with congressionally ordained expertise.

Two Federal agencies clothed with such congressionally ordained expertise—one in the public interest, the other in the special consumer interest—would result in considerable judicial turmoil.

And out of this turmoil will come judge-made law. We already have too much of that.

DEMOCRATIC PLATFORM

There is an interesting plank in the Democratic platform that I might point out. Even the liberal Democratic platform does not endorse CPA advocacy in the Federal courts or CPA appeals of Federal agency actions.

This is appropriate, because, again, the issue is perfecting the administrative forums of the Government, not challenging these or taking other steps that would further burden the courts with duplicative efforts.

Under the present section 204 of the bill, all court appearances as of right by the CPA will be in the presence of another Federal agency, and the CPA would be allowed to have a role of full party litigant.

In instances where the CPA would be seeking judicial review, it would be the CPA versus another Federal agency, thus raising the issue whether such intergovernmental fighting would best be resolved outside the court.

In all other court proceedings under the bill, the issue must involve the review or enforcement of a Federal agency action.

Thus, the CPA will be on the side of the Federal agency if it did not seek judicial review. Such a case, for example, would be CPA plus IRS versus John Q. Citizen—a duplication in Federal efforts if full advocacy is envisioned for both the CPA and the forum agency concerned.

SUGGESTED MANDATORY AMICUS CURIAE APPROACH

The amicus amendment does not say that the CPA should never appear in court. On the contrary, it envisions a comprehensive and effective role for the CPA in the courts.

The amendment would grant the CPA, as a matter of unchallengeable right, authority to present, orally or in writing, an amicus curiae argument to assist the court in any determination involving the review or enforcement of any Federal agency action which, in the unchallengeable opinion of the CPA, might result in substantially affecting the interests of consumers. That is the approach that would seem to me to be more logical, to assist the Federal agency involved with the expertise it has as a Consumer Protection Agency rather than to take on an adversary role against the sister Federal agency.

The CPA need not have participated in the Federal agency action in order to present its views on the matter in court, and the court cannot refuse to admit the CPA.

I use "CPA" here, as I pointed out the other day in discussing the bill, but I do not know whether we have had any protests from the certified public accountants on the use of the "CPA" term. When we had the same term in the Committee on Agriculture and Forestry, when it was working on the pesticide bill, we did receive protests from the certified public accountants on the use of the term "commercial pesticide applicator—CPA" because they did not want to be confused with the term "commercial pesticide applicator." I do not know what their views will be in confusing them with the "Consumer Protection Agency." But in our Federal bureaucracy, we are so prone to reduce everything down to alphabet soup that we will have the certified public accountants confused with the CPA—Consumer Protection Agency. Whether they will take offense at that is a matter of opinion, I assume. I would feel that the certified public accountants would possibly object more than the Consumer Protection Agency would.

This would appear preferable, from a "One Government" viewpoint, to having a CPA attack its sister agencies or duplicate their efforts as full party litigants.

This would also enable the CPA to effectively conserve the valuable time of its advocates and avoid placing an unnecessary burden on the courts.

POACHING PRIVATE RIGHTS

The Federal Government should concentrate more on doing for its citizens what they cannot do for themselves, rather than patronizingly poaching private rights, thereby depleting them.

We can guard, perfect, and expedite the exercise of private rights, but we should not make the mistake of thinking that we do this by letting the Government exercise these rights either by proxy or by predilection.

The private right to challenge the actions of the Federal Government is a measure of the liberty of this country. Extending that right of challenging the Government, to the Government itself, in an area as broad and unchartered as the "interests of consumers," will lead to an erosion of that liberty and a division of that Government. This is extending to the Government itself a right that should repose in the individual citizen. The Government has enough rights already. Let us not give it still more rights for the Federal agencies to fight among themselves.

I am surprised that many proponents of this bill cannot see the distinction between citizens exercising privately the legal rights given to them by the Constitution or Congress, and the Government itself attempting to exercise these rights in the name of those citizens for whom the rights were defined.

There is a proportion of the American citizenry which vocally disagrees with the current way the country is handling the situation in Vietnam. This is their right, and, to them, at least equal to the rights of consumers that all would like to see protected.

But who, other than the most zealous proponents of this bill, seriously could support creating an independent Peace Protection Agency with absolute discretion to attack the Government in a Federal—or possibly a Hanoi—forum?

SUMMARY

Let me briefly summarize the major provisions of the amicus amendment.

This is a middle-of-the-road trial period approach that is consistent with providing a new and untried agency the opportunity for healthy growth and an orderly progression of powers, rather than responsibilities beyond its initial capabilities.

First. The amicus amendment would allow CPA advocates to enter, as a matter of unchallengeable right, all agency and court proceedings covered by the present bill. No restriction on that.

Second. The amendment would allow the CPA to make an initial argument in any other agency's deliberations in much the same manner as an amicus curiae. That is, the CPA would not become embroiled in the day-to-day, month-to-month, and year-to-year legal infighting of an agency proceeding.

Third. Instead, under the amendment, the CPA would be allowed as a matter of right to make the final comment on the whole record and to suggest a course of action.

Fourth. There would be no right of appeal, but the CPA would have the unchallengeable right to petition for an agency rehearing if anyone else could.

Fifth. The CPA would be authorized to enter as of right any court proceeding covered by the present bill. But it would not enter as an unnecessary and burdensome party litigant; it would enter as a friend of the court, an amicus curiae.

OTHER ADVOCACY PROVISIONS OF BILL UNCHANGED

All other rights and duties in sections 203 and 204 of the present bill remain substantially unchanged. Thus, under the present bill:

First. Subsection 203(c) relating to rules of practice would remain unchanged except for the substitution of the word "participation" for the word "intervention."

Second. Subsection 203(d) relating to CPA petitions for Federal action would remain unchanged.

Third. Subsection 203(e) relating to full party use of discovery powers would be deleted as inappropriate.

Fourth. 203(f) relating to petitioning the CPA for action would remain unchanged.

Fifth. Subsection 203(g) relating to advocacy in State and local proceedings would remain unchanged except for a clarification to the effect that the CPA's advocacy must be in the same general manner as in Federal proceedings.

Sixth. Subsection 203(a), relating to formal agency proceedings, and section 204, relating to CPA activities in courts, would be dealt with—as mentioned in detail earlier—in one subsection of the amendment, new 203(a).

Seventh. Subsection 203(b) of the present bill relating to informal activities would be treated separately as mentioned earlier under amendment subsection 203 (b).

Mr. President, this is the so-called

amicus amendment. In the judgment of the Senator from Alabama, it would greatly improve the entire concept of the bill. And it would improve it to such an extent that the Senator from Alabama would be willing to support the bill if the amendment were agreed to. If the amendment were not agreed to, the Senator from Alabama would feel that it would be his duty to vote against the bill.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GARMATZ, Mr. LENNON, Mr. DOWNING, Mr. MOSHER, and Mr. PELLY were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14267) to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission docket numbered 298, and the Absentee Delaware Tribe of western Oklahoma, and others, in Indian Claims Commission docket numbered 72, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15883) to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. DONOHUE, and Mr. SMITH of New York were appointed managers on the part of the House at the conference.

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

Mr. BROCK. Mr. President, on September 15 I received a "Dear Colleague" letter which places in issue several questions on S. 3970, the Consumer Protection Organization Act.

This "Dear Colleague" letter is a voluminous brief. I could spend an hour or two merely reading its 14 legal-size pages of mostly single-spaced copy.

I do not propose to do that. Instead, I should merely like to list the major points contained in this brief, and present some clarifying observations on them. If this brief foreshadows what we are to expect in the way of consumer advocacy, I think we can expect some rather serious problems ahead.

First, the brief states that one of the major amendments to be proposed for this bill will be the amicus amendment, and that the administration opposes the amicus amendment.

This information must have originated in a personal conversation with a representative of the administration, because I have never heard of Presidential antagonism toward the Senate amicus amendment.

What I have heard, and read, are the public statements by the administration in opposition to the Senate bill without substantial modification.

Second, the "Dear Colleague" brief tells us that both the Democratic and Republican party platforms support the establishment of a Consumer Protection Agency.

I do not feel that this statement is correct in its entirety. Neither platform supports CPA appeals of Federal actions to the overburdened courts. Neither platform supports CPA intervention in the proceedings of the overburdened Federal courts. Neither platform supports CPA intervention in State agency proceedings. Neither platform supports CPA intervention in local agency proceedings. Neither platform supports CPA intervention in the State court proceedings. Neither platform supports CPA intervention in local court proceedings. I am told that these subjects were discussed by the platform committees, but they would not come out in support of them.

In fact, the following language appears in the Republican plank, after citing support for the creation of the CPA. And I quote: "We oppose punitive proposals which are more antibusiness than proconsumer." I am told that this language refers to the unamended bill we now have before us.

By the way, I, too, support the creation of a CPA—let me make that clear—but I cannot support all of the radical powers proposed in this bill.

Third, the brief says that this bill will have no effect on the jurisdiction or authority of any Federal department or agency.

This is clearly wrong. Let me give you page and verse on several of the hundreds of ways this bill will affect jurisdiction and authority.

The bill would, and I quote, "abolish" one entire agency and all of the titles of its employees. See section 105. The Agency is the President's Office of Consumer Affairs which was created by authorized Executive order and which is headed by Virginia Knauer.

I understand that many of the more avid supporters of this bill outside this Chamber do not respect Mrs. Knauer's capabilities, and indeed have called for her resignation because she opposes many of the provisions of this bill. But I cannot see how we can constitutionally fire a Presidential adviser and strip her of her title, even if the more zealous supporters of this bill wish us to do so. We cannot "abolish" Mrs. Knauer, like it or not.

I might say for myself that I have found Mrs. Knauer to be a person of enormous ability, dedication, and integrity—a person who is constantly dedicated to the consumers and to the public interest.

The bill requires that the President of the United States issue consumer impact reports. See section 101.

The bill would require all Federal agencies to issue consumer impact statements. See section 402.

The bill would explicitly strip the Office of Management and Budget of several of its powers, as to OMB's actions under the Federal Reports Act—see section 404—and as to its actions in relation to agency budget requests—see section 202(b).

The bill would subject Federal agencies to the unchallengeable CPA orders for copies of any desired information in their files, with certain few exceptions. See section 207(c).

The bill would require Federal agencies to change their rules of procedure to accommodate a series of unprecedented powers about which many agencies have publicly been alarmed. One need only read the Justice Department opinion on this bill's disruptive advocacy powers to find a refutation of the claim that this bill will not affect any agency's authority.

The bill even goes beyond consumer protection and would force all Federal agencies to restructure all proceedings of whatever public nature to allow for increased public participation, including participation at taxpayers' expense—on any issue. See section 405.

The list could go on and cover the length of the bill. But by now it should be clear that the brief is clearly in major error.

Fourth, the brief says that the CPA, under this bill, would not be able to compel any agency to take any action.

Among the many actions that the CPA will be able to force other agencies to take are the following:

It can force Federal agencies to allow for unprecedented and far-reaching CPA rights to participate in both formal proceedings and internal deliberations under sections 203 and 210(e)(1)(A).

It can force Federal agencies to change its rules of practice in accordance with these unprecedented rights under sections 203(c) and 210(e)(1)(A).

It can force agencies to go to court. See section 204.

It can force agencies to give it general or specific notice about its actions and proposed actions under section 205.

It can force Federal agencies to hand over any desired documents in its files, with certain few exceptions under section 207(c).

It can force Federal agencies to issue consumer impact reports under section 402.

The brief says that, as a safeguard, the CPA will not be able to overrule, veto or impair any Federal agency's final determinations.

No party can overrule an agency's final determinations. Only a court can do that. The CPA is given automatic standing to get a court to overrule such determinations. See section 204.

Therefore, saying that this is a safeguard, is like saying, "Don't worry about that madman with an ax—he's too weak to do anything without the aid of the ax which I supplied him with."

Sixth, another safeguard listed in the brief is that the CPA must conform to the rules of procedure of the agency holding a proceeding in which the CPA intrudes.

Discretely not mentioned is the little detail concerning the fact that all such agencies must rewrite these rules of procedures in consultation with the CPA to accommodate far-reaching intrusion powers; and, if the CPA does not like the way these rules are written, it can take the other agency to court under sections 203(c), 204, 210(e)(1)(A).

Again, the brief tells us that, to prevent arbitrary, capricious or vindictive intervention, the determination by the CPA that there is a substantial interest of consumer at stake would be subject to "ultimate" judicial review if there is prejudicial error.

Here the brief is saying in very sophisticated and misleading language something like the following:

I will give an ax to someone who may turn out to be a madman. But don't worry, I will tell him only to swing at people whom he thinks are acting so as to affect the interests of consumers. If you get your head split open and you can prove this injury to a court *after the fact*, and you can also prove that you were doing nothing that substantially affected the interests of consumers, we'll tell the CPA that it shouldn't have swung on you.

That is, the bill does indeed provide for so-called ultimate judicial review.

But ultimate judicial review means, under section 210(e)(1)(B), that a party improperly affected by the CPA intrusion can get court relief only after the proceeding is entirely over—which may be years—and only on the grounds that there was prejudicial error as a result of this intervention.

This right would only apply to a full, formal party in a formal adjudication—if you were not a party and you unexpectedly got the ax, too bad. If the proceeding was informal, too bad.

Eighth, the brief observes that "antitrust law today often frustrates industry self-regulation" and that in many instances the consumer interest in maximizing safety—through self-regulation—would clearly outweigh the consumer interest in seeing that the antitrust laws are enforced to the letter. In such cases, the CPA would use its extraordinary powers to aid businesses.

What the brief is saying is that, if the CPA agrees with a voluntary action that violates the antitrust laws, it will help business violate the law and get away with it. How egalitarian can you get?

Mr. President, when you think about this, you have to realize that the CPA could probably be successful in such a shocking move. It has far more discretionary powers than the Justice Department or the FTC which it would be attacking if they dared attempt to enforce the letter of the law as they are supposed to.

Ninth, the brief predicts that the amicus amendment would destroy the capability of CPA to intervene and participate effectively in the administrative process.

The proper question does not concern the capability of the CPA but is: Will consumer interests be fully and adequately represented under the amicus amendment? The answer is "Yes." Full and complete input of concern of the consumer would be permitted, and the CPA would be permitted in every Federal agency proceeding to comment on all data, views, and arguments of all other persons. The CPA would be authorized expressly to have the last word—to comment after all other persons have completed their presentations.

What this boils down to is this: Is this bill to protect the interests of consumer by assuring that their views are considered? Or, is this bill to protect the interests of a Federal CPA to disrupt orderely procedures?

Tenth, the brief observes that an amicus curiae is merely an interested outsider who can ordinarily do no more than submit written briefs, or at most make a single argument, generally at the discretion of the last agency or court.

This statement is irrelevant, but perhaps of interest to first year law students. Defining amicus curiae does not explain the amicus amendment. The amicus amendment would permit, at the discretion of CPA: first, presentation of evidence; second, rebuttal; third, notice of agency action; fourth, an agency hearing and decision on the record; fifth, independent investigation powers; and sixth, submission of the entire record for final summary comments by CPA prior to closing the record.

The CPA can therefore adduce evidence, petition the agency to make discovery, and make full and complete final arguments to the agency. If the action is appealed, the CPA may as of right, not at discretion at the court, submit all relevant and material information for the court's consideration of the interests of consumers.

Eleventh, the brief says that most Federal agency proceedings are highly technical and the CPA must be given authority to effectively develop its case.

The amicus amendment would permit CPA to submit highly technical information and make highly technical arguments and to make them last. What this present bill authorizes is intrusion by a thinly spread CPA into highly technical agency proceedings to develop its expertise at the cost of orderly procedure.

Twelfth, the brief states that determinations by CPA that intervention as a party is necessary to represent adequately the interests of consumers will be subject to judicial review.

This is not a correct interpretation of the language of the bill as I read it. Section 210(e)(2) prevents any effective review of CPA determination by saying, and I quote:

A determination by the Administrator that the result of any agency proceeding or activity may substantially affect the interests of consumers or that his intervention in any proceeding is necessary to represent adequately the interests of consumers shall not be a final agency action.

Thirteenth, the brief says that the bill gives the CPA strong incentives to participate in agency proceedings only to the extent necessary.

The bill also contains a limited budget coupled with unbridled authority to intercede in agency activities. The budget not being coextensive with the authority, there is a built-in temptation for CPA to opt for controversial visibility rather than persuasive representation in order to make a name and justify more funds. No agency should be so tempted.

Fourteenth, the brief indicates that the amicus amendment would not provide a grant of authority at all since every Federal agency can already be an amicus.

Every Federal agency can now be an amicus curiae at the discretion of the host agency. The amicus amendment removes that discretion and permits participation by CPA on its own unchallengeable determination while at the same time increasing CPA participation, over that of an amicus curiae.

Fifteenth, the brief says that the amicus amendment is contrary to the trend of increasing ability of third parties to intervene in agency proceedings.

The writers apparently desire to coopt the rising ability of consumers to represent themselves. They would displace private representation of consumers by sheer inertia. The amicus amendment would compliment these private representatives, who in their area of expertise, better represent the interests of consumers than could any Federal agency—CPA included. It would not, as required by the present bill, replace them or beat their ears back if they dared oppose the CPA.

Sixteenth, the brief says that the amicus approach has already been considered and rejected three times.

CPA-type legislation has been considered in every Congress since Senator Kefauver, from my own State, introduced such a bill in 1959. Continued rejection of CPA-type legislation is no argument against the need for such legislation. Similarly, past rejection of a different amicus-type approach to a different bill does not argue against acceptance of this new amicus amendment by this Senate now.

Seventeenth, the brief says that the amicus amendment would bar the CPA from appealing any administrative decision to the courts, limiting it to seek only a rehearing by the very agency which rendered the decision in the first place.

This is all any other person can now do in the many administrative proceedings which are "committed to agency discretion." This bill is intended, so its supporters say, not to change the rights of parties in those proceedings. CPA should be in like position. However, CPA is authorized under the amicus approach to participation in any court involving review or enforcement of Federal agency action. The amicus amendment requires an agency or a reviewing or enforcing court to admit and to consider consum-

ers interests whenever CPA decides that their interests may be affected substantially.

Eighteenth, the brief exclaims that what the CPA needs is the right to participate as a party.

We are not considering a bill to aid CPA. We are considering a bill to aid and protect the consumer. The consumers' needs are under consideration. And, what the consumer needs is an input into the administrative process, so that his views and his needs are heard and considered.

Nineteenth, the brief says that the amicus amendment attempts to make CPA appear "more than equal" in one trivial respect in justification for making CPA less than equal to parties in many vital respects.

The right to have the last word, to make the final comments on all the evidence, all the data, all the exhibits and all the testimony of all parties is not a trivial right. The amendment preserves approximate parity for CPA in all other respects and in addition grants the significant right to "get in the last word." All this with minimum disruption.

Twentieth, the brief says that every Federal agency already has the inherent authority to initiate or intervene in judicial review proceedings.

If the drafters of the brief really believe this, then why are these writers so exercized? If the CPA is limited to amicus powers, the Council of Consumer Advisers which is created in title I of this bill has, in their words—

> The inherent authority—in the absence of statutory authority—to initiate or intervene in judicial review proceedings involving the actions of the Federal agencies.

If the writers really believe this, then why consider this bill? Let us merely ask Mrs. Knauer, FDA, FTC, and so forth, to start exercising their inherent authority to attack other agencies or each other.

This bill is a complicated one. There are many differences of opinion as to the best approach to the protection of the consumer's interest.

I question, in all candor, whether or not the bill as it now stands would be in the interest of the consumer. I question whether or not it will in fact do the reverse of the function for which it is designed—and that is to raise the cost for the purchasing requiring the necessities of life, for the people most in need of help, the low-income people of this country.

Too often, the Federal Government has, in its desire to be helpful, created more problems than it has solved. The difficulty that exists in this bill is that the interests of the consumer are not the interests of a special interest group, but the interests of all Americans. We are all consumers. To the extent that we are protected by the agency, good. To the extent that we protect the right of appeal, that is good. But to the extent that we create ever-increasing numbers of agencies of government and ever-increasing bureaucracies to impose on us as individuals, we jeopardize the basic freedoms of the people of this country.

Mr. President, in the Sunday Star, James J. Kilpatrick had a particularly penetrating analysis of the consumer protection bill which he characterized as an unwise delegation of power.

Mr. Kilpatrick points out that in the great arena of public affairs, the name of the game is power—how it is won, how it is used, how it is restrained. This sound doctrine was voiced in the Virginia convention of 1788 by Patrick Henry: power always to be distributed sparingly, on the assumption that bad men will use it badly, for it is likely that they will.

Mr. Kilpatrick feels that this sound doctrine had been forgotten by the advocates of the Consumer Protection Organization Act. In their eagerness to restrain the exercise of power by business they are creating another machine of even greater power. They are creating a super-bureau above all other bureaus. Mr. Kilpatrick recognizes that there might be some value in creating some sort of consumer agency, as independent as the General Accounting Office, with a responsibility to complain, to exort, or to dramatize on behalf of the best interests of consumers. But he warns against the creation of a czar with super powers over all other agencies and bureaus.

As I have stated before, I feel that a consumer agency should be created. However, I agree completely with James J. Kilpatrick and Patrick Henry that if our liberties are to be protected, then Federal power must be limited. Such limitations are contained in the amicus amendment offered by the distinguished Senator from Alabama (Mr. ALLEN).

I request unanimous consent that the Kilpatrick editorial be printed in the RECORD at this point.

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

[From the Washington Sunday Star, Sept. 24, 1972]

CONSUMER BILL: UNWISE DELEGATION OF POWER

(By James J. Kilpatrick)

Columnists and editorial writers, as members of our tribe are well aware, sometimes fall into a kind of lordly omniscence. With equal authority we pronounce upon public schools today and public power tomorrow. We are into everything that matters, but when it comes down at last to the question of power, the answer, of course, is: Non est. There is none.

The Congress this month is warming up to pass a bill that covers the same sweeping universe. The bill (S. 3970) would create a new Consumer Protection Agency, with authority to pronounce upon everything that matters. But there is this vital difference: The CPA would have power.

I have said it a hundred times and would say it a thousand more: In the great arena of public affairs, the name of the game is power—how it is won, how it is used, how power is restrained. The sound doctrine was voiced in the Virginia Convention of 1788 by one of Patrick Henry's anti-Federalist band: Power ought always to be distributed sparingly, on the assumption that bad men will use it badly, for it is likely that they will.

That sound doctrine has been forgotten by advocates of this Consumer Protection Organization Act. In their eagerness to restrain one exercise of power—the power of big business—they are creating another machine of even greater power. Their proposed Consumer Protection Agency is like nothing we have seen before. The CPA, potentially, is a government on top of a government, a super-bureau above all bureaus.

The wonder is that good men, experienced in the ways of bureaucracy, could be breathing legislative life into this Frankensteinian monster. An explanation lies in the nature of the problem.

In recent years, or so the Congress apprehends, consumerism has become a secular religion. Ralph Nader is its high priest, the women's clubs serve at the altar. Voters may otherwise be identified as Catholics or blacks or farmers or veterans, but whatever they may be, they also are consumers. The unwarranted assumption prevails that as such, they all are members of the same universal church. Politically speaking, consumerism has to be served.

Beyond politics is the problem itself, and the problem is real. In the day of the village blacksmith, standing beneath his chestnut tree, the consumer had an easier time: If the shoe didn't fit, he could lead the horse back. Responsibility was direct and a customer's recourse was immediate. Obviously, nothing of the sort obtains today. The TV set probably was made in Japan; responsibility is blurred; everything seems out of focus.

But a proper answer is not to be found in the drastic relief proposed by this bill. Consumers are not mere beads on a string. Their interests are not identical. It is absurd to suppose that the bureaucrats who would man the CPA would be one whit wiser, more skilled, or more efficient than the bureaucrats who now serve in, say, the Federal Trade Commission or the Food and Drug Administration. These new masters would simply have more power.

It will be denied, of course, but the proposed CPA is potentially the largest of all agencies. It would have to be expert in everything—in aeronautics, in oil and gas, in milk and tomatoes, in fabrics, drugs, safety belts, public parks, banks, bonds, boats. It would have power to intervene in every regulatory proceeding, formal or informal, of every existing agency. The bill invites chaos.

There might be some value in creating a kind of super-editorial writer, as independent as the General Accounting Office, with a responsibility to complain, to exhort, to dramatize, to publicize, and generally to make noise in what might be conceived to be the consumer's interest: an official Ralph Nader. But to vest such a critic with power—the power proposed in the pending bill—is to create a czar. No thoughtful consumer would buy it.

Mr. BROCK. Mr. President, let me say again that I think should be of concern to every Member of this body and to the American people at large. Time and again in recent years Congress has seen a problem and has tried to respond to it by the delegation of power—administrative, legislative, judicial power. In some instances we have delegated power that the Congress itself does not have under the Constitution. But whether or not Congress has it, Congress is the people's branch. Nobody in any agency is selected by the people or is responsible to them. Too often I think Congress has embarked upon a program of coercion, of force, and excessive exercise of power, all to the derogation of some basic and essential freedoms of all Americans.

It concerns me that in this particular Congress we debated a bill not too many months ago in which Congress was going to delegate the right to a fieldman of an agency, absolutely to shut down a business, lock, stock, and barrel, if he did not like the way they were hiring, firing, or promoting. The businessman had virtually no protection, and neither did the employees.

That particular section was stricken by an amendment of the Senator from Colorado. But every so often, in this body, we come up against this particular issue.

How much power is necessary to protect people, and how much power can be delegated to any executive, any administration, or any enforcer, without abrogating the essential rights and responsibilities of free men, without damaging or even placing in jeopardy the rights and responsibilities that we have under the Constitution?

I think this bill has a desirable objective. It has the advantage of great public support in terms of its goals. But I question whether the American people really want another agency which can compete with existing agencies. I feel my constituents in Tennessee would ask me, if I did not make an effort to improve the bill, "Why did you not make an effort to improve the existing agencies that have regulatory powers? If there is a problem with FDA, why not change the FDA regulatory powers? If there is a problem with FTC, why not change the regulatory powers of the FTC? Why create a condition whereby we are going to have the United States as a litigant over and over again in the Federal courts, which are already overburdened?"

Where does the citizen stand? To whom does he listen? Time after time, when we talk with young people, we find a sense of frustration because of a feeling of the institutionalization of life in this country. There is a feeling that things have gotten out of hand. People do not know where to turn for an honest answer.

What we are dong here is creating new problems as well as compounding old ones. Are we not creating a situation where, by law, an agency can go in and intervene with another agency in the legitimate function of exercising its supervisory and regulatory authority? Where does the citizen look for help in that kind of situation? Where does the small businessman get relief with that kind of proceeding?

Under the bill as written without the amicus amendment there is no place for the small businessman to go. He can go to the courts, of course, after the fact, after the damage is done, perhaps after he is out of business; and then perhaps he would have little opportunity to pursue the relief.

It seems to me that in our zeal to protect the rights of consumers, we must not forget to protect the most fundamental right of all, the right of men to their freedom.

Mr. GURNEY. Mr. President, will the Senator yield for a question?

Mr. BROCK. I am glad to yield.

Mr. GURNEY. First of all, I commend the Senator on his most thorough analysis of this bill, and on calling attention to the many dangers and pitfalls that lie in it. I think this is about the most thorough analysis I have heard of this very comprehensive bill, and it does point out what may happen if an extreme consumer partisan is appointed to administer this agency. I certainly think that we have to realize that the strongest partisan who can be found for consumers would probably be put in charge of this agency.

I would like to ask the Senator this question: He pointed out that in his opinion, the amicus amendment would permit the CPA to fully and adequately represent consumer interests. I certainly agree with him on that point. I wonder if the amicus approach would not perhaps enable the administrator to better represent consumer interests.

I bring up this situation: Again and again we find conflicting consumer interests in areas of great interest around the country. For an example, let us take the power problem with which we are confronted. We have a power crisis in the United States today, as everyone knows. There are blackouts in some areas. Everyone in Government who has anything to do with the power situation is concerned with whether we are going to be able to construct enough powerplants to satisfy the needs of this country. These needs are now increasing at about 10 percent a year. In my own State of Florida the increase is even more rapid than that, because we are a much faster growing State than much of the rest of the country.

But we have conflicting interests here. Suppose, for example, that a powerplant is to be built in a certain area—there is one now under consideration for the city of Philadelphia. My understanding is that the Atomic Energy Commission selected a site there, and the citizens who live near that site brought a court suit, saying they did not want it there, even though they were going to be consumers and would ultimately benefit from the power output of the plant, whenever it is built.

We have, of course, the whole environmental ecology problem. When a powerplant site is selected, the ecologists, all fair minded as far as their interests are concerned, usually raise the question of damage to the ecology.

For example, again in Florida, our newest atomic powerplant has been held up in its final construction and initial operation for years, because of an ecology controversy.

We have a conflict of interest with ecologists, we have a conflict of interest with citizens who may live in an area where an atomic plant is planned, and we have the very heavy consumer interest of those people who want the power to use in their homes, their businesses, their hospitals, and for all the many other uses for which power can be utilized.

It seems to me that under this bill, as it is presently drawn, the CPA can represent one of those interests, but cannot represent the other interests. Would the Senator from Tennessee care to comment on that? Is that true under this bill?

Mr. BROCK. The Senator is absolutely right. As a matter of fact, to take the analogy or the illustration one step further, let us assume that the Environmental Protection Agency finds that adequate adherence has not been given in the issuance of the impact statement in the building of the powerplant. The Consumer Protection Agency could agree, or could also disagree, and intervene on behalf of the proponents of the powerplant and say, "We are going to build it whether you like it or not," with the full force and power of the Federal Government behind it in the form of this consumer agency, which would have far greater powers than any other agency, including the Environmental Protection Agency.

So, with this bill, without the amendment, there is no way to prejudge or predict where they are going to define the consumer interest. Will they define it in the area of protecting the environment? Will they define it to mean power at a lower rate, or will they define it, on the contrary, to mean power at a higher rate? They could, for example, intervene with the rate fixing agencies and say, "We think your rate is inadequate to provide for proper research and development." There is no limit. They define what they mean by the consumer interest, and there is virtually no limit on that authority to do a self-definition job.

Mr. GURNEY. As I understand the Senator's example, if the power company went to the CPA and said, "We want you to intervene on our behalf," and the CPA looked at it and said, "Well, they do have a proper case there, so I'll intervene on their behalf," and if they did so, and if a week later the ecologists come in to the CPA and said, "No. We want you to intervene on our behalf," my understanding is that, since the CPA has already intervened on behalf of the power company, they cannot intervene in behalf of the ecologists. Is that correct?

Mr. BROCK. Of course.

Mr. GURNEY. Under the amicus approach, as I understood it, when the amendment was offered in the committee, the CPA would intervene in such a situation and give all the arguments on behalf of a consumer. There is no reason in a case such as that why he could not give the views of the power company, the manufacturer of the electricity, the ecologists, or even the people who ultimately are most concerned, those who want to use the electricity. All these people who do have conflicting interests could have their viewpoints presented by the CPA under the amicus amendment.

Is that the Senator's understanding of the amendment?

Mr. BROCK. Absolutely.

Let me make two points in response to the Senator's questions, which are excellent.

First, I should like to read one paragraph from a letter from the Chairman of the Federal Power Commission with respect to the effect on the consumers of this legislation as written:

> The authority which this bill would confer upon the Consumer Protection Agency, if improvidently exercised, could substantially hamper effective regulation by this Commission under both the Federal Power and Natural Gas Acts by postponing finality of decision in matters of pressing public concern. The power to seek judicial review even on the absence of such intervention or participation could impose another layer of regulation upon this Commission and impair its effectiveness to the detriment of the public.

That is signed by John N. Nassikas, Chairman of the Federal Power Commission.

I point out that what we are trying to do with the amicus amendment is to create a different kind of intervention, a higher quality, what we would refer to as the last-word approach. I believe it provides a more effective means of advocacy be done by any parties to the ajudication proceeding.

As the Senator points out, under the amicus approach, all points of view that respondingly relate to the consumer interest must be taken into account, not just one. Those interests are not always the same. Quite often they are not.

It could be in the interest of more power to prevent blackouts, as opposed to the interests of higher prices or in the interests of ecology or in the interests of the environment. They are conflicting, and they all should be considered.

We simply cannot take a one-stance approach to the decisions of Government.

This approach of the amicus amendment would also avoid the specter of the Government presenting two prosecutors with potentially two different views, or the Government being cross-examined and impeached, in fact.

The compromise we are offering provides, as a matter of unchallengeable right, the CPA with a reconsideration of an action where any person could seek such action. From an administrative point of view, this is far more effective and far less disruptive than the present bill, which does not indicate this power.

Granting the CPA the right to seek judicial review of Federal actions will result in the "United States against United States" court cases. This is not administration of the law but a division of the Government that must be resolved by the courts. If it can be avoided, it should be.

In the extremely rare instances where this has happened, the courts have usually been divided and have expressed not only their confusion but also their annoyance over the fact that the executive branch could not administer the law.

I think that is exactly the kind of problem we are creating here, with the bill as it is presently written, without the thrust and effect of the amicus amendment.

What we, in contrast, are trying to do with the amicus amendment is to offer every right of intervention, every right of representation to consumers' interests, but broadly stated; not selected consumers—all consumers. In other words, the agency would be mandated to represent not a group who happened to have political power at a given point in time, but every citizen of this country, in the broadest possible way, in their total, long-term national interest, as consumers. That, to me, is a far more effective type of representation than that which is proposed in the bill.

Mr. GURNEY. I would agree with the distinguished Senator from Tennessee. That was my understanding of what the goal of the proponents and authors of the proposed legislation was originally. But it seems to me that the final product is entirely different.

Is it the understanding of the Senator from Tennessee, as it is mine, that the creation of the CPA—including the creation of powers given to it in the proposed legislation—not only authorizes it to represent whatever special consumer interest presents a complaint or a cause or a request for action, but mandates that such representation shall be of an advocacy nature.

My profession was that of a lawyer before I came to Congress. As I understand the word "advocate," an advocate, a lawyer on behalf of a client, is supposed to do everything within his power to make sure that his client's will prevails, using all his wisdom, all the tools at his command, in an effort to try to win for his side, his client, his cause.

Therefore, it seems to me that the Senator is absolutely correct, that in the creation of this super agency, as he has described it—and I think that is an excellent word to use—we are indeed creating a creature of Congress whose mission as spelled out, is to go out and harass Government agencies that are involved with consumers' interests, on the part of whatever consumer presents a cause to the CPA.

Is this the Senator's understanding?

Mr. BROCK. Absolutely.

There is one thing many people fail to realize about this bill. One of the things we do in Congress is to put a good label on every bill. Everybody says, "I'm for a consumer bill," and, of course, they are. We all are. Or they say, "I'm for a health bill or an education bill." Then we cover up some rather specific language in the bill with that label.

We talk about our interest in the consumer. The fact is that this bill, as it is written, really has no impediment to becoming a big business bill.

If this agency wanted to, there is no reason in the world why it could not intervene totally on behalf of industry, in an effort to raise prices on natural gas or oil or other regulated commodities, because the logic of the case—and it is a case that can be made—on the part of industry is that "If we do not get higher prices, we won't have a profit for exploration. We have a fuel crisis. We have to develop more resources. We have to find those resources. In the interests of consumers we have to have consumers temporarily pay a higher price for electricity, gas, heating oil, and the like."

There is no reason in the world why they could not submit a statement to the CPA, as it is proposed, and say, "We are concerned about consumers. We are trying to help consumers over the long term. Now we expect you to go to court and fight the State commisions which are impeding our growth and progress and our ability to develop energy resources by setting unrealistically low prices." There is no reason why the agency cannot do exactly that because that is what they have been created to do, to represent the interest of the consumer. It may be a vested interest or a special interest, or a group of business interests, but there is no preclusion of that kind of activity whatsoever. There is no reason to think that could not happen. It might, in the long term, but my constituents in Tennessee do not think so and they resent it very much.

Mr. GURNEY. The Senator mentioned his constituents in Tennessee. That raises this point, which has puzzled me about the bill. It seemed to me that we in the United States often go off on this crusade or that crusade, when perhaps a crusade is not warranted at all.

I am reminded of a few years ago, when in many parts of this country, everyone began digging holes in the ground for bomb shelters. I had friends who came back from a trip to Europe at that time, when everyone in this country was busy digging holes in the ground like a woodchuck. They said to me, "What has happened? We spent 3 months in Europe and everyone over there is going about their business. No one is concerned about war or an atomic attack from the Russians. What in the world is the United States doing digging holes in the ground for bomb shelters?"

Well, as we all know, after a year or so of that curious activity, everyone forgot about bomb shelters and used the holes in the ground for a separate bedroom or a separate living room.

I wonder, perhaps, whether we are not going off on that same sort of tangent on this consumer bill.

With that as a preface, I should like to ask the distinguished Senator from Tennessee if he has had much mail from back home requesting him to introduce a consumer protection bill and asking him to vote for such a bill, with correspondents verbally wringing their hands that something must be done to protect them from the plans and schemes of business to do them in with bad products? Has he had that sort of request from home?

Mr. BROCK. If I may respond to the Senator from Florida, let me say that I have had virtually no mail at all advocating this kind of legislation. I have had a flood of mail in opposition to it from small businessmen and attorneys who are terrified at the implications inherent in this possible exercise and grant of authority. They fear very much that there are no safeguards, no protections built in for the small person in this country, be he a worker or a small businessman. That is the case.

I was interested in the Senator's remarks about crusades. I was reading, just over the past few days, a historical study of the first crusade, back in 1095. I was reading a double account of it. One account concerned the people who were the inhabitants of the area around Jerusalem and their viewpoint of what ultimately became a holy war. Every time they killed a number of crusaders, they felt that they had gotten themselves closer to their kind of heaven and had sent so many more souls; that is, crusaders, to hell.

When I read the account of the crusaders, obviously, they had a somewhat different perspective. They went into this particular community, talked at some length about how the infidels had destroyed women and children, ruthlessly raped, multilated, maimed, kidnaped, and killed these holy Christian women. So when they took a little town and in that particular exercise, they had proceeded to overwhelm the garrison, they proceeded to multilate, maim, and mur-

der somewhere on the order of 1,100 or 1,200 infidels, whom the crusaders felt they had sent speedily on their way to their predestined place in Hades and had, of course, gained for themselves one further step up the ladder into heaven. That is what happened in the crusades of those times. We forget that there may be two points of view.

That is perhaps true on this particular legislation. In the interest of the consumer, we might unwittingly push the price of goods and services beyond the reach of the small consumer, the impoverished family, those who live on $3,000, $4,000, or $5,000 a year. We can end up creating a government of chaos, a government of conflict. We can create a great force, a great influence to regulate, because we can take to court any agency anytime someone disagrees. The FTC can have its regulations, which a chairman can sign into law, and all of a sudden we have a climate and a condition in which prices go up, stretching the basic prices of commodities beyond the reach of low- and middle-income families, and yet there is no effective regulation because we are all tied up in the United States against the United States cases in the courts.

I cannot imagine anything more deleterious to the consumer than that, with such a condition and climate in this country. No matter what a bill is labeled or what the intent is, if the effect is to damage the rights and prerogatives of freedom, we have created a problem, a monster.

Mr. GURNEY. I have to agree with the distinguished Senator from Tennessee in his analogy of the Crusades causing so much mischief. It is an excellent example. It had been my impression of the Crusades from a study of history back in high school and in my early years of college that these were, indeed, tremendous movements on behalf of Christianity and did the world a very considerable amount of good. But then, this year, I read James Michener's story about the Crusades—perhaps the Senator did, too. I understand that Mr. Michener is one of the most accurate historical novelists that we have today, and his assessment of the Crusades is quite a bit different from what I gathered from my history books back many years ago. It fits precisely into the reasoning the Senator from Tennessee has mentioned today.

Mr. BROCK. He is one of the great authors of our time. It is rather intriguing, in reading this particular material that I had in analyzing the Crusades, that they did not call them Crusades until after the first one. It was a different thing then. It did not become a holy war until after. The fact is, the church in those days did not believe in violence. It was steeped in early Christian religion which said, "Thou shalt not kill." And it adhered to that principle until this particular time, in the late eleventh century. But a funny thing happened. When they had to collect all the men together to go out on the first Crusade, they had to create a system of management to leave behind some method of maintaining the farms so that they would continue their productivity, and they had to create a new type of commerce in order to operate the weapons of war and to finance the war, and there had to be new monetary and credit systems evolved which would afford them the opportunity to engage in a crusade, in order to capitalize on their endeavors. All of this created such a tremendous economic climate that it became sort of nice. It was a pretty productive thing for everyone. So it became a holy war, and then it became a crusade, which may or may not describe the essence of human nature at that particular time.

But it illustrates a problem we have today. We may be working in the reserve condition here. We may have a crusade to protect the interests of the consumer, which will ultimately destroy his interests and will destroy his opportunity to engage in the marketplace in the production of the necessities of life.

Mr. GURNEY. The Senator's point is well made. In the article which I mentioned earlier today, which was the Sunday Star and Daily News, published on August 13 is an article about consumerism by Jefferson St. John, a news commentator for radio and television, and also a writer.

He points out that during the New Deal days we actually had devices similar to the CPA, which we are creating in the pending bill. It was a Consumers' Advisory Board.

Gen. Hugh Johnson, who was in charge of the NRA, was a very important man under President Franklin Delano Roosevelt. He admitted in his memoirs that "I made a blunder in setting up a Consumer Advisory Board as I did."

General Johnson also conceded that the board was a factor in "increased prices to consumers"—in addition to FDR's monetary policy, price fixing in agriculture, and State and Federal taxing policies.

"The board representing consumers," Johnson added, "should not have been set up exclusively in NRA where it felt a duty to 'Make a record' and attack every code on general principles without regard to other influences affecting prices." That is analogous to the point the Senator was making.

The Senator stated that the Crusade accomplished a great deal of mischief, probably the greatest cruelty and killing and maiming in the history of the world, all in the name of Christianity.

It seems that a similar distortion occurred under the guise of consumer protection. We may be accomplishing the reverse of what we are attempting to do. We may protect them so that the goods and services would cost them a good deal more than if we had done nothing.

I am of the same view as the Senator. I am not opposed to creating the CPA as such. The CPA can engage in consumer protection. As a matter of fact, we have protected those interests through such agencies as the Food and Drug Administration, the National Trade Commission, and other departments and agencies of the Government. I think there are 39 of them involved in consumer protection.

This Senator—and I know full well the Senator from Tennessee shares my views—feels that he is not opposed to protecting the consumers. However, we are opposed to going overboard on protectionism by setting up a CPA Administrator and giving him the power to actually hamstring the process of Government and the process of trade.

As I say, we have amended it 58 times in order to try to improve it during the mark-up in the full committee. That was because it was such a bad bill. However, there is still much in it that should be changed in order for us to accomplish the mission we set out to do, to protect the consumers.

It seems to me that the amicus approach is the desirable approach. I think after we make a start on it, we will find that it will work, because it will indeed bring all viewpoints of the various consumers together. We do have these conflicting viewpoints of the various consumers. Even if it would not accomplish all of the missions we think it will, it seems to me that it would be far better first to take a step toward this new approach of a super agency, rather than to suddenly compete in the final race of the Olympic games without any prior preparation.

As I see the Senator's viewpoint, which reflects mine, we ought to give it a chance through the amicus approach before we set up this advocate agency that will go charging out among the various Government agencies trying to make a record. As Gen. Hugh Johnson said, a Consumer Advisory Board usually generated more problems than it solved.

Neither the Senator from Tennessee nor I see any compelling urge from our respective States. However, it seems to me that the proponents of this bill are trying to sell the idea that consumers all over the United States are clamoring for this bill, clamoring for some kind of protection to protect them from the evils of the manufacturers, the producers, and business interests in the country.

Mr. President, I was rather amazed here to receive some letters recently. I wish I had received these letters earlier, but I think people are just waking up to what is in the bill. Here are some people who are waking up to it. I know that the Senator from Tennessee would be interested in these letters, because he has farming interests in his State, as I do in mine.

I have a letter from the American Farm Bureau Federation. They represent 2 million members. That is a lot of consumers in this country. Believe me, farmers are very price conscious. They have been for some time at the low end of the totem pole so far as the increase in profits and a share of the increase in the economy in this country is concerned.

I will read portions of the letter. It reads in part as follows:

> We submit that the delegations of power granted to CPA to intervene in agriculture alone are extraordinarily far reaching and comprehensive. The activities of many other agencies, such as those of the Department of Labor, Food and Drug Administration, Interstate Commerce Commission, Department of Transportation and many other agencies also would be of direct consequence to farmers.
>
> The enactment of the bill in its present

form inevitably would entail administrative delays at every step of affected procedures. The costs of attorney fees and other costs in and out of government would be substantial. Government agencies would be ensnailed in new "red tape" and procedural complications.

This letter goes on and makes other arguments.

This is an organization representing 2 million members. They would like us to do something about correcting some of the inequities in the bill.

Here is a letter from the National Grange. We do not have many Grange people in Florida. However, where I grew up, in Maine, we had many of them. Perhaps the Senator from Tennessee has many of them in his State. At any rate, the Grange people sent a letter to me about this bill.

It reads in part:

The National Grange for many years past has supported consumer protection legislation and in particular in the last several years proposals to create within the federal governmental structure an agency whose sole purpose is to protect the interest of the consumer whenever it may be affected by federal government action or inaction.

The opening paragraph of the letter states that this organization is consumer minded and they actually support the concept of the bill. However, in the next paragraph they go on to say:

We are firmly convinced, however, that S. 3970 goes too far and that it would disrupt the orderly process of administration of federal laws, result in damaging delays in necessary government regulation and on balance harm rather than help consumer interests.

They continue:

Taking into considertaion past activity of consumer activist groups in the Nation and the current climate of challenge of almost every Government action, we fear that CPA would use its powers to the utmost and create havoc in established Federal procedures, including rule-making, rate-making, licensing and adjudication proceedings, and informal actions of various agencies. Delay and additional cost to the Government and interested parties would be considerable.

I would ask the Senator this question. They are correct, are they not, that the CPA can go into rulemaking, ratemaking, licensing, and adjudication proceedings, and even informal actions of various agencies.

Mr. BROCK. Without any question whatsoever, the Senator is correct.

Mr. GURNEY. Mr. President, I would say that there are 600,000 members of the National Grange throughout the country, and they do not want the bill. They say so in no uncertain terms in this letter.

Here is another letter entitled "Action Bulletin."

I was particularly interested to get this letter. It is not addressed to me. It is addressed to members of the National Council of Farmers Cooperatives. We have a great many cooperatives in Florida, and I am sure that the State of Tennessee does, too.

Cooperatives are particularly common in our great citrus industry. I suspect most of the fertilizing and marketing of the whole Florida industry is done through cooperatives who are members of this council. Here is what they say. This is an action bulletin or quotation from the national office:

In the legislative rush of the waning weeks of the 92nd Congress, a seriously anti-agriculture Bill threatens to become law. This Bill is S-1177, designed to create an independent Consumer Protection Agency at the Federal level.

Farmer cooperatives generally support legislation of benefit to consumers. However, this Bill would cause havoc with the effective operation of the USDA and its varied agricultural programs. A similar Bill has already passed the House (H.R. 10835), and the Senate Bill's passage is fast moving toward reality. It must be amended to protect agriculture's interests.

There are 6,500 cooperatives throughout the United States that belong to this council. My information is that this represents about 3 million local farmers, scattered throughout the Nation. Thus, we have letters from nearly 6 million people who are all consumers in this country, very active and important consumers, and they apparently think very little of this bill in its present form.

I wish to ask the Senator from Tennessee if it is his feeling, too, that the farmers in the great State of Tennessee, if they know about this legislation, are apt to view it with considerable alarm.

Mr. BROCK. I would say that that is the understatement of the year. I am delighted that the Senator from Florida brought this matter up. One of the more interesting letters I have is a copy of the letter from Richard Lyng, who is Assistant Secretary of Agriculture, to the Senator from Alabama. I would not dream of taking the time of the Senator or this body to read the 31 pages of activities that are listed by the Department of Agriculture which could be adversely affected by the passage of this legislation. It covers every single farm program we have on the books. There are 31 typed pages listing those areas which can be covered and adversely so in the interest of the farmers under this bill. That is the kind of joint franchise that has been suggested we grant this new agency. It is an incredible franchise and frankly the farmers in my State, those who have become familiar with this legislation, without exception express grave and serious concern over some changes.

The thing that bothers me most, and it was alluded to in the excellent minority views submitted by the Senator from Alabama, attached to the committee report, is that I am not sure whether Congress should not start all over on this bill. It is difficult to amend because we are creating amendments which may or may not consider all the ramifications. We adopted some 58 amendments in committee, if I remember correctly. That suggests the kind of bill we were handed in the first place. There were the standard problems incorporated in that original legislation.

I personally support the amendment of the Senator from Alabama because I think it is a step in the right direction. But I really question whether or not that amendment is in itself sufficient to remedy the inequities of this particular legislation. Perhaps it would help if I remind this body of a letter to the then chairman of the Committee on Government Operations, the Senator from Arkansas (Mr. McCLELLAN), from Ralph Erickson, Deputy Attorney General, which was received on July 28, 1972. I wish to read just a few relevant paragraphs:

In the Department's view, the proposed Agency's powers of advocacy and intervention in Federal administrative agencies' decision-making are too broad, and pose a threat that the orderly and effective dispatch of the public business in the public interest might be significantly disrupted. For this reason, the Department strongly prefers the more narrowly drawn provisions governing the proposed Agency's interventionary powers which contained in H.R. 10835 as it passed the House of Representatives last year. A comparison of provisions of the Committee Print and H.R. 10835 in this important area may help illuminate some of our concerns.

It goes on to define agency action in section 401(4) and states that it fails to set any reasonable limits on areas of possible intervention by the Administrator:

"Agency activity" means any agency process, or any phase thereof, conducted pursuant to any authority or responsibility under law, whether such process is formal or informal, but does not mean any particular event within such process [.]

I go back to the quotation of the Attorney General:

In our view, this definition is at best imprecise, and implementation of Section 203 (b)'s mandate under it would cause great problems for administrative agencies in general, and particularly for the Department of Justice in performing its prosecutorial functions.

The letter goes on to say:

The Department is also opposed to the broad reach of Section 204(a) of the bill, which gives the Administrator "standing to obtain * * * judicial review of any Federal agency action reviewable under law and to intervene as of right as a party in any civil proceeding in a court of the United States involving the review or enforcement of a Federal agency action, if he intervened or participated in the Federal agency proceeding out of which the action arose or, if he did not so intervene or participate, the court finds that the result of such action may substantially affect the interests of consumers."

It goes on to state:

In contrast to the unfettered grant of authority to the Administrator to obtain judicial review and to intervene as a party in a court proceeding involving the review or enforcement of a Federal agency action, we note that there is no provision in the Committee Print comparable to H.R. 10835's Section 204(c)(2), which allows the Administrator to appear as *amicus curiae* in other actions to which the United States or any Federal agency is a party. We believe that the Administrator's authority (or lack of it) to participate in judicial proceedings not involving the review or enforcement of Federal agency action should be specifically set forth.

He goes on to state:

The Committee Print's grant of compulsory information gathering powers to the Administrator also seems excessively broad. Both the Committee Print and H.R. 10835 authorize the Administrator to use in any Federal agency proceeding to which the proposed Agency is a party all types of compulsory process and discovery devices available to any party to the proceeding under the terms of the statute governing the agency conducting the proceeding.

Again, he states:

For similar reasons, the Department would recommend the deletion of Section 207(b) of the Committee Print in its entirety. In essence, Section 207(b) would give the Administrator the right to compel any person who is engaged in a trade, business or industry affecting commerce and whose activities substantially affect what the Administrator determines to be the interests of consumers to answer interrogatories under oath "concerning such activities and other related information." The Department regards this proposal as unsound and unnecessary. The proposal is unsound, because it is at odds with the basic premise of the legislation, which, as we understand it, is that the interests of consumers need more adequate representation in the processes of Federal administrative agency decision-making. To our knowledge, the proposed Agency has never been intended to be a wide-ranging investigative agency, empowered to scrutinize the business practices of any person or business entity whose activities might affect the interests of consumers.

He goes on and on. There is no limit to the grant of discretionary power, carte blanche, without any protection on the individual. It seems to me we run the terrible risk of jeopardizing of the interests of small business and the consumer, as well.

Mr. GURNEY. Mr. President, will the Senator yield for a unanimous-consent request at this time?

Mr. BROCK. I yield.

Mr. GURNEY. Mr. President, on behalf of the Senator from New Hampshire (Mr. COTTON), I ask unanimous consent that Mr. Arthur Pankopft, of the minority staff of the Commerce Committee, be granted the privilege of the floor during the consideration of the consumer protection bill.

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

The GURNEY. The Senator from Tennessee mentioned the Justice Department, and, of course, that brings to mind lawyers and the law profession. I understand this bill starts out with an authorization of $15 million the first year, and then $20 million the second year, and then $25 million the third year. Is it the Senator's understanding that a goodly amount of authorized, and then, of course, later appropriated, money will be devoted to the hiring of lawyers to staff the CPA?

Mr. BROCK. Of course. I am sure the money would go for that purpose.

Mr. GURNEY. My calculation of a rundown of lawyers' salaries indicates that perhaps $20,000 a year would be paid for the employment of literally hundreds of lawyers under the authorization and appropriations which this bill will eventually set up and generate from the Appropriations Committee. It would also be my feeling that once the lawyers get on board, their main mission in carrying out the edicts of this law will be to intervene in the informal proceedings, and later the formal proceedings, of the agencies, and then later the court proceedings either AB initio or else on appeal from what happened before.

Is it not the Senator's understanding that the hundreds of lawyers who would be employed would be doing that?

Mr. BROCK. Yes. Perhaps I have a certain bias on this, and I make no derogation of the contribution of lawyers to the legislation enacted by Congress, who, I think, comprise perhaps two-thirds of the membership of both bodies. However, as I said, if we get a lawyer's employment act through Congress such as this, there are going to be quite a few who are going to be well compensated for their contributions, and perhaps they may have something at heart other than the interests of those for whom we purport to act.

Mr. GURNEY. I would have to agree with the Senator that the bill is certainly going to be cheered from one end of the land to the other by lawyers, because it does constitute a splendid employment act for lawyers.

Mr. BROCK. We are doing as much for them in this one as we did for the tax attorneys in the 1969 tax code provisions.

Mr. GURNEY. I think the Senator has a point there.

The thing that disturbs me, however, is that I wonder if we are not setting up, at least in this Senator's opinion, based on experience gained from action in Florida, something akin to the legal department of the OEO. We have had a lot of experience with the OEO in the State of Florida. I think it is a fair thing to say that our experience has been that while the OEO lawyers acted in good faith, there is no question that they did stir up unnecessary litigation in Florida, went out looking for it, went out looking for clients, trying to get law business, in order to carry out their mission.

I can see that this same thing is going to happen with this kind of agency, where we have one, two, three or 400 lawyers—and I would think the CPA eventually could have as many as that. I think some of them are going to come into that agency in a crusading form or fashion, using the same words we used before, and I think they are going to find ways and means of carrying out their mission of advocating as hard and as fast and as much as they can in the name of the consumers.

Mr. BROCK. That is correct.

After these 500 or 1,000 or 2,000 attorneys, or whatever number it will be—and it will be the maximum number possible—can the Senator imagine what would be the case, if, after they had gone through an investigation of the FTC and the FDA, and the ICC, and all the other agencies, and did not find any problems? They would then come to us and say, "Well, you need to continue hiring us, because we need to exercise oversight over them, but, as a matter of fact, these agencies are doing a pretty good job?"

To think they would do that is living in a dream world. As a matter of fact, for them to justify their existence, as every bureaucrat must, they have got to come in with a very controversial report. They have to say, "The agencies are doing an abominable job, and all you have to do is give us more power and more money and perhaps more men to straighten them out." That is how the bureaucracy grows. That is the nature of the beast. Not once will you have an agency come in here and say, "We will solve the problem if you will straighten out FDA or FTC and let them be regarded as a consumer advocate"—which is the thing we should have done in the first place.

If we do not agree with agency decisions, then we should examine into that agency. If we are going to create a new agency here, why not start abolishing other agencies? But that is not proposed. All that is proposed is to put one more patch on the quilt, and back it with a lot of power that has never been granted to any other agency in the history of the country. We are going to do that, and we are going to give them, by definition, the motivation to seize upon the most controversial questions they can in order to justify their existence. I think that is one of the poorest ways to go about solving the problems of this country, and it is a rather dangerous way.

Mr. GURNEY. I am going to have to agree with the Senator.

I would like to pursue the lawyer role a little more, since I brought it up. It does bother me. As I pointed out earlier, I am a lawyer myself, and I understand how an advocate, when he has a case, wants to win. That is why I think the amicus approach is so much better than the approach in the bill. With the amicus approach, the CPA comes in and is able to present all the views it wants to present on behalf of the consumers—and there could be as many conflicting consumer interests, of course, as two or three or four. But after it had presented its views, either in an informal procedure or a formal procedure, or even in a court action, that would be the end of its participation under the amicus amendment. As I see it, it would be able to expose all the issues that it needed to expose as far as the consumer was concerned.

Mr. BROCK. The Senator is entirely correct. I appreciate his contribution and his thoughts in this matter. I think he is one of the most skilled members of the committee, and he has done as much research on this legislation, insofar as its effect on the consumer and the interest of the consumer are concerned, as anyone, and I commend him for that work.

Mr. President, I yield the floor.

Mr. GURNEY. Mr. President, continuing the point that was under discussion with the distinguished Senator from Tennessee, it seems to me this amicus approach would be far better, because at the presenting of the views of the consumer—in some cases the many conflicting views—proceedings would terminate, and a decision could be reached. I can see all kinds of reasons, if the Administrator of the Consumer Protection Agency is given the power that is presently in the bill to intervene as an advocate, why he would be completely motivated to delay and appeal, and why great mischief could be done. Such delay might even be used as an implied threat, even as it has by other agencies.

Suppose, for example, we had some agricultural matter under consideration

involving fresh products of some sort—tomatoes, perhaps, or some other perishable items.

Decisions on these matters are needed very quickly, because, if they are not made quickly, the perishable product perishes and is no longer of any value to the producer or the consumer.

Under this bill, if we give the Consumer Protection Agency the full rights of advocacy, it can intervene, it can delay the proceeding, and then, of course, great harm, great mischief, and great damage will be done as far as perishable products are concerned.

The same thing, of course, could be true in many other areas. I use again the example of the power crisis which we have in our country. This is a crisis that no one can overexaggerate. It goes to the very heart of the ability of the citizens of our Nation to function, using the power that is consumed in the home and using the power that is consumed in industry. This country is a power-oriented country, and we could hardly survive for a single day without the full benefit of many forms of power. We are now in a mammoth power crisis all over the country. All of our experts in this field are having meetings and holding hearings, trying to come up with decisions on how to overcome this great power crisis.

The only way it can be overcome, of course, is to proceed with the construction of powerplants, whether they be atomic plants, coal-powered plants, oil-powered plants, or plants utilizing any of the other kinds of fuels that are presently used in the production of power.

But, we have serious delays in powerplant construction. Many of these are due to lawsuits filed against power companies trying to build atomic powerplants. These lawsuits are on behalf of particular interests—some consumer interests and some just people who do not want the powerplants in their neighborhoods.

Suppose we were to enact the bill we have before us. I do not think there is any question but that the particular area of power production will be one of the first in which the CPA will be requested to intervene on behalf of the consumers. I anticipate that requests will be made of the CPA by every type of consumer, by the power companies, by the ecological interests, by the conservationists, and by the direct consumers themselves, every one with interests conflicting. Certainly I can foresee no other issue where the CPA would be compelled to intervene more quickly than in this kind of an issue.

The administrator may intervene in informal proceedings or, perhaps later, in a formal proceeding before the Federal Power Commission, the Atomic Energy Commission, or some other agency that may be involved with this particular issue.

The CPA will go in, for example, to the formal proceeding, and make its case on behalf of whomever requests its services. Let us say it is the ecological interests. The CPA will have to advocate that the powerplant not be built, because it will be injurious to ecological interests. The ecologists may have a perfectly viable case.

After the formal proceeding, should it go against the ecologists and in favor of, for example, the Atomic Energy Commission, the Consumer Protection Agency would be under a duty, in its role of advocate, to appeal from such a decision on the agency level.

Appeals take a long time. I do not know where this particular appeal would go. I suppose it would go to the Federal district court first, and then to the circuit court of appeals. It might even go as far as the Supreme Court of the United States.

If it follows that route, which it well could, it may be that years will intervene between the time when the CPA intervenes in the proceeding, and the time when final adjudication is made by the court of final jurisdiction. In the meantime, the powerplant in question will be held up, and one of the effects undoubtedly will be a severe shortage of power.

These are things that can happen if we follow the route that is spelled out in the bill. That is not to say, and none of us who are pointing out the pitfalls in this bill are trying to say, that consumers should not be protected. We agree that they should. But our feeling is that we ought to take the first step along the amicus route, to permit the CPA to present the views of the consumer at various levels of consumer interests, and present those views fully, so that whoever is hearing the particular matter, be it the agency or be it the Federal court, will be fully informed of the consumer interests.

It seems to me it is far wiser to proceed in that fashion, because the one thing of which we are absolutely sure in this very complex subject of consumer interests, is that there are indeed many varying kinds of interests, some of which are completely opposed to each other. Agencies and courts have got to find for one interest or the other, in some sort of a compromise, perhaps, but they cannot find all for one and all for the other.

That certainly is true in all of the consumer safety problems, and we have many of them today. Of course we should continue to proceed diligently in the area of consumer safety, and we are so doing. We passed the consumer product safety bill that has been alluded to by various speakers here not too long ago. But every time you talk about consumer safety, you necessarily have to go on to discuss the expense involved in consumer safety, because it always is involved.

I do not know how many car owners I have heard express to me the fact that they wished the car manufacturers would not add this device or that device under the guise of safety, because they do not want to pay the additional cost that device involves.

I think an excellent example of this is the shoulder safety strap. Every car manufactured in America has the shoulder safety straps now. That legislation went into effect some 3 years ago. There is no question but that it is an excellent device. There is no question that it protects the lives of passengers, and not only their lives, but of course their safety from injury.

Yet as we drive home tonight, when we close up shop here in the U.S. Senate, I will wager you can watch 10,000 cars pass on any particular road out of Washington, and you will not find a baker's dozen of the drivers of those cars using the shoulder strap. They do not want to be bothered. Yet the cost of that shoulder strap goes to the consumer, at very considerable expense. I am not arguing whether or not we should have passed legislation requiring the strap to be there. I am simply saying that whenever we make a requirement like that, we are increasing cost.

Senators could send out a questionnaire to people who own cars, asking "Would you rather have the shoulder strap or the money it cost to put it on, whatever that may be," and I am sure Senators would receive the overwhelming response the money is preferred to the shoulder strap.

So we do have a number of conflicting interests here; and where we have conflicting interests that must be weighed, it seems to me that the correct way of going about that is through an amicus approach rather than by requiring the consumer advocate to advocate the position of whatever consumer may come before him at any particular time.

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

Mr. GURNEY. I yield to the Senator from Tennessee.

Mr. BROCK. Is it the Senator's interpretation of the bill as currently written that in the interests of automobile safety, for example, there are certain powers granted to agencies of the Government to insist on certain safety devices in automobiles? The Senator is familiar with that?

Mr. GURNEY. Yes, that is true.

Mr. BROCK. Now, if this agency felt those devices were improper or inadequate, then it could intervene and require the agency to more vigorously apply standards. Is that not so?

Mr. GURNEY. That is indeed so. The Consumer Protection Agency, as I see it, is set up to do exactly that, if the request is made to it to intervene in that particular subject.

Mr. BROCK. That is correct. I do not know if the Senator has ever seen figures of what it would cost to build a totally safe automobile.

Mr. GURNEY. No.

Mr. BROCK. I have seen figures ranging from an absolute low, for the cheapest type of four-wheel transportation with a motor, of $15,000 to as much as perhaps $75,000 per car.

The Consumer Protection Agency could decide that consumer protection does not relate to cost, but relates to safety only. It could then insist on every possible safety device being incorporated, to the extent that nobody could buy a car. I think that is somewhat stretching the definition of consumer protection, but I think that is possible under this bill.

Mr. GURNEY. I would answer the Senator by saying that it certainly is pos-

sible under the bill, as I understand the bill. When we were discussing it in the many markup sessions, that is exactly what we decided the Consumer Protection Agency could do, if it were requested by a consumer to look into that particular product safety question. That is what it is being created for.

As a matter of fact, as I see it, as long as a viable issue has been raised, concerning something that truly ought to be looked into, he would have a duty under this bill to do exactly that.

Mr. BROCK. Just to pursue the point, one of the more interesting stories I have seen came out of the State of California which has had for a very long time the most stringent antipollution requirements on automobiles in that State, they have eliminated, by and large, the more dangerous and noxious sulfuric dioxide emission from cars. If I recall correctly, all of a sudden they now find that the pollution being created in the Los Angeles basin is coming from nitrous oxides, which were not covered under the process of pollution control.

That is the sort of thing that is the danger of the involvement of this nontechnical agency, with agencies that do have an expertise and are supposed to look at the overall element of the problem. As the bill is written today, and as the Senator has pointed out so cogently, the agency could consider an element of consumer protection, a particular interest, a particular group, a particular segment of thought, but it is not required to look at the overall interests of the consumer or at the long-term affects of its actions on the consumer.

The danger I see in something like this is in just exactly that kind of occurrence, where the agency simply does not take into consideration the long-term effect. For example, with the catalytic converters that are programed for introduction in 1975 we are increasing the consumption of gasoline to the point where it is going to cost another 3 to 5 or 6 miles per gallon to drive an automobile with these various devices incorporated, and we are pouring out what they think now are nontoxic gases, but we do not know for sure. The state of the art has not reached the point at which we can tell for sure whether they are nontoxic in terms of the potential ecological imbalance that could be created.

I think the danger is that with all the thrust and desire that is inherent in a new agency to prove itself and make its mark, to demonstrate its effectiveness and its need for more funds and more manpower and more power the next time around, this could result in some very unfortunate decisions coming out that could have long-term implications.

Again, this demonstrates the need for an amendment which requires the agency to look at something more than the narrow interests of one consumer, one group of consumers, or one special interest group. It seems to me that the amendment offered by the Senator from Alabama does that. It would effectively create a condition whereby the agency would have to consider all elements of the proposal, long term and short term, special interests, vested interests, consumers; but all these taken collectively are the interests of the American people. They simply cannot be separated, as Congress often does in its legislation. We say that we must take into consideration the overall implications of the action of this agency.

The support the Senator and I have given to the amicus approach is warranted because it does mandate an overview and an overall analysis of the problem which is important to us.

Mr. GURNEY. The Senator mentioned the California experience with pollution laws. It seems to me that we have perhaps a more dramatic example of where the CPA could intervene in the area of pollution.

As the Senator will recall, Congress passed last year a very strong air pollution bill. The air pollution bill requires the automobile industry to eliminate almost entirely the emissions—that is, the pollution emissions—from automobile engines by 1975. There is a wide difference of opinion as to whether the automobile industry is going to meet this requirement. As a matter of fact, my recollection is that sometime this year one of the automobile companies appealed to the Environmental Protection Agency and asked for an extension of time.

Mr. BROCK. That is correct.

Mr. GURNEY. I think, too—I wish the Senator would correct me if he recalls—that the Environmental Protection Agency denied their request.

Mr. BROCK. That is correct.

Mr. GURNEY. Let us say this bill was law when that request was made by the automobile company. Let us say that when the request was made, the United Automobile Workers, representing hundreds of thousands of automobile workers, requested the CPA to intervene in that action on their behalf, saying, "We want you to intervene because we think that if this deadline of 1975 is enforced by the EPA, we are going to be out of jobs." I cannot imagine a more viable consumer interest than that. As I understand, under this bill the CPA would be bound to entertain that complaint. Certainly, that is not a frivolous complaint, because some experts in this country feel that the deadline cannot be reached. And if the deadline cannot be reached and this law is not extended, many people are going to be out of jobs.

Suppose the CPA comes in, in its fierce advocacy manner, in this proceeding; and says, "No, Mr. Administrator of EPA, you cannot enforce this deadline. You have to extend it another year. There are hundreds of thousands of men's jobs depending upon this, and whether they have bread in their homes or whether they have homes, because they must meet their mortgage payments, depends on whether they have jobs. So you have to extend this deadline." As I understand it, the CPA might get in there and argue their position fiercely.

Let us say that the EPA decided against the request of the automobile industry and the request of the CPA. As I understand this bill, the CPA would have every right to appeal that to the Federal district court, and if the Federal district court went against him he could go to the Circuit Court of Appeals and right on up to the Supreme Court. Is that not the Senator's understanding of what would be happening if this had been law when that request was made?

Mr. BROCK. Yes. That raises two problems. One is the delay inherent in this kind of proceeding to achieve any result, and second—although I would admit that the Senator has chosen a difficult analogy for me, because I happen to believe that something should have been done a long time ago——

Mr. GURNEY. I might say that I agree with the Senator on that.

Mr. BROCK. The industry has been somewhat less than truly responsive in doing an adequate job. It could have done a much better job.

But let us take the illustration the Senator presented and take it one further step. Let us say that the industry comes to the CPA and they say, "If you force us to go to the standards by 1975, we are going to have to put $100 million into a catalytic converter and the retooling that accompanies that. Granted the fact that we can do that, and it may just barely meet the standards, if you will allow us to spend that $100 million in the development of the single cylinder engine, or some other type of breakthrough, by 1976 we will have a car that is 99 percent emission free from now on, at a much lower cost to every consumer and with much higher effectiveness; but if you make us put the $100 million into a catalytic converter we are not going to be able to come up with the development of the Wankel engine until 1980."

That is a qualitative decision. It is subjective, but it is terribly difficult to make. There are strong arguments for going either way. The industry may come in to the CPA and urge the CPA to take a system. But in the long run it may be more important for the environment, as well as the economy, that we go an alternative route. We could have two agencies of government coming into court, because that is where it must be resolved ultimately, one making the determination and the other appealing it.

Every time this has happened, the courts have been confused, but more than that, they have been resentful of the inability of this Government to make a decision and stand by it. There should be one standard for the agencies and the courts. That is the kind of problem we are creating here. It is absolutely ridiculous.

Mr. GURNEY. The Senator's illustration is an excellent one. That is precisely the point I was making with the illustration I started out with. The whole point of the matter—the Senator's illustration as well as my own—it seems to me, buttresses the fact that we are giving the CPA vast power to influence vast social changes, economic changes, and scientific changes that we should better leave with the agencies we have set up specially to do that job.

Mr. BROCK. That is what they are for——

Mr. GURNEY. That is what they are for; yes.

Mr. BROCK. They have all the technical expertise in the world. If they do not have enough, let them come to Congress and we will appropriate more money. We have been very generous in that regard.

Mr. GURNEY. I would think that would be the sensible way to do it, too.

Another thing that troubles me about the bill is the grants portion in here. On page 33 of the bill, title III is entitled "Consumer Protection Grants."

There are established planning and program grants. Several pages are in that section. Also, there is provided for these grants, $20 million for fiscal year ending June 30, 1974, and that is doubled to $40 million for the next year.

As I understand this planning and grant business, we are telling the States we have several million dollars for them, if they will go about planning consumer protection within their own States.

Now, does not the Senator feel that with this sort of money, and also with this sort of guideline in the bill about how the consumer should be protected, it is very likely that the States will eventually create a very similar kind of consumer protection agency in every one of the 50 States, modeled along the very same lines as the Consumer Protection Agency in this bill? Is that not a fair assumption to make?

Mr. BROCK. Yes. I think it is. Again, this raises two points. First, if there is any possible power that is—and I do not know whether there is—left out of this bill, what we are saying to the States is, "We will finance you to find it, and use it to whip the consumer, if you deem it necessary to, on the local level."

Finally, I do not know of another example in Federal legislation where we create an agency of Government and allow it to define its own area of jurisdiction so broadly in the interest of the consumer in this case, and then empower it to intervene in a State decision, local decision, State court, or local court. I know of no parallel in government today. Does the Senator?

Mr. GURNEY. No; I do not. I do not at all. It seems to me that if we enact this bill in its present form, we will not really protect the consumer but we will overprotect him, and in that overprotection, we will damage him in his pocketbook very seriously. There is no way, in my mind, that we can set up this sort of system without its costing the producer of goods a great deal more to become involved in all of the various transactions, hearings, and product changes which would result. Eventually of course, who will pay, but the poor old consumer. We will really hurt him far more under this sort of circumstance, than if we went about it in some reasonable way, such as the amicus way, where his viewpoint could be presented and should be presented. Everyone on the committee, including those of us opposed to the bill in this present form, are for adequate representation of the consumer.

This kind of protection would be sensible and reasonable and one that not only the U.S. Government, but also the consumer who is the ultimate person to be considered, could afford.

I would certainly hope that the Senate in time that we will be considering this bill, would look very carefully at its specific provisions, and its pitfalls. I would certainly hope the Senate would consider the approach of the amicus amendment, and, hopefully, when this amendment is offered, will be able to support the distinguished Senator from Alabama (Mr. ALLEN) and others who are in favor of it.

I yield back the floor, Mr. President.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 1227) approving the acceptance by the President for the United States of the Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. BUCKLEY). 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.

ORDER VACATING ORDERS FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask uanimous consent that orders recognizing the following Senators on tomorrow be vacated: Mr. NELSON, Mr. MUSKIE, Mr. HART, Mr. BAYH, and Mr. TUNNEY.

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

ORDER FOR RECOGNITION OF SENATOR HUGHES AND SENATOR KENNEDY TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, the following Senators be recognized, in the order stated, and each for not to exceed 15 minutes: Mr. HUGHES and Mr. KENNEDY.

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

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD AND SENATOR SCOTT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the remarks by Mr. KENNEDY tomorrow, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 5 minutes, and that he be followed by the Republican leader (Mr. SCOTT) for not to exceed 10 minutes.

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

ORDER FOR FOREIGN ASSISTANCE ACT TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators tomorrow, the Chair lay before the Senate the Foreign Assistance Act.

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

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m. tomorrow.

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

QUORUM CALL

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

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. 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.

TIME LIMITATION AGREEMENT ON H.R. 10729, AN ACT TO AMEND THE FEDERAL INSECTICIDE BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 10729, an act to amend the Federal insecticide bill, is called up and made the pending question before the Senate, it be under a time agreement in the usual form, as follows: 1 hour on the bill, to be equally divided between Mr. TALMADGE and the Republican leader or his designee, time on any amendment in the first degree to be limited to one-half hour, and time on any amendment in the second degree, debatable motion, or appeal, to be limited to 20 minutes, to be divided and controlled in accordance with the usual form.

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

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

Mr. ROBERT C. BYRD. Yes, I yield to my distinguished friend and colleague from Georgia (Mr. GAMBRELL).

ORDER OF BUSINESS

Mr. GAMBRELL. If I understand correctly, the consumer protection bill remains the unfinished business at the present time, subject to taking up the foreign aid bill in the morning after the preliminary speeches, as the Senator has

outlined them, and after the foreign aid bill is disposed of, in accordance with the previous order, voting at 1:30 p.m. and thereafter, the unfinished business will remain the Consumer Protection Act.

Mr. ROBERT C. BYRD. It will remain that bill as far as tomorrow is concerned, yes.

Mr. GAMBRELL. I would like to ask the distinguished Democratic whip if there are any other measures which have been scheduled for a time certain or a day certain to be the first track or second track items other than the Consumer Protection Act.

Mr. ROBERT C. BYRD. No other measures have been so scheduled as of this hour. I should say, however, that the distinguished majority leader has indicated that it is his intention, certainly when I last talked with him about the program, to have H.R. 1, the welfare bill, come up on Wednesday.

Mr. GAMBRELL. No order has been taken on H.R. 1?

Mr. ROBERT C. BYRD. No order has been entered.

Mr. GAMBRELL. I would like at this time to reassert, for the attention of the leadership and the distinguished Democratic whip, who is representing the leadership on the floor, the concern of a number of us with reference to H.R. 13915, the so-called antibusing legislation, which measure covers a number of equal educational opportunity provisions. The distinguished junior Senator from Alabama (Mr. ALLEN) has on numerous occasions expressed his concern for the scheduling of that measure, and the leadership has indicated a sensitivity to that concern, as has been expressed by a number of other Senators.

The Senator from Alabama (Mr. ALLEN) has addressed a letter to Senator MANSFIELD and other members of the leadership and circulated that letter among the Members of the Senate, reconfirming his deep concern that the scheduling of a number of so-called pieces of "must" legislation may result in a deferral of the very important bill, H.R. 13915, to the point where it could not receive adequate consideration and might not, in fact, have an opportunity to be debated and voted on before adjournment sine die.

I might say, for myself, if the Senator will yield further, that I share in the concern that has been expressed. I have not so stated because other Senators were very ably expressing that concern, but it seems to me that where we have scheduled a bill, such as the Consumer's Protection Agency, on which no agreement seems to be possible at the present time, and where a long debate is possible, and the same kind of debate may occur on H.R. 1, when and if it should be scheduled, that we are simply deferring to an independent later time debate on H.R. 13915.

I might say, for myself, without lessening the importance of the Consumer Protection Act, or even the welfare reform bill, that, in my own consideration, there is no issue that has burned hotter in my State or has burned hotter on the floor of the Senate or this Congress than the busing issue.

The welfare issue is certainly one of tremendous concern, but even it, as the distinguished whip knows, is one where there are at least three corners, and the debate may follow off into any one of several directions, whereas on the busing issue, I think we can settle down to two sides, and it can come, if Senators are reasonable, to an up-and-down vote on H.R. 13915, and we can get the matter disposed of.

So I would urge on the leadership their sincere and dedicated consideration that H.R. 13915 might be scheduled at the earliest possible time, and not be deferred after other matters that might be equally controversial, but possibly not so urgently in need of solution as that particular problem.

I thank the majority whip for indulging me in these comments, and hope he will convey these sentiments to the majority leader and to the minority leader and urge them not to—what was previously described by Senator SCOTT—waffle on this issue. It is of too deep a concern, I think, to waffle at this juncture.

I thank the Senator.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Georgia (Mr. GAMBRELL).

The very distinguished majority leader (Mr. MANSFIELD) is well aware of the sentiments that have been expressed by the distinguished Senator from Georgia and others. The leadership is in possession of the letter written by the distinguished Senator from Alabama (Mr. ALLEN) to which the distinguished Senator from Georgia (Mr. GAMBRELL) has just referred. I am confident that the majority leader, and may I say that I likewise, appreciate the concern and the interest that have been expressed.

I am positive that the discussions within the leadership with respect to the scheduling of this measure and other measures will continue. As earlier indicated, it is the intention at some point to call up the antibusing bill, and I know that the majority leader will certainly do what he says he will do. With that, I think I shall have to close. I am confident there will be some discussion tomorrow about this very subject and others.

I cannot assure the able Senator of any more than that. The leadership will take his expression of concern under advisement, and hopefully some way will be found to negotiate the programing of this measure and the other very important measures which have to be acted upon before Congress adjourns sine die.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. After the two leaders have been recognized the following Senators will be recognized in the order stated, and each for the time stated:

Mr. HUGHES, for not to exceed 15 minutes, Mr. KENNEDY for not to exceed 15 minutes, Mr. ROBERT C. BYRD for not to exceed 5 minutes, and Mr. SCOTT for not to exceed 10 minutes.

At the conclusion of the order for the recognition of Senators on tomorrow, the Senate will proceed to the consideration of the foreign aid bill, H.R. 16029. The pending question at that time will be on the amendment by Mr. SCOTT, and debate on that amendment will be followed by debate on the amendment by Mr. STENNIS to delete the amendment by Mr. BROOKE.

At the conclusion of the debate at 1:30 p.m., the votes will occur on the amendment by Mr. SCOTT and the amendment by Mr. STENNIS in that order.

If other amendments are offered at that time, they will be in order, but there will be no time for debate thereon. Immediately after the vote on the Scott amendment and the Stennis amendment—and any other amendment that may then be offered, without debate—a vote will occur on final passage of the bill.

Upon passage of H.R. 16029, the Foreign Assistance Act, the Senate will resume consideration of the unfinished business, S. 3970, a bill to establish a Council of Consumer Advisers, to establish an independent Consumer Protection Agency, and for other purposes. The pending question will be on the adoption of the amendment by the distinguished junior Senator from Alabama (Mr. ALLEN).

Yea-and-nay votes will occur on tomorrow. The first yea-and-nay vote will come at 1:30 p.m. That will be a 15-minute rollcall, and on each succeeding vote thereafter, until the foreign aid bill is disposed of, each rollcall vote will be limited to 10 minutes.

There may be yea-and-nay votes on the consumer bill during the late afternoon, and it may be that the distinguished majority leader or his designee would want to call up other bills—on which time agreements have been reached—in the late, late afternoon of tomorrow, depending on the circumstances and the situation at that time.

RECESS UNTIL 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 4:41 p.m.) the Senate took a recess until tomorrow, Tuesday, September 26, 1972 at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 25, 1972:

DIPLOMATIC AND FOREIGN SERVICE

Edward W. Mulcahy, of Arizona, a Foreign Service officer of class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Kenneth Franzheim II, of Texas, now serving as Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, to Western Samoa, and to Fiji, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United

States of America to the Kingdom of Tonga.

William R. Crawford, Jr., of Pennsylvania, a Foreign Service officer of class two, to be Ambassador Extraordinary and plenipotentiary of the United States of America to the Yemen Arab Republic.

U.S. COURTS

H. Emory Widener, Jr., of Virginia, to be a U.S. circuit judge, Fourth Circuit vice Albert V. Bryan, retired.

Kevin Thomas Duffy, of New York, to be U.S. district judge for the southern district of New York, vice Irving Ben Cooper, retired.

Robert J. Ward, of New York, to be a U.S. district judge for the southern district of New York, vice Frederick Van Pelt Bryan, retired.

James C. Turk, of Virginia, to be a U.S. district judge for the western district of Virginia, vice H. Emory Widener, Jr.

DEPARTMENT OF JUSTICE

James N. Gabriel, of Massachusetts, to be U.S. attorney for the district of Massachusetts for the term of 4 years, vice Joseph L. Tauro.

CONFIRMATION

Executive nomination confirmed by the Senate September 25, 1972:

U.S. TAX COURT

Darrel D. Wiles, of Missouri, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

EXTENSIONS OF REMARKS

IMF-WORLD BANK MEETS TODAY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. HANNA. Mr. Speaker, the annual meeting of the International Monetary Fund and World Bank begins today here in Washington, D.C. On September 13, I expressed my thoughts as to the most advantageous course for U.S. policy in this important meeting. I found this morning's Washington Post article on the subject to be most worthwhile reading. I want to call it to the attention of my colleagues:

IMF, WORLD BANK TO DISCUSS RICH-POOR NATION RELATIONS

(By Robert E. Hunter)

Today, the World Bank and the International Monetary Fund begin their annual joint meeting in Washington. The crisis in the international trading and monetary system is, properly, first on the agenda. But second on the agenda is an even more intractable problem: the future efforts of poor countries to develop, and of relations between the "rich" countries—representing a quarter of the world's people—and the rest.

Uppermost in the mind of every official from the developing world this week will be the failure by the rich countries to meet the internationally-agreed target for Official Development Assistance (ODA)—that is, economic aid channeled through individual governments and international institutions. The target is .7 per cent of Gross National Product; the achievement is only .35 per cent, while the United States itself now stands at .32 per cent and falling, as compared to over 1 per cent under the Marshall Plan.

For anyone interested in development, or in relations between rich and poor countries, these figures are familiar—and distressing. But the Bank-Fund meeting will also have to face another set of concerns. As observers in growing numbers are now aware, many poor countries are failing to achieve the more important goals of development despite record achievements in growth of GNP: over 5 per cent for the developing world as a whole during the 1960s. Once the touchstone of economic faith, growth alone is now recognized as inadequate. This is especially so in the face of a phenomenal increase in unemployment in poor countries, fueled by the population explosion, and a steadily worsening distribution of incomes between rich and poor in most developing countries.

To many poor countries, these problems seem insuperable. Yet for others, wisdom and ingenuity are already beginning to pay off. In the United States, we tend to ignore some near-miracles of social and economic development in places like Taiwan, South Korea, and China, because the nature of their governments leaves much to be desired by our standards. In Taiwan, for example, a whole new set of strategies for development has virtually eliminated unemployment, stopped the drift of workers to urban slums, drastically reduced population growth, increased export earnings to a level second in Asia to Japan, and made possible a relative equality in income distribution that is rivaled by few rich countries, and certainly not by the United States.

Whether experience in these countries will have wide application elsewhere is not yet clear. But there is hope in employment-generating policies that stress the use of labor rather than capital; in population policies that stress the importance of a rise in living standards as an incentive for limiting family size; and in efforts to promote more equal distribution of incomes, not as the enemy of economic growth, but as an essential part of it. Indeed, greater social and economic justice is required if there is to be any real development at all.

Officials who discuss these themes at the Bank-Fund meeting this week will be well-received—by the poor. But there will be continued resistance by the rich to the necessary corollary; that targets for ODA have to be met, and that some way has to be found to help poor countries sell the products they make in world markets. With the flurry of concern about the overall international economic system, coupled with the general trend toward protectionism in the rich countries, these points will probably be lost. But they underpin any real hopes for a constructive political and economic relationship between rich and poor countries. Some experts are even predicting that efforts by rich countries to restructure the monetary and trading system may fail to get the necessary ratification if the world's developing countries continue to be frozen out.

The United States may meet some special criticisms this week. It is true that Congress is now close to appropriating the first third of our $760 million commitment in replenishments funds for the International Development Association (IDA)—the arm of the World Bank that makes loans on softer terms. But the three years covered by the replenishment started in July 1971, only now are we getting around to taking the steps that will let the whole system come into operation. This time, it is other rich countries that will be raising eyebrows, as they wonder about the value of their commitments to IDA—and other forms of development assistance—if the world's richest country is so reluctant to play its part. Moreover, some of these same countries are still smarting at our decision to abandon general untying of aid—i.e. freeing bilateral aid loans from the requirement that they be spent in the lending country. We arm-twisted these countries into negotiating on an untying program in 1970–71, then reneged on our part as a result of the New Economic Policy of August 1971.

No decisions are likely to be taken this week on any of these matters, although a tone will be set. In many ways, this will be unfortunate. In one way, at least, this is also ironic: that on the issues of job creation and income redistribution, the rich, and particularly the United States, have much to learn from some of the developing countries.

U.S. FOREIGN TRADE

HON. RUSSELL B. LONG

OF LOUISIANA

IN THE SENATE OF THE UNITED STATES

Monday, September 25, 1972

Mr. LONG. Mr. President, on Saturday, September 23, I had the privilege of speaking at the launching of the SS *Tillie Lykes* at Quincy, Mass. On that occasion I understook to state in simple terms what I thought would be necessary if this Nation is to restore a favorable balance in its international payments and regain its position of strength and leadership among the nations of the world.

I ask unanimous consent that my remarks on that occasion be printed in the Extensions of Remarks.

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

REMARKS OF SENATOR RUSSELL LONG

Mr. Chairman, distinguished officials of Lykes-Youngstown, and General Dynamics, Ladies and Gentlemen:

It is a special honor for me to be here to congratulate Frank Nemec and Joe Lykes for the vision, the leadership, and the faith in their own good judgment that led to the production of this great ship the *Tillie Lykes*. We of Louisiana are enormously proud of the Lykes family history of leadership in the American Merchant Marine. New Orleans is their home office and we regard them as ours.

As an American I am grateful to you men and women of the Quincy Shipbuilding Division for the months of hard work that it took to build this great national asset.

If we conduct ourselves wisely and do those things we should be doing, then we will see this Nation and its working men and women building a great many more great vessels like this one until America's merchant marine is again number one on the high seas.

As chairman of a Merchant Marine Subcommittee, I assure you that I will be working to bring that about as long as I hold that position.

But there is an even larger task to which you and I must dedicate ourselves. We must bring an end to a trade policy which is destroying the leadership of the United States, dissipating our wealth, bankrupting us among the family of nations, and denying millions of American workers their jobs.

Put in very simple terms this Nation must quit buying from other nations more than we are selling to them for the simple reason that we cannot keep it up, and we cannot afford it.

Anybody who keeps buying more than he is selling over a long period of time will end up broke and deeply in debt. That is exactly what has been happening to Uncle Sam year after year.

Since 1950 we have had a deficit in our

international balance of payments of $70 billion.

To some of our State Department people left over from the old foreign aid programs, it is difficult to think of Uncle Sam as a debtor who cannot afford what he is buying. They hate to turn in their Santa Claus costumes, but we will have to tell them that this Nation can no longer afford to play Santa Claus to the whole wide world. Therefore we have no need for all the Santa Claus helpers. They will have to go to work, too.

It will come as a shock to our Japanese friends who have become accustomed to doing their selling here and their buying some where else to be told that if they cannot arrange to buy from us, we can no longer afford to buy from them.

It was such an attitude among Yankee traders of the past that made America the richest nation on the face of the earth.

The new policy can be called "protectionist", "restrictionist" and a lot of other names that do not sound very good, but it will be very good news to American working men when we have millions of good jobs more than we have today.

Furthermore they should quit acting like a Gulliver tied down by a bunch of Lilliputians. The things that must be done to restore America's strength and restore a favorable balance of trade do not require the consent of a lot of foreign countries as some would suggest.

We do not have to have anybody's permission. All we have to do is exactly what anybody else would do if he were in our position.

Shipping is a good example of what I have in mind.

We should insist that a higher and higher percentage of U.S. trade move in American bottoms until we are hauling somewhere near half of it.

We should keep all our shipyards going ahead full speed, and build more shipyards if need be until we have caught up.

In other areas where we are capable of producing our own requirements such as steel, textiles, and shoes we should put quotas on those imports and assign the quotas to countries which buy as much from us as we buy from them.

If we do what I am advocating, we can expect to hear a lot of howls from foreign nations especially those who have been benefiting the most from policies which were making us poor. But they will respect us for having the courage to look after our own Nation, and in the end they will admit that they would have done the same thing had they been in our place.

The christening of this great ship is a good time to make up our minds that we will see to it that Americans will be going a lot more of this kind of thing in the future.

VOTE ON SALT AGREEMENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mrs. ABZUG. Mr. Speaker, there was considerable confusion surrounding today's vote to concur in the Senate amendments to the joint resolution approving the SALT agreement, and I am taking this extension of remarks to explain my vote.

Last Thursday, the distinguished chairman of the Foreign Affairs Committee asked unanimous consent to concur in the Senate amendments to this resolution. Objection was made, and the matter was put off at that time. Subsequent to that time, Chairman MORGAN obtained from the Rules Committee a resolution concurring in the Senate amendments on the part of the House. This afternoon, without its having appeared on the official calendar or the whip notice, and without any other sort of advance warning, this resolution was brought before the House. After only a brief bit of debate, the roll was called for its final passage.

I and all of my colleagues who support the SALT agreement, but oppose the reservations attached in the Senate, thought that the resolution was to send the House version of the bill—one without any reservations—to a conference with the Senate bill. Accordingly, I and these numerous individuals voted "aye." Had I known of the actual nature of this item, I would have voted "nay."

BANDLESS WAGON FOR McGOVERN

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. SPRINGER. Mr. Speaker, there must be a serious intellectual split in this year's upcoming elections.

Never in my experience in politics have I seen the rift so great and it has been something of a peculiar shock to find that the rift is the greatest among sitting Members of Congress with reference to the McGovern-Shriver ticket.

The National Observer, in its September 30 issue has an article by James M. Perry, Washington correspondent for the Observer, titled, "It Is a Bandless Wagon for McGovern-Shriver." This article is based on the results of 56 correspondents and three of its staff writers.

This detailed canvass of 477 Democratic candidates shows that of 426 candidates for the House, 212 or 49.9 percent support the McGovern-Shriver ticket unequivocally and for the record. Another 55 support the ticket but with deep reservations.

Of the 18 candidates for Governor, 9 or 50 percent support the ticket unequivocally and for the record. Four more support the ticket but with deep reservations.

Of the 33 candidates for the Senate, 17—only 51.5 percent support the ticket without qualification and for the record. Five more support it with important reservations. Thus of the 477 Democratic candidates for Congress in the House and Senate, 49.9 percent support McGOVERN-Shriver without any public qualifications. This is an interesting article because of the differences of many sitting Democrats with the head of this ticket. However, not in my time have I seen a split so wide. I think Mr. Perry's detailed article is quite informative and I am sure all of my colleagues will want to read this interesting analysis.

The article follows:

OBSERVER CANVASS FINDS—IT'S A BANDLESS WAGON FOR MCGOVERN-SHRIVER

(By James M. Perry)

If the 477 Democrats running for the Senate, the House of Representatives, and for governor could elect the next President of the United States by secret ballot, right now, George McGovern might lose.

Using 56 of its correspondents and three of its staff writers, The National Observer has canvassed all of these Democratic candidates—and things are that bad for George McGovern and Sargent Shriver.

Highlights of the survey:

Of 426 candidates for the House (the Democrats are not fielding candidates in eight districts and there's a vacancy in New York, 212—or 49.8 per cent—support the ticket unequivocally and for the record. Another 55 support the ticket, but with deep reservations.

Of 18 candidates for governor, 9—50 per cent—support the ticket unequivocally and for the record. Four more support it with serious reservations.

Of 33 candidates for the Senate, 17—only 51.5 per cent—support the ticket without qualification and for the record. Five more support it with important reservations.

BOTTOM OF THE WELL

Thus, of the 477 Democratic candidates, 238 support McGovern and Shriver without public qualification. That's 49.9 per cent—practically the same as among House candidates. But even this losing figure may be deceptive, because many of the candidates who support the ticket on the record express strong and sometimes angry reservations about it off the record.

First, though, two caveats:

One. It is traditional in some parts of the country, and most especially the South, for Democratic candidates to run "independent" campaigns. Notes correspondent Jack Wardlaw from New Orleans: "I can recall few if any instances in which Louisiana or Mississippi candidates appeared with or openly campaigned for Truman, Stevenson, Kennedy, Johnson, or Humphrey in a year in which they themselves were seeking election."

Two. The Observer's canvass may have caught McGovern's fortunes at their nadir. Notes Missouri Rep. William L. Hungate, in a sentiment that was repeated less dramatically by about a dozen other candidates:

"I expect McGovern's stock to start moving up any day now. You can't fall out of the bottom of a well."

It is fair to presume, then, that the ticket's support among these candidates would improve in almost direct correlation to the ticket's improvement in the Gallup and Harris polls. Most politicians, after all, know a coattail when they see one.

This too can be said: No ticket in recent history, with the possible exception of Goldwater's, has fared so badly with the people who should support it best.

"Why are you doing this?" asked Rep. Charles H. Wilson of California. "I would assume you are getting a very adverse reaction. Right now we all hate the son of a bitch [McGovern]," Wilson said the canvass should be made a week or so before the election, when things might look better.

But he made the survey's key point with these words:

"I think McGovern's the poorest candidate we've ever had running for the President on the Democratic ticket. He was my eighth or ninth choice. Right now, in my district, he's doing very poorly."

It is precisely because the ticket is perceived by these Democrats as doing so poorly that so many refuse to support it openly and enthusiastically. Of the 50 states surveyed, not one reported things going well for the ticket. Even in Rhode Island, the most Democratic state in the nation, Senator Claiborne Pell is running an essentially independent campaign. In a state carried by Humphrey with almost 70 per cent of the vote in 1968, McGovern trails Nixon two to one.

RUNNING SCARED

Pell reports that the only negative comment he gets when he walks the streets and

goes to coffee houses is about McGovern. He's running scared.

As a gauge of the disenchantment with the ticket, The Observer survey shows that 30 of the Democratic candidates do not support McGovern and are willing to say so publicly. And 61 of the candidates, despite prodding, refuse to say where they stand.

The Observer survey did turn up candidates—perhaps 50 in all—who support the ticket with unbridled enthusiasm. But these candidates come largely from liberal, usually urban districts where a Democrat can't lose or from conservative, usually rural districts where a Democrat can't win.

In New York, 15 of the 39 House candidates are enthusiastic; in Pennsylvania, 6 of 25; in New Jersey, 1 of 15.

And then there are candidates such as Guy Hatfield, who is running for the House from northwestern Arkansas. He's a retired movie stunt man, running against Republican incumbent John Paul Hammerschmidt. "Absolutely" for McGovern, he says. "Backing the ticket without reservation." He predicts McGovern will carry Arkansas because of the "shameful way Nixon has acted."

Then there's Morris Coover, running for the House in western Kansas. "I'm happy with the ticket," he says. He thinks McGovern will carry western Kansas.

And Mike Vinich, president of a corporation that operates a saloon in Hudson, Wyoming (population 300). Vinich is running for the Senate against Republican Clifford Hansen. He admits McGovern's prospects are "kind of bleak" in Wyoming, but he supports the ticket. "You bet," he says, "all the way."

Teno Roncalio, Wyoming's only congressman, supports the ticket too. "I can live with McGovern," he says. "He's my candidate and I won't shrink from him." Roncalio is a party man and a realist.

Black congressmen such as Bill Clay of Missouri and Parren Mitchell of Maryland have no trouble with the ticket, and they're behind it. Other blacks, though, are not happy. In California, Ronald V. Dellums is seeking his second term in the House. In his first try, he won with a new kind of coalition, pretty much the same kind that was supposed to work for McGovern nationally. But he doesn't see it working the same way, not yet.

The Rev. Andrew Young, who was an aide to the late Martin Luther King, Jr., is seeking election to the House from the Fifth District in Georgia, which includes most of Atlanta.

AS HELPFUL AS DILLINGER?

"I'm supporting the McGovern-Shriver ticket," he says, "but you might call it cautious support. When I hear them talk, I support them. But when I hear other people describe their positions, I'm not so enthusiastic. The executive and legislative branches are separate, and I'm running for Congress."

More typical of Georgia politicians is Democratic Rep. W. S. "Bill" Stuckey, Jr., of the candy family. "Will Rogers never met George McGovern," Stuckey says. "I'm going to leave that bird alone. He'll do as much for Georgia as John Dillinger did for Chicago." Put Stuckey down as a candidate who does not support his ticket.

If one knows something about any candidate's district, he usually can guess what the candidate's attitude might be about George McGovern. Take Districts One and Two in Illinois.

District One is largely black, located on Chicago's South Side. The congressman, Ralph Metcalfe, is black.

District Two embraces District One on three sides, but 60 per cent of its voters are white: Lithuanians, Greeks, Irish, Italians. The congressman, Morgan Murphy, is white.

CANDIDATES MEASURE THEIR WORDS

Easy guesses. Metcalfe says, "I'm a strong supporter of the ticket." Murphy says he endorses the ticket but won't campaign for it. He doesn't agree with McGovern on amnesty and defense cuts, nor do most of the white voters in his district.

Some districts are part rural, part urban, or part liberal, part conseravtive. That kind of situaiton can tear the candidate apart. Take Warren P. Henegar, owner of a 200-acre farm in Monroe County, Indiana, and Democratic candidate for the House seat held by Republican John T. Myers. Both Indiana University, at Bloomington, and Indiana State University, at Terre Haute, are in the Seventh District, and thousands of their students are working for McGovern. But in other parts of the district the ticket isn't popular at all. So, Henegar says, he has to be careful what he says to whom, and where. He's candid, and probably a loser.

Candidates who normally should be for McGovern are not—because of the districts they're running in. Thomas R. Harkin, the congressional staff member who exposed those "tiger cages" in South Vietnam in 1970, is running for Congress from Iowa's Fifth District against conservative Republican William Scherle. Says Harkin.

M'GOVERN: PERCEIVED AS RADICAL

"McGovern's put a lot of doubt in people's minds and there's nothing I can do about it. I can't spend my time explaining McGovern. Quite frankly, I'm not tooting his horn. He's got to save himself.

"My views are not much different from McGovern's. I favor amnesty to those who for conscientious reasons left the country. I get that across. But people's perception of McGovern's stand is that it's something radical. He's got a big problem. If the election were held today, he'd lose in a landslide."

In some districts Democrats back away from McGovern because of his positions on specific issues. In Alaska, for example, the Democratic candidate for the Senate will not support him until he explains more satisfactorily his position on the controversial oil pipeline.

In Michigan most Democrats are running as hard as they can to keep up with their constituents' concern about school busing for racial integration. Daniel S. Cooper. House candidate in Michigan's 18th District, says he's "violently opposed to busing. And he doesn't think much of amnesty for draft evaders either. He's not sure he wants McGovern to come campaigning in his district.

"But if he wants to send someone like Paul Newman. I'd be delighted."

MICHIGAN IS NO HOTBED

Michigan, a key state for the ticket, probably produces less enthusiastic support for McGovern by the candidates than any other major state.

"He's wrong on amnesty, he's wrong on Vietnam, he's wrong on welfare, he's wrong on defense," says James Edward McNamara, House candidate from the 11th District. "Say," he adds, "how long do you want to make this list?"

One of Michigan's Democratic congressmen, who supports the ticket with some reservations on the record, practically froths at the mouth off the record.

"McGovern's staff," the congressman says, "is the only one in political history which could possibly be more incompetent than George Romney's. As far as I know, two of my constituents want McGovern, and I've heard rumors about a third.

"I thought McGovern was riding the wave of the future and I voted for him at the convention. But it's only a ripple, and I wish we could go back and pick someone else—anyone else. I think this election will be such a landslide that Alf Landon would come out ahead."

His rhetoric may be inflamed, but his situation is not. Dozens of Democratic candidates who support the ticket publicly agonize over it privately.

A California congressman, a liberal, says publicly he supports McGovern "wholeheartedly," and that's how he is marked down in the survey. "But frankly," he says, "If we can go off the record, I wish to Christ I knew what his platform is. It changes from day to day."

Some Democrats don't want to talk to reporters publicly or privately. Correspondent Robert Collins tried to discover if Missouri Rep. James W. Symington supports the ticket. He asked Symington, through an aide. Back through the same aide came the "answer," a typewritten statement that read:

"Secrecy is the watchword of this Administration. It prefers monitoring the citizen to informing him. The American people need and want a government that respects them and will level with them. The Nixon-Agnew Administration has found it either undesirable or impossible to provide such government. A McGovern-Shriver administration could and would provide it."

Collins asked whether the aide had passed on the right questions to Symington. The aide said he had, and his was the answer. Put Symington on the roster of Democrats who will not state their position about the ticket.

BIG-STATE PROSPECTS POOR

Otto Passman of Louisiana, like so many other Southerners, is on that same list. All he will say is: "Nixon is the greatest President this country ever had." He keeps his seniority and eats his cake.

But Louisiana is lost to the ticket. And Missouri, where the problem is compounded by the Eagleton affair, doesn't look promising.

For McGovern, the key states are the big ones: New York, California, Illinois, Pennsylvania, Michigan, Ohio, Texas, and New Jersey. And, with the possible exception of New York and California, prospects are poor—at least if these candidates are to be believed.

In Ohio, for example, 9 of 21 candidates for the House openly support McGovern, but only 2 support him with real enthusiasm.

Robert Whealey, a 42-year-old history professor at Ohio University at Athens, is running for Congress in the 10th District because of his interest in McGovern.

"It's a funny thing," he says. "I joined the McGovern club in February, and the other members talked me into running. Since May [the primary] our paths have parted more and more and I am becoming less identified with McGovern. I put on bumper stickers by myself at the county fairs and hand out my own literature. It's peculiar. The issues on my literature match McGovern's 99 per cent. But people tell me, 'We agree with you and we'll vote for you, but we can't stand McGovern.' "

ALONE IN NEW JERSEY

Conservative Democrat Wayne Hays of Ohio's 18th District agrees with McGovern on hardly anything: "If it wasn't for him," says Hays, "I wouldn't even be in a contest this year." Hays has called the party's platform a program for "sex, dope, and queers."

More typical is James Ruppert, candidate in the Eighth District, "I'm not going to talk against the nominee," he says. "At the same time, I'm not going to make statements that will align me with the McGovern candidacy."

New Jersey is special. There, Democrats are worried about a double landslide—one for Nixon over McGovern, one for Republican Sen. Clifford Case over Paul Krebs, the Democratic candidate. Practically the entire party has walked out on McGovern, except for Arthur J. Lesemann, Democratic candidate against Republican William B. Widnall in the Seventh District.

Frederick Bohen, a *magna cum laude* grad-

uate of Princeton and former White House assistant now on leave from the Ford Foundation, is running for the House against Republican Peter Frelinghuysen. Bohen sounds as though he might be a McGovern partisan. He isn't. He's running his own "independent" campaign, and he isn't anxious "to identify as a McGovern candidate."

NEEDED: A FEW SAMARITANS

Some Democratic candidates seem almost bemused by what's happening to them. Shirley S. Garrett is a former history professor running for Congress in a south-central district of Pennsylvania. "There are Democrats around here who from my point of view have a hysterically inaccurate idea of what McGovern is saying. Why, I find myself viewed as a dangerous radical."

Ms. Garrett, if she loses, can return to a book she's writing about Chinese-American relations and to her work in forming a women's liberation movement.

It's not so simple for other candidates, especially the incumbents.

They like their work—their jobs, anyway—and many of them believe the candidacy of George McGovern threatens them. So they're bailing out. They're waffling and quibbling. They're looking the other way.

They're not helping their own candidate, who needs their help right now. If he got that help, maybe he'd come up in the polls and then these candidates wouldn't feel so threatened.

With friends like these . . .

"MR. YMCA" HAS SOME BUSY RETIREMENT PLANS

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. SNYDER. Mr. Speaker, I have the honor and privilege of representing a fine Christian gentleman named Willard Wade of Ft. Mitchell, Ky. He has devoted practically his entire life to service in the YMCA and has been an inspiration and guide to countless young men. Mr. Wade is retiring from active YMCA work this week, Mr. Speaker, and I would like to share with my colleagues an article which appeared concerning him in the August 9, 1972, edition of the Kentucky Post.

Willard Wade is owed the gratitude of the people of northern Kentucky and, in a real sense, the people of our Nation as a whole. For it is only through the selflessness and character of people like Willard Wade that the moral fiber of our young people is formed and channelled into virtue and good citizenship. So it is that Willard Wade makes for a strong America, a free America—a better America.

I can only add to this my personal best wishes and thanks for a great life of service—which I am sure, knowing Willard Wade and his record, does not stop now.

The article follows:

[From the Kentucky Post, Aug. 9, 1972]

"MR. YMCA" HAS SOME BUSY RETIREMENT PLANS

(By Bob Fogarty)

Willard L. Wade, "Mr. YMCA" to thousands of northern Kentuckians, will embark on a new way of life about Oct. 1.

Wade, 69, will retire officially on that date.

He's spent 49 years in YMCA work, most of them as director of the former Covington YMCA and more recently the Tri-County YMCA.

"There will be time to do some traveling, some gardening," mused the silver-haired Ft. Mitchell resident in his office in the Covington YMCA, renamed after him.

"I'm going to take a rest and make some plans. After all, I've been away from my wife on YMCA work four or five night a week for many years."

Wade, 69, has some creative ideas for the future. But he doesn't want to discuss them until they jell.

One thing he wants to make clear. Without the active participation of many volunteers, and a dedicated board of directors, the tremendous expansion of the YMCA would have been impossible.

"A great many persons have helped by their dedication to the YMCA and its great program," he said.

Although today's youth may have changed, and certainly the world has changed, the Y's basic mission remains largely the same, Wade said.

"Young people are trying to build their own ideas, and there's a tendency to break away from the establishment," he said.

"The YMCA can help tie them to home, family, church and government."

As examples of helpful Y programs, Wade points to HiY clubs in high schools and the Youth in Politics Program.

The latter he described as an experiment in "Christian democracy at work." It encourages civic and community interests in high school.

"Youth needs the leadership of agencies such as the YMCA and the churches," Wade declared. "In many cases and in many areas, the family leadership has fallen down."

Even Wade did not foresee, however, the tremendous competition for money and time that the past few years have brought.

Neighborhood swim clubs and other enterprises have been factors in the delay in completing one of Wade's pet ideas, the family camp next to popular Camp Ernst in Boone County.

Wade still hopes he will see completion—and perhaps offer a helping hand in it—of this cherished plan.

But the retiring director is being very careful not to get involved in anything that properly will become the concern of the new director, George Edmiston, Danville, Va., general director.

Wade complimented the local YMCA directors in selecting Edmiston, who will move to northern Kentucky in mid-September.

TRADE IN THE CONTEXT OF "U.S.A. AND THE SOVIET MYTH"

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. FLOOD. Mr. Speaker, as our business interests plunge into the prospects for trade with the Soviet Union, they would do well to brief themselves on the background of this state, its nature, and multinational system and its basic motivations.

A work which furnishes rich insights and informative content for this purpose is the current book "U.S.A. and the Soviet Myth," authorized by Dr. Lev E. Dobriansky, professor on the Soviet economy at Georgetown University, Washington, D.C.

The chapter on "The Russian Trade Trap" should provide ample warnings of the road we are traveling. The following reviews of the work in the "Social Justice Review," the "New Guard," "the Ukrainian Quarterly," "America's Future," and the "Anti-Communist Book Club," just a few of the work's many reviews, are indicative of the book's thought-provoking qualities in this phase of recycled U.S.-U.S.S.R., trade:

The reviews follow:

[From the Social Justice Review]

BOOKS

Dobrinsky, Lev E., *U.S.A. and the Soviet Myth*. The Devin-Adair Company: One Park Avenue, Old Greenwich, Conn. 06870, 1971. Pp. ix + 274. $6.50.

Even today, years after the passing of the great African and Asian empires of the Western powers the very word "colonialism" can move those among us who are of a liberal-to-left political persuasion to a mood of angry indignation. Curiously, however, all their finely honed moral concern is conspicuous by its absence when the subject of present *Russian* colonial subjugation of Ukrainians, Byelorussians, Georgians, and others arises.

Indeed, it is rarely understood (or admitted, at any rate) here that the U.S.S.R. is not a nation at all but is rather a Russian colonial empire and nothing more. It is the great merit of Professor Dobriansky's brilliantly devastating analysis that it underscores the essentially imperio-colonialist character of the U.S.S.R.

While the more politically perceptive American will appreciate the true nature of Central Europe to Moscow, he is perhaps less likely to comprehend that within the primary empire which is the U.S.S.R. itself there is an even more oppressive Russian imperial structure. He is even less likely to comprehend that it is aggressive Russian expansionism behind a facade of Communist ideology, that really threatens the free world including the United States today. Professor Dobriansky clearly exposes the true nature of this Russian expansionist menace with its roots deep in the dark soil of Tsarist times. He does not, as no doubt some misguided critics will charge, minimize or deny the role of Communist ideology here. To the contrary, he points up how it is very effectively exploited for expansionist purposes by the Machiavellian power clique in the Kremlin.

One other line of criticism (again mistaken) may perhaps be anticipated: that the author is possessed of a Russophobe bias originating in his Ukrainian antecedents and present organizational connections. An honest and careful reading of *U.S.A. and the Soviet Myth* sustains no such charge. Though he clearly shows that the majority of the so-called "Russian" people in the U.S.S.R. are in reality non-Russians (Byelorussians, Georgians, Turkestani, Ukrainians, etc.) and very logically demonstrates that any effective free world policy must therefore contemplate ultimate liberation not merely for satellite peoples like Czechs, Germans, Hungarians, and Poles, *but also the political and territorial dismemberment of the primary Russian empire itself*, he throughout distinguishes the pernicious structure of the expansionist Russian state from the Russian people. Indeed, one might well wish that everyone who had written about say Germany in the 1930's and 1940's had been so scrupulous about distinctions.

In conclusion, this is a truly indispensible book for anyone who would understand world affairs and particularly U.S.-U.S.S.R. relations today. The price of failure to understand here will be much too high. As the author himself expresses it: "In this struggle for keeps, lest we delude ourselves, the only alternative to victory over Soviet Russian imperio-colonialism . . . is disastrous defeat for ourselves."

MICHAEL F. CONNORS.

A VIEW ON THE NATURE OF BOLSHEVISM

At the time that Senator Muskie was touring the Soviet Union in a quest for mutual understanding, Professor Lev Dobriansky's *USA And the Soviet Myth* (Devin-Adair, 1971) was being published. The Senator would have been better advised to stay home and read Dr. Dobriansky's latest book rather than continue his well publicized tour.

Dr. Lev E. Dobriansky, YAF national advisor and head of Captive Nations Committee, with this book continues his efforts to enlighten the American people as to the real nature of the Soviet Union, its ultimate goals and its fatal weaknesses.

The history of Russia he writes, is largely the history of the Russian empire. Even from the time of Muscovy, its rulers held the notion of state greatness, and followed a messianic mission of world redemption through world domination. Throughout its history Russian rule was typified by totalitarian despotism and tyranny, and even included the practice of leader worship. It was also characterized by an expanded bureaucracy and it followed a foreign policy of concessions when expedient. Russian Communism has proved to be just the third ideological rationale for Russian imperialism, building upon the legacy established by the "Third Rome" ideology and "Pan-Slavism." Communism, writes Dr. Dobriansky, has only magnified and refined the collectivist economic instruments for a more extensive state political control. He notes that even Karl Marx had referred to Russian foreign policy as changeless—a policy aimed towards world domination.

The USSR is today as in Tzarist times a multinational state which incorporates in itself at least twelve separate national entities. Lenin, prior to his successful coup had recognized this multi-national character and agitated for the independence of these nations. However, once in power, he quickly reestablished the Russian empire by conquering these nations, some of which had already been recognized by several western powers as well as by his own government.

It is these states that compose the Soviet Union's greatest strength and also its greatest weakness. The peoples of the captive nations now comprise 60% of the Soviet Union's total population. By language, history, culture and religion, these nations are as different from each other as, in Dr. Dobriansky's words, "the French are from the Germans or the Spanish, or the Chinese from the Japanese." Dr. Dobriansky stresses that the key to the destruction of the Soviet empire is the universal force of nationalism which, although presently held in check, is still felt in these captive nations as elsewhere.

He notes that it is through the economic exploitation of these captive areas that the USSR has been able to build an economy second only to the U.S. The Ukraine, the largest non-Russian nation both in Eastern Europe and in the Soviet Union, is a world leader in iron-ore and wheat. With a population of over 40 million people and a militantly anti-Russian history, Dr. Dobriansky looks to this captive nation as the primer for the nationalistic break-up of the Soviet empire. With its strategic location within the USSR, its importance would skyrocket with any direct conflict between the US and the Soviet Union.

THE SOVIET WORLD STRATEGY

Dr. Dobriansky views the policy of the Soviet Union as a global "troika strategy." Its three essential components are the continuance of a deceptive "peaceful coexistence" policy towards the West, allowing time for material, especially *The Vulnerable Russians* (Pageant, N.Y., 1967). It represents a strong case for a new policy directed towards the Soviet Union. *USA And The Soviet Myth* is a refreshing change from the literature of the detente and should be on the reading list of all those who seek a more realistic view of Soviet-American relations.

ROYAL M. WHARTON.

"U.S.A. AND THE SOVIET MYTH"

(By Lev E. Dobriansky)

In his introduction to the book, Congressman William G. Bray of Indiana describes the contents as "strong medicine, carefully compounded." He goes on to say, of the struggle for the world, "We need only retain our own strength, and exploit the weaknesses of our enemies." Dr. Dobriansky, in his best book to date, does indeed sound a warning for the West, together with a prescription for eroding away the power of the Communist World.

The first five chapters deal with the nations held captive by Moscow, with emphasis on Ukraine. Chapters 6 and 7 discuss Captive Nations programs in the United States, Chapters 8 and 9 analyze diplomatic traps in dealing with Moscow, and the last chapter outlines the objectives and achievements of the Ukrainian Congress Committee of America. The author cites examples of the shocking lack of knowledge in high circles about the nationality problem of the USSR. Typical was a piece in the Washington *Evening Star*, July 23, 1963: "Strangely enough, the ideology that holds the Soviet Union together is not communism, but the 'Mother Russia' concept. For 'Mother Russia' is the common pride of White Russians, Ukrainians and Georgians . . ." One might as well say that Bohemia is a source of pride to the Slovaks, or Serbia to the Croats. I am sending this book to the author of that article, in the hope that he will read it with care.

Dr. Dobriansky not only details the nature of Muscovite imperialism and the appalling ignorance about the USSR, which persists among well-educated people in this country, but he also prescribes approaches to some solutions. His final chapter deals with the work of the Ukrainian Congress Committee of America, as it seeks to "exploit the weaknesses of our enemies." He cites in particular two major accomplishments: The Captive Nations Week Resolution (Public Law 86–90) passed by Congress in 1959, and the Shevchenko Statue of Liberty in Washington, D.C. These achievements, and many others besides, are not only attributable to UCCA, but to Dr. Dobriansky personally, who has worked tirelessly, especially with leading Congressmen over the years, to keep the Captive Nations concept in the foreground.

The author describes valuable contributions of the UCCA in supporting the cause of self-determination throughout the world, including Vietnam. *The Ukrainian Bulletin* of April 1–15, 1965, urged President Johnson to support and encourage psycho-political warfare waged by the Government of South Vietnam against North Vietnam, "warning the captive people of that Communist satellite that their aggressive communist masters will eventually meet their doom." Also cited is UCCA support of President Johnson's actions in 1965 to prevent a Communist take-over of the Dominican Republic.

Dr. Dobriansky points out that wishful exaggeration of the Sino-Soviet ideological split and "polycentrism" in Eastern Europe "cannot overshadow the blunt facts of predominant Soviet Russian power in the Red Empire." Our enemy in the Caribbean is not really Castro or Cuba, but the USSR. The same is true in the Middle East and Southeast Asia, Egypt and Syria, without the USSR, pose no serious threat to Israel. Ho Chi-minh and his successors, long-time adherents of Moscow, retain their power and threaten their neighbors only through massive Soviet aid.

The recent crackdown in Poland, coming on top of the Soviet invasion of Czechoslovakia and the previous rape of Hungary prove the author's point. Moscow is not about to acquiesce to "liberalization" or "national communism." The declaration of the Brezhnev Doctrine is the best proof of Soviet intentions, a declaration which was inspired as much by Western timidity and inaction as by Brezhnev's confidence in dealing with Dubcek and other deviationists.

Perhaps the most important contribution of the Captive Nations concept is that it has turned Moscow's propaganda about the dangers of imperialism against itself. Present-day discussions of imperialism (even at the United Nations) should turn away from considerations of Western policies long since abandoned to present-day Soviet policies, both with respect to the nations captive in the USSR, and to the countries in Central Europe, Southeast Asia, the Middle East and the Caribbean.

Not to be overlooked is the work of UCCA in developing and maintaining far-flung Free World contacts: "With its American identity and Ukrainian background resources, it has contacts with scholarly, cultural, political, religious and other groups, both Ukrainian and non-Ukrainian, throughout the world."

Nor is it generally recognized that a cardinal principle of UCCA's educational policy "is the outright rejection of any common guilt on the part of the unvested and oppressed Russian people for the crimes and aggressions of the government in Moscow." The vast majority of the Russian people, "cannot be confused with the exploiting New Red Class and the twelve million Communist Party members, their families and relatives who have a stake in Soviet Russian totalitarian rule and imperial dominion."

UCCA's educational goal is to intensify "the perennial force of national self-determination in its genuine and true sense." The same people who call for self-determination in Asia, Africa and Latin America seldom if ever apply the same doctrine to the much older nations of Ukraine, Byelorussia or Georgia.

The potential for Free World psycho-political warfare is there; it remains only to be utilized. The author has spelled it all out very clearly indeed.

Dr. Dobriansky appropriately dedicates his latest book to Dr. Roman Smal-Stocki, "Patriot, Scholar, Christian and Friend of All the Captive Nations."

The book contains an excellent selected bibliography and index.

I congratulate my colleague and friend Lev Dobriansky and the Ukrainian Congress Committee of America for producing this volume. It deserves the widest possible readership in government circles, the media, and the Academy.

ANTHONY T. BOUSCAREN.

Le Moyne College.

TRUTH ABOUT SOVIET IMPERIALISM

"U.S.A. and the Soviet Myth" by Lev. E. Dobriansky, 274 pages, Devin-Adair, Old Greenwich, Conn., $6.50.

We have heard a great deal of late, especially from our "cooperators with communism" who have taken it upon themselves to declare the Cold War at an end, about the "myth" of monolithic communism—that we now have nothing to fear from communism because it is no longer one big, happy family. They overlook the fact that no matter how much the members of the family fight among themselves, when it comes to the assault on the United States, to hurting her in every way possible with the ultimate purpose of destroying her, they close ranks.

But there is a real myth which hardly anyone takes the trouble to explore and explode—the myth of a homogeneous, united Soviet Russian people. Because it is a myth, once it is recognized as such it contains within it great possibilities for the rest of the world to free itself from the menace of imperialist Russian communism.

It is of this myth, its meaning and possibilities particularly for the United States, that Lev. Dobriansky writes so informatively and with such great perception in this very important book. Dr. Dobriansky is the author of the famous Captive Nations Week Resolution and a leader in the effort to help in freeing those unhappy lands in Eastern and Central Europe from Soviet rule. He is Director of the Institute on Comparative Political and Economic Systems at Georgetown University, and a foremost authority on communist imperialism and the Cold War.

Dr. Dobriansky stresses a fact (with the documentation to back it up) of which not only millions of Americans but even far too many of their leaders seem to be unaware—that there is no such thing as the commonly expressed "200 million Russian people" who supposedly make up the Soviet Union. Dr. Dobriansky says there aren't "200 million Russians in the Universe, let alone in 'Russia.'" The USSR comprises within its imperialist borders about 125 million non-Russian people, and they are as much captives of the communist empire as are the peoples of the captive nations. They are non-Russians who live in the Ukraine, White Ruthenia, Georgia and other non-Russian nations which had regained their independence in the early years of the communist take-over in Russia and then had their independence destroyed when they were forcibly annexed into the USSR.

In failing to recognize this fact, and adding to the failure complacence about the fate of the Eastern and Central European captive nations outside the borders of the USSR, we fail to recognize the real threat which the world faces and which Dr. Dobriansky brilliantly details—Soviet Russian imperio-colonialism. In other words, the USSR, with its usual use of reverse language, constantly (and, sadly, often successfully) imputes to the West and particularly to the United States that of which it is itself the modern epitome: an imperial power roaming the world in order to bring all peoples under its system of communist colonial slavery. Dr. Dobriansky says that is the tremendous threat we must recognize, because it is only a powerful United States which stands in the way of the achievement of these imperial aims.

He believes there is hope for countermanding these imperial aims in the plight, if properly handled, of those millions upon millions of captives of the present Soviet empire—and he details some of the ways in which it can be handled. But we first must comprehend the truth and stop deluding ourselves with sentiments such as former President Johnson, in all good faith, once expressed, that "the common interests of the people of Russia and the United States are many—and this I would say to the people of the Soviet Union: There is no American interest in conflict with the Soviet people anywhere." Dr. Dobriansky declares that "Whoever wrote this for the President should have been fired. Too much is at stake to tolerate such gross incompetence." And he does not hesitate to pinpoint the penalty for self-delusions and failure to recognize the truth: "In this struggle for keeps . . . the only alternative to victory over Soviet Russian imperio-colonialism . . . is disastrous defeat for ourselves. The historical dynamics of our time disallow any middle ground."

ROSALIE GORDON.

"U.S.A. AND THE SOVIET MYTH"
(By Lev E. Dobriansky)

"In this struggle for keeps . . . the only alternative to victory over Soviet Russian imperio-colonialism is disasterous defeat for ourselves. The historical dynamics of our time disallow any middle ground."

Here, in a penetrating analysis of America's foremost adversary, Dr. Dobriansky gives expert data which explains the dangers of our current policy of "peaceful coexistence" with our enemy.

The author shows how many American leaders have ignored the imminent danger to U.S. security. His chapters deal with such issues as—

"The Russian Problem"
"Seeing Russia in Toto"
"The ABCs on Russia and the USSR"
"U.S. Illusions on the Captive Nations"
"The Russian Trade Trap"

Dr. Dobriansky pointedly demonstrates that today's Soviet government has never stopped following Czarist ideas of expansion. The Russians have thrust westward into Europe, eastward to the Pacific and south to the Middle East, Africa and even South America.

The United States and Russia are on a collision course today because only a powerful America is capable of stopping the Kremlin conspirators from carrying out their designs of world-wide empire.

There is nothing new about the Russian urge for domination over others. Even in the 12th and 13th centuries, the Dutchy of Moscow (originally founded by invading Vikings from Scandinavia) began conquering and absorbing neighboring states.

Russian expansion itself started long ago with attacks on Lithuania and other Baltic states. Today 1/6 of the total area of the globe is under direct Russian control and the Russian empire straddles the globe from the Baltic to the Sea of Japan.

Unlike the United States, an association of freedom-loving peoples, Russia has long been a despotic dictatorship dominated by a relatively small number of Russians who rule over Ruthenians, Ukrainians, Estonians, Latvians, Georgians, and more than 100 other separate nationalities which are captives of the Red Empire.

Dobriansky pays special attention to the role of these Captive Nations. He effectively argues for freeing the Captive Nations including The Ukraine—as a key to dismantling the Russian Empire.

These peoples and lands cannot be compared with American states such as Pennsylvania and Wyoming, because they are truly conquered nations. Some of these nations, including The Ukraine, regained a brief independence following World War I—until they were once again forcibly annexed into the Soviet Russian Empire.

Dr. Dobriansky makes an ironclad case for the fact that Soviet Russia's empire building and imperial ambitions are an implacable foe of the U.S.A. He points out the absolute necessity for a policy towards the Soviet Union based on realistic facts rather than wishful State Department thinking. He further points out that if America could work for the independence of the Captive Nations of the USSR, the Russian colossus might eventually be brought to its knees. As Dobriansky explains, these non-Russian nations in the USSR are of crucial, strategic importance in the overall patterns of power distribution in the world.

This is a disturbing book. But it is one that had to be written. For the first time, it points out why the Russians, no matter how friendly they may try to appear are determined to eliminate the United States as an obstacle on their path to world domination.

CUBA TRIES TO IMPOSE UNHAPPY FATE ON PUERTO RICO

HON. JORGE L. CÓRDOVA

RESIDENT COMMISSIONER FROM PUERTO RICO
IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. CÓRDOVA. Mr. Speaker, the recent effort of the Cuban delegation to the United Nations, to enlist U.N. support of Cuba's effort to impose their own unhappy fate on a Puerto Rico which knows much better inevitably attracted much publicity. But our news media did not reveal to the people of the United States the ludicrous gaffes of Cuban delegate Alarcón in his speech on that occasion.

We now learn of these gaffes from the following item published on the editorial page of the Quito, Ecuador daily El Tiempo, on September 21 under the byline of Carlos Alberto Montaner:

The Cuban delegate, Ricardo Alarcón committed two chilling blunders in the midst of an improvised, fiery, fearful, moving, gloomy speech:

"The hour has come for the freedom of this country, exploited, tyrannized, dominated by foreigners, whose life-blood empties in the Caribbean, Cuba . . . that is, pardon me, Puerto Rico (general laughter)."

Then, hurriedly, he mentioned a list of Puerto Rican martyrs. A name foreign to Puerto Rico slipped in: Boitel. Boitel had been one of the student leaders in the underground struggle against Batista. He had been Alarcón's friend. And a few days before the speech, he had died in Havana after eleven years in prison as a result of recent tortures (he weighed 89 pounds). Probably Alarcón will hereafter be forbidden to improvise even a funeral oration. He has a dangerous subconscious.

Ecuador's daily, and journalist Montaner, deserve our gratitude for making known the well-deserved embarrassment of the Cuban intermeddler in the affairs of Puerto Rico. Puerto Rico has overwhelmingly expressed its support of our association with the United States. The 1967 referendum on the question showed slightly over 60 percent supporting the present status, 39 percent voting for statehood, and less than 1 percent for independence. Puerto Rico not only rejects, as it has always rejected, any notion of separation from the United States, but we particularly reject and resent any outside meddling in our affairs. If our present status is to be changed in any respect, it will be changed upon Puerto Rican initiatives, with the support of the people of Puerto Rico. And I can assure you it will be changed only in the direction of closer association with the United States, and not of separation from the United States. We can do without the advice of the unfortunate masters of our unfortunate neighbor in the western Caribbean.

REPORT ON SHRIVER LEGISLATION IN 92D CONGRESS

HON. GARNER E. SHRIVER

OF KANSAS
IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. SHRIVER. Mr. Speaker, it has been my practice to report to my constituents in the Kansas Fourth District on legislation which I have sponsored in the Congress. This is to highlight for the people I represent the status of bills and resolutions that may be of major interest. During the 92d Congress I sponsored some 100 bills and resolutions. Many of the proposals they contain have become law. Following is a brief summary on

some of the legislative accomplishments to which I can point in this Congress:

House Joint Resolution 198, lowering voting age to 18 in local and State elections. Received the necessary two-thirds votes of the House and Senate and submitted to the States as a constitutional amendment. It has been ratified and is now in effect.

House Joint Resolution 270 to allow nondenominational prayer in schools and public buildings. Considered by the House but failed to receive necessary two-thirds vote.

H.R. 4191 to provide for program of Federal revenue sharing with local and State governments. Passed by House and Senate. Conference report completed by House-Senate committee, and expected to be enacted prior to adjournment.

H.R. 4258 to provide for an additional source of financing for the rural telephone program. Enacted into law.

H.R. 4416 to cut off economic and military aid to countries which fail to take appropriate steps to stem the tide of narcotic drugs flowing from their countries into the United States. Adopted as part of foreign aid authorization and implemented by President Nixon.

H.R. 4453 providing for implementation of an all-volunteer army. Individual actions such as military pay hike and civilization of "KP" adopted as part of Selective Service extension and 1973 Defense appropriations bill.

H.R. 5064, the Rural Development Act to revitalize rural and small towns through new areas of authority to Farmers Home Administration and Soil Conservation Service. Enacted into law.

H.R. 6064 providing for increases in social security benefits, including automatic cost-of-living increase, increased earnings limitation and widow's benefits. Across-the-board increase in monthly benefits and cost-of-living provision adopted as part of debt limitation bill. Further consideration necessary for improvement of other inequities.

H.R. 6792 to establish a student loan marketing association to help higher education students in securing financial assistance. Enacted as part of Omnibus Education Amendments of 1972.

H.R. 12891 to exempt employers having less than 25 employees from the Occupational Safety and Health Act. Hearings underway. Amendment adopted by House of Representatives to Labor-HEW appropriations bill which exempts such firms from inspection. Pending in Senate.

WE'RE IN THE BIG LEAGUES NOW

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. BEGICH. Mr. Speaker, as the world series of 1972 approaches, I wonder how many baseball fans in the Chambers this afternoon know what Tom Seaver, New York Mets; Rich Hand, Cleveland Indians; Steve Dunning, Cleveland Indians; Dave Roberts, San Diego Padres; Rich Monday, Chicago Cubs; Curt Motton, Milwaukee Brewers; and Chris Chambliss, Cleveland Indians, all have in common? Or what two teams made semipro history last month in Wichita, Kans., by meeting for the second year in a row to battle out the National Baseball Congress championship?

It is another Alaskan first, and one of the great success stories in baseball. The players were, at various times, members of the two NCAA-sanctioned semiprofessional teams in Alaska—the Alaska Goldpanners of Fairbanks, and the Glacier Pilots of Anchorage. Those two teams also made history in August when the Goldpanners beat the Pilots by a score of 3 to 2 in the final game of the 32-team double elimination tournament to become the champions of the National Baseball Congress again.

Alaskan teams have dominated the tournament since 1962: The Goldpanners never ranked lower than fourth place nationally and the Glacier Pilots clinched the national championship in their very first year of existence—1969. This year they fielded impressive teams, including such players as "Bump" Wills, the son of Los Angeles Dodgers shortstop Maury Wills, and Roy Smalley, son of Roy Smalley who played with the Chicago Cubs, the Milwaukee Braves, and the Philadelphia Phillies from 1948 to 1958.

Both teams are NCAA sanctioned summer baseball teams gathered from the top collegiate teams of the United States. Recruiting commences in January of each year. Candidates are carefully screened and scouted, with only outstanding prospects who are looking for a future in organized baseball being selected for the final roster. In accordance with NCAA summer baseball regulations, all players are employed in various jobs throughout the community in which they play. They work 40 hours a week in addition to playing daily games. Salaries range upward from $600 per month, and they find themselves working in jobs ranging from clerking to engineers' helpers. Players are placed in jobs by order of seniority in the program and job experience. Baseball proficiency has nothing to do with job placement. Employment has always been at a 100-percent level as local merchants are always eager to supply this type of support to the program. Players live as members of families during their summer stay in Alaska, and there is always a long list of families—especially those with sons in local youth baseball programs—anxious to have a Goldpanner or Pilot as a "summer son."

A highlight of the season in Fairbanks is the Midnight Sun Game, played on June 21—the longest day of the year. The nearly 22 hours of sunlight enable the teams to start play at 10:30 p.m., with the sun just beginning to set in the north, and continue through to the game's conclusion as the sun is rising. Regulation baseball is played right through the hour of midnight without benefit of artificial lighting, and since the traditional game began in 1906 it has never been called on account of darkness.

Both the Pilots, under the direction of manager Paul Dreese, and the Goldpanners, with Jim Dietz and Bill Arce at the helm, are justifiably proud of their successful season, and their accomplishments during the championships. Congratulations to the Alaska Goldpanners and the Glacier Pilots—Alaska's finest.

ROSTER

ALASKA GOLDPANNERS

Kurt Wittmayer, Crawford High.
Jim Selisker, Lower Columbia U.
Mark Lucich, Stanford U.
Manny Estrada, Mt. San Antonio.
Gene Delyon, Santa Clara U.
Steve Swisher, Ohio University.
Rod Boone, Stanfard U.
Mike Kenneth, Glendale Community College.
Jay McDowell, Valparaiso U.
Rand Rasmussen, San Fernando Valley.
Kerry Dineen, U. of San Diego.
Rod Laub, San Diego State.
Dan Cunningham, Oregon State.
Bruce Robinson, La Jolla High.
Jim Umbarger, Azizona State.
Dave Winfield, U. of Minnesota.
Walt Kaczmarek, Santa Clara U.
Dan Grimm, Fresno State.
Rusty Gerhardt, Clemson U.
Clif Holland, Canada Junior College.
Dan Shaw, Stanford U.
Mickey Robinson, Claremont.
Greg Kessler, Saddleback Junior College.
Jackson Todd, University of Oklahoma.
Jay Smith, Florida Southern.

GLACIER PILOTS

Elliott Taylor (Bump) Wills, Arizona State.
Mike Pereira, Santa Clara U.
Jack Brushert, Champman College.
Mickey Aguirre, Stanford U.
Dave Oliver, Cal-Poly at San Luis Obispo.
Guy Krause, University of Oregon.
Glen Johnson, Stanford U.
Roy Smalley, University of Southern Cal.
Johnny Sain, Arizona State.
Jim McGhee, Panola Jr. College.
Marty Rice, Florida State.
Dale Hrovat, Arizona State.
Lee Pelekoudous, Arizona State.
Bob Dipietro, Stanford U.
Ruben Garcia, Texas Tech.
Greg Cochran, Arizona State.
Curran Percival, Chapman College.
Steve Kelley, Santa Clara U.
Ed Stonefelt, Chapman College.
Dave Hasbach, Miami of Ohio.
Roy Hyer, LSU—New Orleans.
Dick Bradley, Kansas University.
Ed Bernard, Tulane University.
Doug Ault, Texas Tech.
John Baker, Chapman College.
Clint Myers, Arizona State.
Mark Merdes, San Diego Mesa.
Phil Convertino, Santa Clara U.
Howard Bellamy, (none).
Creighton Miller, Chadron State.

CENTENNIAL FARM

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. PRICE of Illinois. Mr. Speaker, I am pleased to announce to my colleagues that the Illinois Department of Agriculture has found through its centennial farm program that the oldest tract of Illinois farm land owned by the same family is the 40-acre tract owned since 1804 by the Howard Ittner family of Belleville in the 27th Congressional District. I am proud as I am sure the Ittners must be.

Mr. Speaker, if there is no objection, I would like the following article from the

Illinois Agricultural Association Record to be printed in the RECORD.

The article follows:

ST. CLAIR COUNTY FARM BUREAU FAMILY OWNS OLDEST "CENTENNIAL FARM"

The Illinois Department of Agriculture, through its "Centennial Farm" program, has determined that the oldest family farm in Illinois is owned by a Farm Bureau family in St. Clair County—the Howard Ittner family of Belleville.

The 40-acre tract near Swansea has been owned by the same family since 1804, when it was acquired by Ittner's great-grandfather, Adam Badgley, under "squatter's rights" provision of the old Homestead Act.

Counting Mrs. Richard Kurtz of Belleville and her sons, Howard and James, for whom the farm has been placed in a trust, six generations are represented in ownership of the farm since 1804.

Badgley acquired 160 acres under the Homestead Act and later increased the size of the farm to 400 acres. According to historical records maintained by Mrs. Kurtz, Badgley raised wheat, corn, beans and produce and was the first farmer in the state to haul produce to the Illinois Governor's office in Springfield. Badgley was also a Baptist minister, justice of the peace, and a school director in the Belleville area.

Badgley constructed a small log house at the farm site, and gradually expanded acreage for farming by clearing the land of trees and brush. Mrs. Kurtz said that the log house was used until 1841 when it was burned down by Indians while the Badgleys were on a trip to Springfield to pay taxes. Badgley replaced the log house with a frame structure which served the family for two decades.

The farm passed from Badgley to a son, Austin Badgley, and then to his daughter, Nellie Badgley, who was Ittner's mother.

Ittner farmed the property until 1935 when he started work for the Federal Reserve Bank in St. Louis. Although most of the original acreage was sold through the years, the 40-acre tract has remained in the same family. The farm is presently rented to Cletus Lanter who raises grain there.

More than 2,500 Centennial Farm applications have been received by the Department of Agriculture. The Ittner farm was the oldest certified by the Centennial Farm program as of September 1.

To qualify for the Centennial Farm program, a certain section of farmland must have been owned by the same family for 100 years or more. Farms certified by the program receive a Centennial Farm sign to post on the farm.

SOUTH AFRICA GIVES STAMP OF APPROVAL TO ADMINISTRATION'S ABANDONMENT OF EQUAL OPPORTUNITY GUIDELINES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. STOKES. Mr. Speaker, the President's elimination of equal opportunity guidelines has begun to have repercussions in the international arena. This adds an important new perspective to the entire question of quotas in Federal programs.

On September 2, 1972, the Johannesburg, South Africa Star printed an article headed, "No Rush of Negro Diplomats for SA." In this article, the South African reporter perceived the President's action in terms of his country's own self-interest, a self-interest that can only be characterized by the South African policy and practice of apartheid.

The first line of the news article was:

In a decision that has some bearing on the assignment of black diplomats to South Africa, President Nixon has banned hiring quotas for Negroes and other minorities in all branches of the Federal Government.

The reporter went on to state that—

This means the State Department cannot meet the demands of Congressman Charles Diggs and others to alter the racial composition of the diplomatic staff in South Africa to reflect the racial composition within the United States.

When a country like South Africa—the most repressive country on the face of this earth—begins to see U.S. policy in terms of its own self-interest, then it is incumbent upon our Government to examine its policies very closely. It is not too late for the administration and the American Jewish community to take a closer look at what the elimination of quotas will mean—not only in the domestic sphere, but in the international realm as well.

The article that appeared in the Johannesburg Star follows:

NO RUSH OF NEGRO DIPLOMATS FOR SA

WASHINGTON.—In a decision that has some bearing on the assignment of Black diplomats to South Africa, President Nixon has banned hiring quotas for Negroes and other minorities in all branches of the Federal Government.

The Public Service Commission has ordered a review in all Federal Government departments to ensure that no quotas are in effect.

The President's decision, taken in an attempt to woo Jewish voters away from the Democratic Party, reverses a trend established under the Democrats towards giving minorities their "fair share" of Government jobs.

Instead, he is insisting on merit as a criterion for all appointments. While this automatically bars discrimination on grounds of race, sex, religion and so forth, it cuts across the clamour from Negroes against the fact that they hold so few of the top Government jobs.

This means the State department cannot meet the demands of Congressman Charles Diggs and others to alter the racial composition of the diplomatic staff in South Africa to reflect the racial composition within the United States.

Under a system of strict merit, the chances of appointing more Blacks to South Africa are fairly small.

In addition the President's order raises some question about the department's decision a few years ago to exempt Black candidates from the Foreign Service admission examinations, a step taken when earlier efforts to increase the number of Black officers foundered because so few Black candidates passed the exams.

For cultural reasons alone the number of Blacks in the Foreign Service would grow very slowly under a strict merit system such as the President has laid down, while the rules governing specific appointments would reduce the prospect of many Blacks being chosen to go to South Africa.

PUBLIC ADMINISTRATION REVIEW

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. SCHMITZ. Mr. Speaker, yesterday I presented to you a brief history and assessment of the planning, programing, and budgeting system—PPBS—now being adopted by more and more governmental agencies at the Federal, State, and local levels of government. Today I would like to bring to your attention excerpts from an article by Stanley B. Botner of the University of Missouri, appraising 4 years of PPBS, which appeared in the July-August 1970 issue of "Public Administration Review." This article spells out the imprecision and failures of PPBS in a dozen different ways, yet despite its obvious limitations and inadequacies, the conclusion is giving that PPBS is precisely what the President needs to "serve effectively." It is beyond my understanding how these "experts" could arrive at such a conclusion, based on their own evidence.

The article follows:

FOUR YEARS OF PPBS: AN APPRAISAL

(By Stanley B. Botner)

When President Johnson issued his 1965 order introducing the planning-programing-budgeting system (PPBS) in civil agencies, some hailed the action as a breakthrough in the decision-making process. According to the more optimistic, PPBS would provide a rational basis for allocating resources among competing programs. Techniques utilized in the Department of Defense could be applied to "soft" programs such as health and welfare, it was thought, and DOD specialists were imported to assist in effecting the fiscal renaissance. However, the Bureau of the Budget and the agencies are still struggling to comply with the order more than four years after its issuance.

My aim is to assess the impact and effectiveness of PPBS to date, to suggest factors which have hindered more fruitful implementation, and to describe recent actions to correct some of the deficiencies cited.

RESULTS DISAPPOINTING

In mid-1968 the Bureau of the Budget undertook to determine if policy analysis is performed differently than it was before the advent of PPBS. BOB researchers conducted a study of the implementation and utilization of PPBS by 16 domestic federal agencies. Their findings led them to conclude that most agencies do not perform the planning, programming, and budgeting functions much differently than they did before the introduction of PPBS.

An assessment of the impact to date of PPBS must also include consideration of its effectiveness as an instrument of the Bureau of the Budget in discharging its responsibilities to the President in the formulation of the federal budget. An analysis of the results of recent studies, discussions with Budget Bureau and other officials, and testimony before congressional subcommittees leads one to conclude that PPBS has thus far been rather ineffectual as a presidential staff tool.

McKinsey and Company, Inc., a management consultant firm engaged by the Bureau of the Budget to design an "integrated system development effort," reported in 1969 that "the basic mechanism for planning, programming, budgeting, and execution exists today."

There are too many issues, often of marginal interest, typically poorly analyzed, and often submitted too late to be of practical value.

The key Spring Preview step

a. Lacks solid input . . .

b. Does not systematically take a cross-agency view of the program

c. Produces only spotty programming guidance to set up subsequent budget formulation.

The existinig inability to move smoothly among the varied, but valid views of the

budget has produced an intolerable situation. Gaps, overlaps, and confusion permeate attempts to relate these structures (e.g., PPB, appropriation, functional).

PROBLEMS AND DEFICIENCIES

While some worthwhile results have been achieved with PPBS to date, the system has failed to fulfill the expectations of its more ardent proponents. Why is this so? What are some of the deficiencies and problems which have been encountered?

With the benefit of hindsight, it appears that PPBS was introduced in civilian agencies abruptly, on too large a scale, and without adequate advance preparation and study. Former Secretary of Commerce John T. Connor described the introduction of Cabinet members to PPBS:

The Cabinet members were called together early one morning without any prior preparation and, after a brief summary by Budget Director Schultze, ordered to put it into effect promptly. There was no meaningful discussion of whether or not it would be applicable throughout the Federal Government, even if successfully applied in Defense.

Mr. Connor commented further that "the timing turned out badly as the Vietnam War financial demands made a shambles out of any reasonable priority system."

In issuing his sweeping across-the-board order to implement PPBS, President Johnson acted against the wishes of some Budget Bureau officials who favored slow and careful development of PPB conceptual tools. They urged the President to limit the new system at first to five or six agencies which had demonstrated some degree of competence in program planning. On the other hand, at least one of those who shared some of the qualms reported by Professor Gross has come to the view that the President's instincts were right. This former BOB official now feels that the surest way to introduce a major innovation in a mammoth bureaucracy and make it stick is to have it pushed across the board from the top. Nevertheless, on balance it would seem that a period of study, experimentation, and refinement of technique prior to actual implementation by civilian agencies would have helped to eliminate much of the confusion accompanying the installation of PPBS. It might also have increased the probability of ultimate success.

DOD MODEL INAPPLICABLE

Another problem resulted when techniques utilized in the Department of Defense did not prove readily transferable to the civilian sector. As one budgetary authority stated:

"Clearly, in most areas of Federal activity the Defense model of PPBS could be helpful only in peripheral ways. Most would have to develop their own blueprints, adapted to their own subject matter, their own power structure, their own environment, and their own culture."

As an example, consider the difficulty encountered by the civilian agencies in developing meaningful measures of effectiveness or criteria for evaluation. The experience in the DOD proved of little value here. It is one thing to quantify the benefits from the application of a stated volume of firepower to a specified target. It is quite another to quantify the benefits to the individual, his family, and society generally of a program to rehabilitate alcoholics, particularly if one considers the impact of intervening causative factors.

An official of the Department of Agriculture told the author:

"Perhaps the principal problem which has confronted us in the implementation of the PPBS has been the development of means to measure the tangible and intangible benefits, in terms of dollars and cents, which result from the investigation phases of our operations."

Another USDA official commented:

"If in your search . . . you discover some device which can isolate and quantify outputs such as the deterrent force of individual regulatory activities, I would be most pleased to have your findings."

Those who have endeavored to develop criteria for evaluation would probably agree with William Gorham, former Assistant Secretary (Program Coordination), Department of Health, Education, and Welfare, that "it is going to take many years to develop the kinds of output measures we need to understand what we are getting for our money."

Indeed, PPB techniques are not yet, and may never be, sufficiently sophisticated to support what the Jackson Subcommittee termed "the exaggerated hopes of some that PPB would enable the Executive Branch to identify national goals with precision, determine which goals are most urgent, and measure exactly the costs and benefits of alternative policies. . . ." As BOB Director (and economist) Robert P. Mayo told the Proxmire Subcommittee:

". . . we are limited . . . by our inability to develop output measures that permit inter-category comparisons of benefits. For better or for worse, we have no generally agreed-upon way of deciding quantitatively whether the Nation benefits more by providing greater dignity for the aged (and less financial burden on their families) or by training disadvantaged persons in their early 20's or by making our airways safer or by reducing crime."

Mr. Mayo said also:

"I am fully committed to the use of economic analysis as an aid in making budget decisions. At the same time, I would insist—as would anyone who understands our form of government—that economic analysis can never be the sole determinant of budget decisions."

Former BOB Deputy Director Phillip S. Hughes cited certain difficulties in implementing PPBS:

The data base is inadequate.

Federal programs are multipurpose in nature.

Most analysts are trained and oriented in a particular discipline, each with a specific set of assumptions, methodology, and jargon.

Systematic program evaluation was intended to provide a base for and to help unite the two traditional channels for decision making in allocating resources: the formulation of the President's legislative program and the traditional budget process. Instead, there has been a tendency for program evaluation to become a third decision-making channel more and less parallel to the other two.

Top level officials, "under tremendous pressures to respond to short-term crises," are prone to ignore or defer consideration of long-range problems.

Other difficulties in applying PPB techniques have been reported by the Proxmire Subcommittee. They include:

Scarcity of trained personnel of secondary returns

Application of PPBS by some agencies only to new (and not older) programs

Inconsistencies among the agencies in application of discount rates and inclusion

Lack of a broad, cross-agency program structure. . . .

INADEQUATE BOB LEADERSHIP AND GUIDANCE

More fruitful implementation of PPBS has been hindered, too, by inadequate leadership and technical guidance from the Bureau of the budget. One high-ranking department official used the term "lack of resolution" in describing BOB's effort. Two years after the President's 1965 order, a staff summary of the work of a BOB study group revealed "disagreement and confusion over the definition of PPBS" within the Bureau. The Steering Group also cited the need for more top management attention than in the past, and called for the focusing of attention upon:

Defining the nature and purpose of PPB and building some consensus as to what the system is intended to achieve; and

Integrating the PPB system with the related systems of financial management and the budgetary process.

CHANGING EMPHASIS

The effectiveness of BOB has been hindered by failure to keep pace with its increased responsibilities and basic changes in the nature of those responsibilities. Major new, social legislation, growing interrelationships between federal programs and agencies, and between federal, state, and local programs and agencies, as well as the basic shift in emphasis from budget review and preparation to program planning and evaluation, have had a dramatic impact. As the Steering Group reported: "These changing emphases are more than a matter of style—a way of making decisions. They are matters of substance—the making of *different* decisions."

A corollary of the basic shifts in the nature and scope of BOB responsibilities is an increase in the number and significance of external demands. One factor responsible for this increase is what the Steering Group termed "an increasing Presidential orientation of the activities of the Director." An indicator of the increase in another external demand upon the Director is the fact that he testified at an annual average of nine congressional hearings during the period of 1958–65, whereas in 1966 he testified at 22 such hearings. The marked increase in external demands means, of course, that the Director and other top officials of the Bureau have less time to devote to internal problems.

A lack of consistency and coordination of effort, reported the Steering Group, has too often characterized the interrelationships among top BOB management, the offices, and divisions. For example, it was found that "Divisions often fail to coordinate with each other in dealing with problems of a multi-Division nature."

The budget has not only become more complex, said the Steering Group, it has also become cumbersome and bulky and "encumbered with elaborate detail associated with object classifications." Agency officials who were interviewed cited in BOB's "apparent obsession with trivia and failure to address the major substantive problems."

Almost 60 per cent of the BOB staff indicated to the Steering Group that on-the-job training was "fairly inadequate, quite inadequate, or does not exist." The BOB was urged to analyze such programs as PPBS for training requirements and to carry out adequate training "to insure staff understanding and implementation of objectives."

CORRECTIVE ACTIONS

Since the report of the Steering Group, the Bureau of the Budget has taken a number of steps to correct the deficiencies cited. These include the establishment of an Office of Executive Management, which has been assigned responsibility for developing solutions to management problems created by increasingly complex and interrelated programs. As former Budget Director Charles L. Schultze told the Jackson Subcommittee:

". . . the priorities for attention right now are not so much on the individual agencies but on the growing number of programs where agencies overlap and the question is how to get systems for managing programs where more than one agency is involved. So our priorities are to take a look at such things as foreign affairs management, manpower programs, and urban ghetto problems, where a number of agencies are involved, and see how to get systems to handle these multi-agency problems.

To help correct a shortage of professional personnel, Budget Director Mayo requested an increase in appropriations in fiscal 1970 to permit the restoration of 39 essential positions lost due to the employment limitation provisions of the Revenue and Expenditure

Control Act of 1968, and the addition of 13 positions to support the expanded development of management information systems. In his statement to a House Appropriations Subcommittee, Mr. Mayo said that he was "particularly struck by the fact that the Bureau has fewer regular employees authorized now than it had 20 years ago, when obviously the budget was much smaller."

In January 1969, the Program Evaluation Staff of the Budget Bureau was supplanted by, or upgraded to, a full-fledged Office of Program Evaluation, headed by an assistant director who reports to the Director. Further, to permit more effective utilization of PPB analyses performed by the agencies, the Budget Bureau, according to former Deputy Director Hughes, is "revitalizing our program evaluation work so that it ties in more closely with the real and current world of the budget preparation cycle."

In keeping with BOB's objective of increasing the amount and quality of program evaluation and analysis used in policy planning, 85 major policy issues were identified for the fiscal 1971 planning and budgeting cycle. (An issue qualifies as a major one if the results of its analysis might have a budgetary impact of $50 million or more in fiscal 1971 and/or $500 million during the next five years or an equivalent social impact. An example: Effectiveness of the social services provided to public assistance recipients.) To insure evaluation of major issues, at least one BOB staff member was assigned to each issue to provide liaison with and assistance to the agency or agencies conducting the analysis. BOB Assistant Director Carlson reported to the Proxmire Subcommittee that analysis of three-quarters of the major issues was progressing satisfactorily, and "the results of the analysis have been and are being fed into the decisionmaking process."

In a further effort to improve program evaluation and planning, BOB has initiated four experimental projects:

1. The *Program Overview Project*, designed to summarize what is known and unknown about costs, outputs, benefits, and beneficiaries of all federal programs.

2. *Regional Expenditure Analysis*, a project to portray the geographical distribution of federal program expenditures with key economic and demographic characteristics.

3. A *Public Expenditure Model*, an attempt, using linear programming, "to show the total of benefits and distribution of benefits to recipients by selected characteristics so that with given alternative priorities we can identify those programs that best achieve those priorities."

4. The *Social Achievement Indicators Project*, the intent of which is "to select those statistical series which reflect social well-being and relate them to categories of public expenditures."

Recognition of the need for more timely, comprehensive, and systematic information led to the establishment in the Budget Bureau of another new unit, the Management Information Systems Staff. Headed by Walter W. Haase, this unit has as its objectives the automation of the budget preparation process to the extent practicable, and the development of an improved information system to strengthen the planning, programming, and budgeting processes. A rolling budget system is also being developed "to update the budget throughout the year so that it becomes a dynamic financial plan and can be used to support decision making on a year round basis."

BOB officials are hopeful that the study conducted by McKinsey and Company, Inc., will result in the identification of ways to integrate PPB methods with the more traditional appropriation budgeting processes. Another objective is to "strengthen both agency and Bureau ability to perform program and budget reviews and analyses in goal-oriented terms, both within and across agency lines. . . ."

Among the basic questions answers to which the McKinsey study is designed to provide:

How should the Executive Branch strengthen its planning, evaluating, and decision-making processes, particularly within the Executive Office of the President, to capitalize upon coordinative power of modern information technology?

What common denominator can be used to provide the information necessary to conduct the multiple perspective reviews of the Bureau of the Budget and yet obviate the present necessity for preparing what in effect are two separate budgets, one in program terms and another in traditional appropriation format?

Will it be necessary to develop a governmentwide program structure to resolve this "crosswalk" problem?

How elaborate and what should be the substantive content of an improved information system to support the recommended changes which result from the resolution of these questions? . . .

The authors of the *Federalist* envisioned that the private interest of every individual would act as a sentinel over the public rights. Instead, the present budgetary process operates to the advantage of certain groups able to bring disproportionate influence to bear on the outcome of that process.

The implementation of PPBS, despite present limitations, can help correct the shortcomings of the pluralistic process by which scarce resources are allocated—and misallocated. Allen Schick and others have detailed why there are unfavorable outcomes from the way politics works in the United States, and why the pluralists have exhibited little interest in "who gets what."

Despite warnings by those referred to by Schick as "cariacaturists" that PPBS poses an ominous threat to the American political system, precisely the opposite view would seem more realistic. That is, PPBS provides the means by which the imbalances and injustices of the present system can be corrected, to an extent, at least, and within the framework of that system.

For the most part, it is to the President that we must look to represent the general interest of the citizen as consumer and taxpayer. As former BOB official William M. Capron has stressed, others at the federal bargaining table are special interest representatives. If the President is to serve effectively as a counter weight to the special interests in the bargaining process, he must be informed. He needs the kind of information that is developed from analyses that reflect the important interactions, the indirect as well as the direct costs, and which is objective in the sense that alternative ways of accomplishing program objectives are considered. In short, the President needs precisely the kind of information PPBS has the potential to provide.

DR. WILLIAM S. MIDDLETON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. TEAGUE of Texas. Mr. Speaker, we in Washington are wont to use rather freely the words "great" and "distinguished." I hope that most of the time when we describe men in the world today, who have reached a degree of success, that the terms are truly descriptive.

Yet, all of us know when we are in the presence of greatness, and I think it can be said without fear of contradiction, that those who have known him feel that way about Dr. William S. Middleton, former chief medical director of the Department of Medicine and Surgery of the Veterans' Administration. Dr. Middleton served with more than distinction in the position I have just mentioned. He also served as dean of the Medical School of the University of Wisconsin and prior to that as a teacher.

I have yet to meet a physician who had the good fortune to study under Dr. Middleton who did not describe him as the best teacher he ever had. Here is a man whose feet are firmly planted on the ground, but whose concept of medicine and service to his fellow man always reached upward. Here is a man who has taken seriously all his days the oath of Hippocrates.

Dr. Middleton's middle initial stands for Shainline, but it could well stand for service—service to his fellow man and in particular to the veterans of this country. He served in World War I as a doctor and in World War II as a distinguished surgeon. He serves the veterans of Madison, Wis., each working day at the VA hospital in that city, where he teaches medical students and cares for the veterans who are in that hospital.

Recently Dr. Middleton was in Washington to dedicate the new research building of the Washington VA Hospital. This soon to be 83-year-old young man delivered an extemporaneous address of marked quality and insight which I include as a part of my remarks:

REMARKS BY WILLIAM S. MIDDLETON, M.D.

Mr. Administrator, Mr. Deputy, Mr. Chief Medical Director, Senator Adkins, Friends of Veteran Medicine, all—it is indeed an honorary privilege and pleasure to be with you on this occasion.

However, mingled with this feeling of elation I experience an unusual sense of nostalgia. My first contact with this particular organization was at Mt. Alto. Mt. Alto was physically, as you recall, an institution that had been derived from a girls' school. I am not reflecting on the organization or reformation, but rather turned into a hospital it was characterized by many tunnels, channels, hallways, tiny rooms, attic rooms and in an expression before the House Committee on Veterans' Affairs on one occasion I referred to the fact that it was glued together, held together by chewing gum and paint and there was little more than that to it physically.

Professionally, however, it was a very superior organization and it was my refuge for eight years for clinical refreshment and stimulation. Our Hospital Director first was Dr. Rose and then Dr. Thomas Ready who were ever mindful of my physical welfare. As a matter of fact, on one occasion Dr. Rose told me that my annual physical, supplemented by X-rays, showed a change off the hilum of the left lung which was very suggestive and that I should come back on Tuesday next which was a matter of five days. I spent this time in re-arranging my private affairs—only to find that there had been a perfectly normal change in a certain blood vessel off the left hilum. In that interval I deferred some 15 years of plans I had made.

We had a splendid staff and Dr. Kaplan was always and most gracious and helpful Chief of Staff, with the Chief of Medicine, Dr. Sol Katz, the best read and most encyclopedic knowledge of medical literature that

I have ever encountered. He had as his associate Ed Freis, whose honors have been announced by the Administrator. The other men like Dr. Sun, Dr. McFarland, all most stimulating and I had a feeling constantly of an elation, if you please, that came from the relief of administrative duties by having contact with the patients every Thursday afternoon. On one occasion at an administrative meeting I announced the fact that I had worked all week for the afternoon that was given me on Thursday at Mt. Alto. Harvey Higley called me back to his office after the meeting and said, "Bill, you couldn't have been serious when you said that." I said, "Chief, I was never more serious in all my life." And so it was a very heartening experience.

There comes in clinical medicine certain minor tasks which you can soon pass by because they are overshadowed by other experiences. The occasion of January 10, 1963, is firmly engraved in my mind. On that occasion, Sol Katz, ever kindly and gracious, introduced me to a patient for my clinic who had pleurisy with effusion on the right side only to find out that this obvious pathology had overwhelmed and overcome the evidence of a situs inversus completus. That means all the organs were on the wrong side of the body. I can give you all the physical findings if you wish. Clinical medicine is indeed an humbling experience, if you follow me.

Research is a state of mind. In the very recent past, it was looked upon with some indulgence and tolerance by the public. This has given way to adulation. The participants in research were "squares" in moments past, only now to be revered in practically every level of society. I cite this because research had humble beginnings. Research of itself, a search for the truth, is a matter that will bring a leveling to participants. For example, Joseph Leidy, who was one of the last of the great natural scientists in this country, with a grant of $220.00 and a microscope costing $50.00 wrote a masterpiece "Fresh Water Rhizopods of North America." The Curies, working in a shed behind the School of Physics on the Rue Lhomond in Paris discovered radium. We had a guest in our midst, one Willem Einthoven in 1924 in Madison, the man who developed electrocardiography. He was shown the best that we had which was rather meager and then brought into the basement laboratory of Physiology. He took off his waistcoat and then took off his dickey, and he said, "Now dis is home."

I am indicating to you that the search for truth had humble beginnings. To have tremendous grants of monies, to have the National Government Foundations heaping great largess upon the scientific world is not yet the answer. Actually, you cannot buy brains and ideas, you may only implement them. And I charge you that this is a very important element for our scientific world to realize; for our public to realize because researchers are so importantly unrelenting in such endeavors. It imposes upon the scientific world, therefore, the responsibility of reporting to the public, reporting to these agencies of support just how they are moving and in what direction.

Do not misunderstand me, I am all for wings for the spirit but I do feel that there is an important element in this relationship that imposes upon science and scientists the necessity of making known their results to the public. I am impressed too by the fact that in this life we frequently hear expressed the fact that basic sciences are for individuals with unusual talents, unusually inspired outlooks, and that it does not have a paying dividend, that they must apply the science to that for which we seek answers and returns. Actually, in effect, we know that not infrequently the basic science is the step by which only the application of the science to practice can be obtained.

This takes on a very important aspect when we consider the various vaccines for poliomyelitis, infantile paralysis. The fundamental work was done by Enders and the application by Salk and Sabine. Salk and Sabine received wide acclaim in the public press and public notice in this country; Enders received the Nobel Prize. We depend upon research for the advancement of medicine and the way would be very dim as to progress in medicine and very blurred without the light of research. Accordingly, it behooves us to realize that in this particular area of human endeavor, there is a promise of the future so eloquently outlined by our Administrator.

Returning to the local scene, it is obvious that the American public, through its legislative bodies, has drawn itself abundantly behind medical research. There were a total of 176 projects outlined in the VAH Washington report in 1972. We have had the clear notice of the work of Dr. Freis in Hypertension which is, from a clinician standpoint, one of the most important contributions made in recent years to our knowledge of this important subject of arterial hypertension (high blood pressure).

Dr. Pipberger, working in the same institution, was responsible for the application of computer automation to the interpretation of electrocardiogram, a very important contribution. We have continuing studies here that start, we will say, with Dr. Recant's work on the pro-insulin, something that precedes the development of insulin. There is work by Dr. Janicki who developed certain areas of our knowledge of the tuberculin derivatives. Dr. Cohn has as recently as the 15th of August 1972, reported on the injection of sodium nitroprusside intravenously in the patients with myocardial infraction. And we can go through a host of various contributions. I would like to think too, of my good friend, Hy Zimmerman, who is so well acquainted with the liver that he speaks its own language all the way from the capsule of Glisson down to the ultimate hepatocyte.

So we have in our own midst men and women who are regularly contributing to the advancement of knowledge. A quotation from Hansen I think is pertinent here: "Indeed there is a Pegasus for science as there is for the arts; and he like his mate, spreads his wings only when he feels on his flanks the thighs of one who is appointed by the gods to ride him."

Thank you.

TRIBUTE TO EDWARD WARD "NED" CARMACK, JR.—DISTINGUISHED TENNESSEE ATTORNEY, BUSINESSMAN, AND JOURNALIST

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of paying a brief but sincere tribute to the late Edward Ward "Ned" Carmack, Jr., of Murfreesboro, Tenn., an outstanding attorney businessman, and distinguished journalist, and twice a candidate for the U.S. Senate.

I was deeply shocked and saddened to learn recently of the passing of this great American, a member of a famous Tennessee family—famous for its courage, leadership, and dedicated public service.

Ned Carmack was my esteemed friend, and he will be greatly missed by his countless friends in Murfreesboro, Rutherford County, and throughout the State of Tennessee.

A monument to Edward Ward Carmack, father of Ned Carmack, stands in front of the Capitol of the State of Tennessee in Nashville. These are the eloquent words inscribed on the statue of this great orator, statesman and senator, written by him as a pledge to the South:

PLEDGE TO THE SOUTH

The South is a land that has known sorrows. It is a land that has broken the ashen crust and moistened it with tears, a land scarred and riven by the plow share of war and billowed with the graves of her dead, but a land of legend, a land of song, a land of hallowed and heroic memories.

To that land every drop of my blood, every fiber of my being, every pulsation of my heart is consecrated forever.

I was born of her womb. I was nurtured at her breast, and when my last hour is come, I pray God that I shall be pillowed upon her busom and rocked to sleep within her tender encircling arms.

Because of the interest of my colleagues and the American people in men like Ned Carmack, I place in the RECORD herewith an editorial and news story from the Nashville Tennessean concerning his life and career.

The editorial and article follows:

[From the Tennessean, Sept. 19, 1972]

NED CARMACK, POLITICIAN, EDITOR, DIES

MURFREESBORO.—Edward Ward (Ned) Carmack Jr., 73, an attorney, businessman, newspaper editor-publisher and twice a candidate for the U.S. Senate, died yesterday at his home here after an apparent heart attack.

The body is at Woodfin Memorial Chapel here. It will be transferred tomorrow to Oakes and Nichols Funeral Home, Columbia, Tenn., where services will be at 2 p.m. tomorrow.

Burial will be in Rose Hill Cemetery in Columbia.

Son of the former Tennessee congressman, U.S. senator and newspaper editor who was assassinated in 1908 only a few months after becoming editor of the Tennessean, Carmack was a native of Columbia.

He was educated at Columbia Military Academy, Vanderbilt University, Cumberland University and the University of Chicago.

Admitted to the bar about 1920. Carmack practiced law and began his newspaper career in Birmingham where he worked for two years before returning to Tennessee as owner, editor and publisher of the Murfreesboro News Journal.

He then opened his law practice in Murfreesboro and Columbia and was active in Democratic politics prior to his own campaigns. Carmack campaigned in support of the Tennessee Valley Authority and made the first speeches for TVA in mass meetings in the state.

An early advocate of cheap electric power for rural districts who helped bring Rural Electrification Administration lines to his section of Middle Tennessee, Carmack fought efforts by Tennessee U.S. Sen. Kenneth McKellar to bring TVA under control of McKellar's congressional subcommittee.

Many years, later, in 1964, Carmack was praised as the man who did "most of the spade work for Percy Priest Dam—a project that a U.S. Corps of Engineers spokesman once said was 'hopeless.'"

A veteran of World War I, Carmack tried vainly to enlist in every branch of the U.S. armed services at the beginning of World War II. He was turned down, however, because

of an injury he suffered in an automobile accident in 1938 which caused him to withdraw from his first attempt for the Democratic nomination to the U.S. Senate.

In 1942, he waged his first full race to capture the Senate seat his father held from 1901 until 1907. That race, against U.S. Sen. Tom Stewart who was strongly backed by the Shelby County political juggernaut of E. H. (Boss) Crump, became one of the State's most famous campaigns.

Carrying a statewide majority of 15,000 votes over Stewart going into Shelby County, the tally in that county alone was a 34,000-vote majority for Stewart which gave him the election.

An inveterate enemy of Crump, Carmack always claimed that the 1942 election was "stolen" from him by Crump. Although he was defeated again in 1946 by Sen. McKellar, Carmack enjoyed his sweetest political triumph in 1948. While he was not a candidate, he was actively involved with the forces of Gordon Browning and Estes Kefauver who defeated Crump candidates for governor and U.S. senator.

Like his famous father, Carmack took his politics seriously. He hated graft or any kind of dishonesty in public office, and even in his later years was quick to attack what he considered corruption in government.

While a successful writer, publisher-editor, lawyer and businessman, Carmack felt he had not achieved his goal as a public servant, and he never forgot his failure to gain a seat in the U.S. Senate where his father had served.

"I offered the people the best I had," he said in his later years, "and they chose somebody else. So be it."

Though the end came peacefully for Carmack, his life was colorful, shadowed by the violent death of his father. His high-ceilinged home on Murfreesboro's East Main Street was filled with period furniture, with busts and loving cups and other mementoes of his father, who met his death at the hands of Duncan and Robin Cooper on a Nashville street in 1908.

Carmack was living with his mother in Columbia at the time of the assassination, and though but a boy at the time, he had a vivid memory of his father's death.

"I had heard my father make a speech," he recalled last year, "and he looked mad and sounded mad. But when I saw him in his coffin, he had a peaceful face."

Robin Cooper, who did the actual shooting of Carmack, later was beaten to death by a person or persons unidentified to this day. Carmack knew every detail of this affair. He could and would discuss it at length.

Carmack never hesitated to take up the cause of someone he felt had suffered an injustice. Shortly after World War II, in the "Mink Slide" race trouble at Columbia, he strongly argued the case of the defendants, though powerfully opposed by the popular prejudices of the times. He regarded Columbia as his home town at that time, he said and he wanted to see justice done there.

In semi-retirement for the past two years, Carmack's health had been failing for about a year.

Mrs. Carmack, the former Charlotte Lochridge of Columbia, died in 1968. There are no immediate survivors.

[From the Tennessean, Sept. 20, 1972]

MR. CARMACK WILL BE MISSED

Mr. Edward Ward (Ned) Carmack Jr. is dead at 73 after a long and colorful career that embraced the fields of law, journalism, politics and real estate development.

Mr. Carmack's father was a United States Senator and brilliant newspaperman, perhaps the most famous Tennessean at the turn of the century. An advocate of prohibition and a nationally known orator, he was shot down on a Nashville street in 1908, while serving as editor of the Tennessean. His statue today stands at the entrance to the grounds of Tennessee's State Capitol.

Although his life was shadowed by his father's tragic death, "Ned" Carmack made a name for himself as a foe of corruption in government as a loyal Democrat and as an able businessman. He failed to achieve his goal of a seat in the U.S. Senate, stopped short of victory by the Crump political machine in Memphis, but he made lasting friends throughout the state.

In his later years Mr. Carmack contributed to various charities, and one of these is the memorial library in Gallatin, that bears his family name, near the spot where his father was born. The Carmack Library is a living memorial, as impressive in its way as the bronze monument honoring the elder Carmack.

Aggressive, loyal, able and intense, a believer in causes and in men, "Ned" Carmack over the years made contributions to his county and state. He will be missed.

A SALUTE TO 4-H

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. NATCHER. Mr. Speaker, October 1 marks the beginning of a week's celebration of National 4-H Week and I wish to take a moment to commend this fine organization for its salutary accomplishments. During this week its members will hold fairs and set up exhibits to demonstrate 4-H's many and varied activities; they will conduct special recognition programs and banquets honoring prominent State and local personalities; and they will perform public services such as aiding the handicapped and improving the surrounding areas by removing litter and other unsightly debris. These are but a few of the numerous activities that will transpire during National 4-H Week.

Dissatisfaction with the rigid academic approach to education led to the beginning of 4-H and to the evolution of the club's rationale of learning by doing. During the latter part of the 19th century people began to feel that practical experience was needed to supplement classroom academics. As volunteers set up demonstrations and provided practical instruction outside the classroom, people rapidly realized its worth. In the beginning the instruction was primarily agriculture-oriented, but this is not the case today. The 4-H has expanded its scope to extend from the rural farm areas to the ghettos of the inner-city. Youth all over learn to deal with the problems of their respective areas. As 4-H members, these boys and girls are instilled with a sense of responsibility and a decisionmaking ability which enable them to better cope with a more complex life later on.

The 4-H operates under the guidance of the Cooperative Extension Service of the State Land-Grant Universities and the U.S. Department of Agriculture. Adult volunteers and professional 4-H agents who are members of extension services run by land-grant colleges, teach boys and girls in an informal atmosphere. Its annual budget of about $75 million consists of Federal, State, and county appropriations. Private contributions amounting to $35 million supplement the budget and help support the Club's activities.

The 4-H has reached beyond the borders of the United States to some 82 countries and has a membership of about 3.5 million. The 4-H International allows for exchanges ranging from 6 weeks to 1 year giving the participant an opportunity to learn new skills and techniques and to study other youth programs around the world. Exposure to different cultures and customs provides him with insight and an appreciation for people and nations unlike his own.

I am very proud to say that the 4-H clubs in the Second Congressional District are doing very well. Just this past May, a Spencer County youth dedicated the Kentucky Room at the National 4-H Center in Washington, D.C. In addition, the State leaders and members have raised $50,000 to help the center with its building programs.

Mr. Speaker, 4-H has come a long way since its humble beginnings around the turn of the century. I wish this splendid organization every success and hope that it continues to expand its influence so that even more people may benefit from its host of worthwhile activities and relevant programs.

PRESIDENT NIXON'S VISIT TO WILKES-BARRE, PA.

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. McDADE. Mr. Speaker, recently President Nixon took time from his rigorous schedule to visit the Wilkes-Barre area and personally inspect the Federal flood relief operations. This area, as we all know, was particularly hard hit by the effects of Hurricane Agnes.

The President's visit served to lift not only his own spirits but those of northeastern Pennsylvania as well. It served to reaffirm the commitment of the Government to rebuild the homes and the lives of thousands of flood victims. The impact of his visit is most effectively expressed in the attached editorial from WDAU-TV, channel 22, in Scranton. I commend it to the Members' attention:

A WDAU-TV EDITORIAL

SEPTEMBER 9, 1972.

President Nixon came to the devastated Wyoming Valley today in a surprise and remarkably informal visit that clearly sent the spirits of flood victims soaring.

The trip may have been unique in the modern history of presidential travels. Mr. Nixon arrived virtually unheralded, accompanied by only one key member of his staff and without the huge security and press contingents that are ordinarily part of a presidential entourage.

As a result, the President was able to walk easily among the people listening to their concerns and offering words of encouragement. The impact was impressive. Tears of gratitude were frequently evident. And, forgetting their own problems, the response of

many people was to wish the President well in carrying out his enormous responsibilities.

Although it is obvious the President took pains to see that his visit would not be construed as political—at one point he expressed annoyance when a car emblazoned with Nixon signs came into view—it is in a way too bad that today's memorable moments did not have full blown coverage because they showed something about America that gets precious little attention these days.

We hear much about the ills of our society—rampant cynicism, the irreverance of the young and the decline of self-reliance.

What we saw today was a fierce pride in the American system and a stirring respect for the office of President.

Mr. Nixon told the crowd that the government will help but that it must be the spirit and work of the people that ultimately will result in a brand new, better community—and they cheered.

The President's visit was undoubtedly occasioned at least in part by the counsel that his presence would provide a much-needed morale boost for the stricken area.

We believe that counsel proved to be correct but after his warm welcome here and his first hand view of the gritty determination of the people, we suspect the President left the Wyoming Valley considerably buoyed in spirit himself.

HOUSE SELECT COMMITTEE ON CRIME

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. MADDEN. Mr. Speaker, the House Select Committee on Crime closed 3 days of hearings in Chicago, Ill., on Saturday. The hearing created wide publicity and interest by the startling testimony and revelations exposing the drug traffic in Chicago and vicinity.

The committee opens 3 days of hearings in San Francisco beginning Thursday of this week.

Newspapers, radio, and television reported the testimony of many witnesses including high school students.

Mr. Speaker, I submit several news items which appeared in the Chicago press during the 3 days of hearings.

[From the Chicago Tribune, Sept. 23, 1972]

THE DRUG HEARINGS ON TV

Current hearings about the high school drug scene are being broadcast live from the studios of WTTW [Channel 11] by the House Select Committee on Crime. Rep. Claude Pepper of Florida, chairman of the committee, and WTTW are doing something that has not been done before—combining official congressional hearings with a TV studio setting.

The broadcasts [which end today] have provided an immediate, arresting insight into a corrosive and spreading evil. WTTW credits our Robert Wiedrich's Tower Ticker column with alerting them to the fact that hearings would be held in Chicago. The station offered its studio and Mr. Pepper accepted. We applaud the use of every medium for publicizing the insidious and serious nature of the drug abuse epidemic.

Teen-agers testifying at the hearings reported that their schools have done little to fight drug abuse. Schools are ill prepared to cope with lawlessness and slow suicide in their halls and washrooms. One girl's explanation, that "kids are taking drugs because of problems at home and in school," explains nothing. Millions of other kids have faced problems without becoming addicts and pushers. Teachers look the other way, we're told, because they don't "understand" drugs. But one does not have to "understand" this folly to discourage it and to try to prevent indulgence in it.

Rep. Pepper wants to appropriate a billion dollars to fund a school counter-attack on drugs. We suspect that the sight on TV screens of teen-agers who have already gone the whole route to a drug rehabilitation center, and are willing to tell others of their experience, is a deterrent worth a good many salaries. What is needed is an end to the desire and willingness to turn to drugs and to the appalling apathy of parents and teachers. We are not at all sure that this end can be bought with money.

[From the Chicago Tribune, Sept. 23, 1972]

DALEY SAYS CITY WILL ACT TO CUT SCHOOL DRUG USE

(By Thomas Powers and Edward Schreiber)

Mayor Daley told four members of the United States House Select Committee on Crime yesterday that he would act to set up a major program to cut drug use among students in Chicago schools once the committee can make recommendations.

Daley met in his office with the four congressmen before they resumed hearings here. Witnesses at the hearings further detailed wide use of drugs in the city's schools, lack of understanding of the problem by teachers and parents, and how lack of funds has prevented a significant drug abuse program in the schools.

WILL SCHEDULE MEETING

Daley told the congressmen, according to a spokesman, that once the recommendations are received he would schedule a meeting of police and school officials to plan action.

He told them he would name Frank Sullivan, an administrative assistant, as liaison man to work with the committee and local officials in setting up an effective program.

Meeting with the mayor were United States Representatives Claude Pepper [D., Fla.], Charles R. Rangel [D., N.Y.], James R. Mann [D., S.C.], and Morgan Murphy [D., Ill.].

CONCERNED OVER SITUATION

Pepper, the committee chairman, said Daley expressed grave concern over the school drug situation, and pledged he would do everything he could to combat it.

Yesterday was the second day of three days of hearings being conducted in studios of Station WTTW, Channel 11, at 5400 N. St. Louis Av.

Typical of the testimony was that of Clarence B. Becker, drug abuse coordinator of the city schools' Area C, which includes all of the city north of Madison Street. He said only $2,000 of federal money is allocated for the year in this area for drug abuse education and training—about 25 cents per teacher for the area's 8,000 teachers.

STONED EVERY DAY

"Kids come to school stoned every day," Becker said. "There is acceptability of drugs, availability of drugs, and pressure to use them."

He said one girl, a daughter of a teacher, took vitamin pills "because she wanted classmates to think she was taking drugs."

He said "straight kids" are afraid to leave glasses of milk or soda pop unwatched because they must guard against someone dropping drugs into the glasses. Some girls no longer will go on blind dates or to parties for fear of being drugged, he said.

GEAR TOWARD PARENTS

Becker said drug abuse education should be directed to parents, as well as students and teachers, so parents will be capable of detecting initial signs of drug use.

"You can't wait until the kids are hooked," he said. "Then it is too late."

Most parents simply don't know much about the drugs, he said.

[From the Chicago Daily News, Sept. 23, 1972]

HOUSE DRUG PROBE MAY COME BACK TO CHICAGO—3-DAY HEARINGS ENDING UP

(By Edmund J. Rooney)

Sen. Claude Pepper (D.-Fla.) said Saturday he is considering bringing the House Select Committee on Crime back to Chicago for a thorough investigation of the link between politics and organized crime. He might bring them back this year or sometime next year," the committee chairman said.

Pepper and three other committee members met Friday with Mayor Richard J. Daley.

The mayor, following the meeting pledged the "full resources" of the city in the fight against drug abuse and Pepper said he was "most happy" with Daley's response to the hearings.

However, one of the points receiving heavy emphasis at the Friday session of the hearings was that there are few federal or local resources to combat the problem.

Patrick O'Malley, vice president of the Chicago Teachers Union, told the committee that about $80,000 in federal funds, or 10 cents a student, had been allocated to Chicago for the fight against drugs.

"It is ridiculous to ask somebody to administer a drug abuse program with that kind of money. It wouldn't keep a day camp open a week," O'Malley commented.

Clarence B. Becker, drug abuse co-ordinator for the Chicago School Board's Area C, which runs north from Madison St., said the area was going to get about $2,000 in federal funds for a teacher training program on drug abuse.

"That comes to 25 cents per teacher for the 8,000 teachers in the area," Becker pointed out.

The teachers union came in for some criticism from the committee for a lack of initiative in combating the problem.

"The teachers' union ought to make it a part of its contract that sufficient funds be allocated for drug abuse programs in the training of teachers," said Rep. Charles Rangel (D-N.Y.).

Both Rangel and Rep. Morgan Murphy (D-Ill.) expressed disbelief at O'Malley's contention that many teachers do not want to get involved in the drug problem for fear of being subjected to lawsuits.

O'Malley said the teachers reason that if they make an allegation concerning drug use to either law enforcement officials or parents, they will lay themselves open for legal countercharges.

Rangel and Murphy said that in their careers as attorneys they had never heard of such a problem.

MISSISSIPPI: A CHANGE STATE

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. GRIFFIN. Mr. Speaker, Mississippi has entered a fast changing pace with a new and stimulated economy. The rapid industrial growth over the past few years has contributed to a better life for all Mississippians. Yet, even with this great industrial development, Mississippi

remains a State with a very clean environment.

The State is now more than ever beginning to realize its great potential and more and better opportunities for her people. The year 1972 has been a year of expansion and prosperity and the future promises even more.

A recent article in the Natchez Mississippi Democrat cited some of the figures of increased growth and expansion that has already occurred this year. I would like to include a copy of that article in my remarks:

MISSISSIPPI: CHANGE STATE

"Mississippi, the State of Change," is the new slogan adopted by the state government.

The harbinger of this change has been the fantastic growth of Mississippi's industrial economy. On every front, Mississippi is the state where more is happening faster. Industrial growth has more than kept pace with that of the rest of the nation, a fact which has never been more evident than now in 1972.

The year 1972 will undoubtedly be the best year for industrial growth in the state's history. Latest industrial industries through the first 9 months show 149 new and expanded industries, producing a total of 14,088 new jobs and a capital investment total of $821.6 million. The top 12 months on record, prior to 1972, was 1966 for a total of 232 new and expanded industries; 1968 with a total of 15,764 jobs and 1965 for a total investment of $286.3 million.

Those who would doubt that Mississippi's economy is "marching on" should read the most recent report of the Bureau of Economic Analysis of the U.S. Department of Commerce. This report projects economic data through the year 1990. Mississippi is projected to lead the nation in per capita personal income growth from 1969–1990, with a 104 per cent rate of growth—while that of the United States is projected at just 81 per cent.

Signs of this fantastic growth are all around. The Industrial Development Department of the Mississippi Agricultural and Industrial Board received 91 inquiries from industrialists interested in the state for the period Jan. 1–June 30. This compared with a total of 112 for the entire year of 1971. The board's industrial representatives made 20 trips outside the state, during the same six-month period, carrying the Mississippi story to other sections of the nation.

The formation and implementation of the Small Business Assistance Department (SBAD) of the A&I Board will do much to strengthen the economic security of Mississippi by providing the small businessman with advice and financial assistance.

Several gigantic facilities have located or expanded in the state in 1972, producing employment for thousands of Mississippians. Among the largest are General Motors, Packard Division, Clinton; Gulf States Canners, Clinton; Mississippi Power & Light Nuclear Plant, Port Gibson; Masonite Corporation, Laurel; Piper Industries, Jackson; Weyerhaeuser, Bruce; Pennzoil, Pascagoula; and United Cement at Artesia. These eight industries alone represent some $740 million in investment and better than three thousand jobs.

Another industry Mississippi is proud of is the Shellar Globe Superior Southern Division in Kosciusko. The company recently announced an expansion which it says will be the equivalent of two new plants, employing 400 persons each. The more than 800 additional personnel will bring the plants employment level to more than double that of 1971.

And, the gigantic Litton Ship Systems of Pascagoula is bringing into the state nearly 1,500 high salaried engineers and their families. A stellar fact to keep in mind is, Mississippi has accomplished all of this, and still remains one of the last polluted states in the nation.

Through the use of the state's BAWL bond plan, Mississippi has virtually completed the swing from agriculture to industry. Therefore, the addition of employment in business or industry means the addition of a new worker, not merely the switch from farm work to non-farm work. While the rest of America struggles in vain to reduce joblessness, Mississippi's unemployment rate is one of the lowest in the nation. A new milestone in the state's economic progress was passed in the first six months of 1972, when more than 200,000 workers were reported in manufacturing. Manufacturing earnings were also at a record level.

It took almost 140 years for manufacturing employment to reach 100,000. The second 100,000 came relatively fast—only 17 years. Hours and earnings also continue to reflect a growing economy in Mississippi.

No longer just at a crossroads, Mississippi stands firmly planted on a road that leads only upward.

WOMEN'S RIGHTS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. CLAY. Mr. Speaker, August 26, 1972, marked the 52d anniversary of the extension of the right to vote to American women. The 52 years since that historic event have witnessed the continuing struggle of women to realize the full measure of their rights of citizenship.

Today, more than a half century later, women are still being denied the full and free access to opportunities for personal happiness and growth. In education, in employment, in a multitude of areas, women continue to hold an inferior status, despite the fact that they comprise 51 percent of the population.

August 26, 1972, did nonetheless, mark a hopeful event for the future of the women's movement. As of this date, some 20 States had ratified the Equal Rights Amendment, providing equality of rights under the law.

Mr. Speaker, this event was recorded in the city of St. Louis, by the local news media, in the form of a televised editorial on women's rights. KMOX–TV broadcast this editorial, which proclaimed that the dual legal system denying equal protection to women, must be abolished. This editorial deserves the thoughtful consideration of our national leaders, and thus I commend it to my colleagues.

The editorial follows:

WOMEN'S RIGHTS

On August 26, 1920, the Nineteenth Amendment to the Constitution was declared ratified by 36 states. That Amendment specified that "The right of citizens of the United States to vote shall not be denied or abridged . . . on account of sex." At long last, the right of women to the franchise had become a part of the Constitution.

As of today, 20 states have ratified the proposed Twenty-seventh Amendment—the so-called Equal Rights Amendment for women. It reads, in part: "Equality of rights under the law shall not be denied or abridged on account of sex . . ." Therefore, it is appropriate that tomorrow, August 26, 52 years after ratification of the Nineteenth Amendment, be observed as Women's Rights Day.

The National Organization for Women, called NOW for short, is emphasizing that approval by the legislatures of 18 more states is still required before this proposal can become the law of the land. In our own state of Missouri, the constitutional change has languished in committee with insufficient House members interested enough to bring it to the floor for a full chamber vote.

We are weary of hearing the tired old arguments of what happens to motherhood, will there be no separate restrooms, and how can men be prosecuted for rape if the Twenty-seventh Amendment is adopted. The real issue is the abolition of our dual legal system which applies one set of laws to men and another to women—usually to the detriment of women.

There should be fully equality for 51 percent of the nation's population—who are women. This traditional inequity must be corrected.

THE GREEDY WAR

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mrs. ABZUG. Mr. Speaker, the American people are continually being asked by the Nixon administration to support our activities in Indochina on the basis of "democracy" and "freedom." But every day new evidence appears as to the truly repressive nature of the dictatorship of President Thieu. The elimination of an effective opposition, the stifling of freedom of the press, and finally, the elimination of local elections at the town and hamlet level must make it clear to every American that the White House is perpetuating a hoax of horrendous proportions on the American people.

The corruption of the Saigon administration has been fully documented in a recently published book. Entitled "The Greedy War," it was written by the British journalist James Hamilton-Paterson and details the Vietnamese experiences of Cornelius Hawkridge.

To give you some idea of the nature of the overwhelming corruption in South Vietnam, its high level support and approval, and what it costs, I commend to your attention a review of the book published in the September 11 Nation magazine.

The review follows:

THE GREEDY WAR

(By Fred J. Cook)

Mr. Cook, a long-time contributor to the Nation, is the author of many books, including the recently published The Nightmare Decade: The Life and Times of Senator Joe McCarthy (Random House).

The most damning document to come out of the war in Vietnam has now struggled into the light in this election year. It was indeed a struggle: the disclosure were squelched for years by the highest arms of the American bureaucracy; the pith of the message was ignored by the Senate subcommittee, headed by Abraham Ribicoff, which exposed the PX scandals; the revelations were verified by one of Life's top journalists—and pushed aside in favor of the incident on the bridge at Chappaquiddick; the truth set forth was too much

for major American publishing houses, and in the end was published in Great Britain, coming to the American market on the rebound through the David McKay Company.

This bombshell is The Greedy War, a 278-page book written by the British journalist James Hamilton-Paterson and detailing the Vietnamese experiences of Cornelius Hawkridge, a dedicated anti-Communist who spent seven and a half horrible years in Russian and Hungarian prison camps before escaping to the United States. Hawkridge and Hamilton-Paterson call the war greedy and the contents of this book fully justify the epithet. Hawkridge was born in Transylvania, the son of a Hungarian mother and a British father, a colonel in the Hungarian police force. His passionate hatred of communism and the Russians led him into protests and guerrilla actions—and into those long years in prison. He came to America believing all the dogmas of the cold war and eager to aid as a security officer in what he considered a holy crusade.

The Dominican upheaval in 1965, in which Hawkridge could not find the Communists President Lyndon B. Johnson assured us we were opposing, was the first disillusionment. Then came Vietnam. Hawkridge's first day in the field there in 1966 was a shocker. He had his nose rubbed immediately in the stinking squalor of the refugee camps of Qui Nhon. More than 2,000 refugees were living in paper shacks built largely of discarded American packing cases. Three contaminated wells provided the only drinking water. There were no sanitary facilities. "The inmates defecated between the rows of paper homes and the slow seep of ordure crept up the pulp walls." Hawkridge asked a priest what had happened to all the USAID. "Stolen," the priest said simply. "It's taken by the Vietnamese Government."

Hawkridge soon discovered that virtually everything was being stolen. Only the smallest trickle of supplies and war materiel being shipped to Vietnam in such prodigious, multibillion-dollar amounts ever reached their intended destinations. The Qui Nhon marketplace, an area of a good-sized block next to the refugee camp, was stocked with "C-rations, K-rations, drink, clothing, guns, cannons, shells, cases of grenades, television sets, washing machines . . . the mounds seemed limitless." So Hamilton-Paterson writes describing Hawkridge's discoveries. "Wondering what limits there were he asked a Vietnamese stallholder whether he could buy a tank. Tanks are a bit difficult right now, this man admitted, but how about some armored personnel carriers? Or helicopters, of course. Or how about a heavy-duty truck?"

What the hell goes on? Hawkridge thought. And he rushed to tell American authorities what he had found. They were bland, uninterested. Washington, in its holy-crusade delusion, had concluded agreements with the South Vietnamese that tied the hands of any security agent who tried to put an end to the national pastime—wholesale looting. Two provisions were critical: trucks could be driven only by South Vietnamese drivers; and only South Vietnamese police could make arrests. Even if an American security agent like Hawkridge trapped hijackers in the act, he was forbidden to lay a finger on them; he had to call in the South Vietnamese police. And when they arrived, they simply collaborated in the looting.

Here, in capsule form, are some of the things Hawkridge learned and some of his experiences:

South Vietnam all but sank into the sea under the weight of the tons of black-and-white television sets, radios, spin driers, untaxed diamonds and other commodities produced by a society of conspicuous consumption and shipped off to Vietnam to win what must be one of the most curious wars in history.

The port of Qui Nhon was clogged with shipping, a fleet that spread out to the horizon. Some of the ships waited for months to unload; meanwhile small boats plied out to them in the night and sometimes in the day; and so, when they finally reached a pier, some 60 per cent of their cargoes had vanished.

The United States shipped enough cement into South Vietnam to pave the entire nation, but there was a chronic shortage of cement to extend airfield runways and erect facilities. And the Vietcong always had a superabundance with which to build their individual bomb shelters.

On one occasion a truck containing several hundred TV sets was hijacked, tracked down in Tu Duc and turned over to the South Vietnamese police. Hawkridge went to reclaim this U.S. property, but was told he would have to get a Vietnamese driver to take the truck away. By the time he had found a driver, the truck had been stripped of its contents right in the police compound.

One night Hawkridge was following a hijacked truck, mystified because the Vietnamese were ripping open packages in disgust and tossing them into ditches at the roadside. Hawkridge kept stopping and picking up the packages. They were a consignment of aircraft parts for fighter squadrons at Bien Hoa. When Hawkridge arrived at the air base, he was hailed almost as a savior because several jets had been grounded for lack of spare parts.

Another time, Hawkridge chased a hijacked truck right into a compound belonging to the South Vietnamese Security Police. The panicked driver sped across the compound, forgetting there was a river on the other side, and braked to a halt at the last second with the front wheels of his truck hanging precariously over the river bank. Whereupon the South Vietnamese police from the veranda of the police station sprayed a hail of bullets at Hawkridge's pickup truck; and Hawkridge rolled out of the vehicle, grabbed his AK-47 rifle and swept the veranda with such a storm of fire that the police of our friendly ally fled for their lives.

In January and February 1967, Hawkridge's curiosity was aroused by the flights of light planes that came in nightly to Tan San Nhut, Saigon's airport. He sneaked up to one plane, snatched one of the small packets with which it was loaded, had its contents analyzed and found they were raw opium. He discovered that a lot of the drug traffic was being handled by Air America, the Central Intelligence Agency's "private airline."

And everywhere there was a colossal currency manipulation. For a premium, Indian money-changers were glad to convert Military Payment Certificates, intended for use at PXs on American bases, into dollars; then the dollars could be converted into more MPC's, these again into dollars in a never-ending round. Hawkridge tested the system by kiting $1,000 into $5,000 in one day; he traced his canceled checks to a bank in Hong Kong completely owned by Chinese, an indication that some proceeds were being siphoned off into China. Finally, one of the Indian money-changers admitted to him, proudly and a bit shyly, that his family was among the richest in the world, now worth $2 billion—and if the war would only continue for a few years longer, his family would be *the* richest.

That is only a sampling of the disclosures in *The Greedy War*. Perhaps never in history has a major power, itself riddled with corruption and afflicted with decadence, been so thoroughly taken to the cleaners by Asian past masters of corruption and decadence. Cornelius Hawkridge, the dedicated anti-Communist, followed the spoor of hijacked goods and war materiel clear across Vietnam to the Cambodian border, and he came to one inevitable conclusion: all of the military's talk about bombing the Ho Chi Minh Trail to cut off supplies to the south was poppycock. The Vietcong could and did get everything it needed right out of Saigon and South Vietnam, because the kindly Americans were supplying both sides in this war.

Incredulous, desperate, Hawkridge tried to stir the lethargic American eagle to action. There were 5,000 CIA agents in Vietnam; military police and military intelligence agents swarmed in their additional, unnumbered thousands. It was impossible for us not to know what was happening. But to make certain we did know, Hawkridge bombarded the whole chain of command with a stream of letters documenting his discoveries point by point. His letters flowed into the American Embassy in Saigon, into Gen. William C. Westmoreland's office, into the State and Defense Departments in Washington. For years, this went on; and no one, on any level, ever indicated that the mail had been delivered.

After all of this, Senator Ribicoff's subcommittee bestirred itself early in 1970. Hawkridge, crippled from a car accident, suffered after he returned to the States, testified in secret session for hours. Committee aides became impatient because he insisted on detailing the full story of a totally corrupted war. This, obviously, was a dish too redolent to set before the American public; it might have blown some persons' minds. And so Hawkridge was never called at the public hearings.

Still Hawkridge persisted. He got Life interested in his story; and in 1970 the magazine sent Hawkridge and Frank McCulloch, former head of its Saigon bureau and one of its most respected journalists, out to South Vietnam to see if conditions were still as bad as Hawkridge had found them earlier. Hawkridge soon learned that nothing had changed. Qui Nhon was just as it had been in 1966, its refugee camps just as sordid, its markets crammed with looted American goods of every description, its money-changers doing business larger than ever.

McCulloch at first got a different picture. He was received warmly by Ambassador Ellsworth Bunker and other high American brass. They fed him the official line: yes, it was true matters in Vietnam had gotten a little out of hand a few years previously; security had not always been perfect; a few unscrupulous individuals had taken advantage. But the American high command had been fully aware of these deficiencies; it was taking vigorous action; matters had been corrected, and the situation was much better now. It was a good snow job that McCulloch came away convinced.

Then Hawkridge took him in tow, introduced him to "black market alley" in Saigon, demonstrated the technique of the money-changers, and then went on to the Property Disposal Office. Here there were literally acres of land crammed with a mountain of American vehicles that had been stolen, wrecked, stripped of all disposable parts. Crushed trucks, tanks, armored personnel carriers were stacked in "a gigantic graveyard of the taxpayers' money." McCulloch climbed on the mountain of twisted steel and said: "It's the damnedest thing I've ever seen."

He and Hawkridge returned to the United States and composed an expose that should have shattered the last vestiges of national complacency. Their article was shown in advance to Senator Ribicoff and praised by him. But then came Chappaquiddick, and Life became more interested in burying the political future of Teddy Kennedy than in exposing the corrupted war in Vietnam. McCulloch came to Hawkridge "haggard and depressed." Of the article, he said: "It's been butchered. . . . Huge chunks have been cut out and what's left is as bloodless as a decapitated corpse. . . . I've a good mind to

take my name off it: that's not my work any longer. Everyone will think I've been pussyfooting."

Still determined to get the truth to the American public, Hawkridge approached the book publishers. The head of one large house was ecstatic; there was talk of a $15,000 advance—but in a day or two, everything changed; this enthusiastic publishing house suddenly wanted nothing to do with Hawkridge. This experience was repeated, and repeated again, until Hawkridge became convinced that America's supposedly free press was too craven to handle his story. So he went to England and got his book published there. It comes to us now as a ricochet from over the water—with an introduction written by Frank McCulloch himself. This is more than a book; it is a national document. And, if it is read widely enough, officials all the way up to the White House level will be squirming for years.

THE 14TH OBSERVANCE OF CAPTIVE NATIONS WEEK

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. FLOOD. Mr. Speaker, we have all observed the success of the 1972 Captive Nations Week in this country and abroad. Since the 14th observance of the week last July, reports on the activities of our citizens have appeared in the various media and in our own RECORD.

This is all to the good because it reflects the continuing vibrancy of our American moral conscience toward those deprived of national freedom and independence. It is with this in mind that I bring to the attention of my colleagues these additional examples of the past Captive Nations Week observance:

First, proclamations by Gov. Milton J. Shapp of Pennsylvania and Mayor Frank A. Sedita of Buffalo, N.Y.; second, an account in the America newspaper on the Buffalo observance, and third, the declaration of the rally in the Republic of China and its message to the people of the captive nations:

The articles follow:

PROCLAMATION—CAPTIVE NATIONS' WEEK—JULY 16–22, 1972

The Captive Nations' Week Committee of the Commonwealth of Pennsylvania has designated the week of July 16–22, 1972, as Captive Nations' Week in Pennsylvania.

Many of the groups supporting the captive nations' week in the Commonwealth consist of members who have a first-hand knowledge of the situation in these countries and many others who have friends and relatives in these nations.

Therefore, I, Milton J. Shapp, Governor of the Commonwealth of Pennsylvania, in recognition of the concern of our citizens with the plight of residents of these countries and in recognition of the need to support the values of freedom and justice, do hereby proclaim the week of July 16–22, 1972, as Captive Nations' Week in Pennsylvania.

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this fifteenth day of July, in the year of our Lord one thousand nine hundred and seventy-two, and of the Commonwealth the one hundred and ninety-seventh.

MILTON J. SHAPP,
Governor.

PROCLAMATION

Whereas, the aggressive and overtly hostile policies of Russian and Chinese Communists have led to subjugation and enslavement of a large number of once free and independent nations; and

Whereas, ample proof exists that these unwilling captives are desiring liberty and independence from their captors and have proven, time and time again, their dissatisfaction with their fate; and

Whereas, the powerful deterrent these nations constitute with their passive as well as active resistance by checking and hampering the grandiose ambitions of the Communist imperialists has been recognized by many experts; and

Whereas, the United States is committed to defend freedom and peace with justice all over the world because by such stand the preservation of our own hard-won freedom is being guaranteed; and

Whereas, the freedom aspiring peoples of the Captive Nations know that the United States is the stronghold of human decency with a deep dedication toward helping others to achieve a sovereign life and is willing to aid others at a great cost to her as shown in Vietnam; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week of July of each year as Captive Nations Week, urging the citizens of our great country to observe said week with appropriate prayers, activities and rallies and expressing their moral support for the just aspirations of captive peoples to attain a full measure of freedom and independence,

Now, therefore, I, Frank A. Sedita, Mayor of the City of Buffalo, do hereby proclaim July 17–23, 1972 as "Captive Nations Week" and call upon the citizens of Buffalo to join with their fellow citizens in observing this week with appropriate prayers for the deliverance of the oppressed and subjugated nations the world over.

BUFFALO OBSERVES CAPTIVE NATIONS WEEK

BUFFALO, N.Y.—In Buffalo, by the initiative of the Buffalo Branch of the UCCA headed by Mr. Wasyl Sharvan, a separate Captive Nations Committee was formed to coordinate the activities for the observance of the Captive Nations Week which was held from July 16–22. Dr. Nestor Procyl headed the committee as active chairman, while Erie County Executive Hon. Edward Regan presided as honorary chairman. Members of the committee included representatives from 9 captive nations: Ukraine, Albania, Bulgaria, Croatia, Estonia, Hungary, Latvia, Lithuania and Poland.

Erie County Executive Hon. Edward Regan as well as Hon. Frank Sedita—Mayor of Buffalo, signed Proclamations, in the presence of ethnic group representatives, designating the week of July 16–22 as Captive Nations Week in Buffalo.

On Sunday, July 16, services were held commemorating the perilous plight of the captive nations people and during the week, the national flags were displayed.

Through the efforts of Mr. Kobryn, a Ukrainian member of the Kiwanis Club, the Ellicott Room in the Buffalo Athletic Club was secured, where on Wednesday, July 19 at 12 noon, a Captive Nations Luncheon was held. Attending the luncheon were Hon. Edward Regan and Prof. Anthony Buscaren of LeMoine College in Syracuse—who delivered the main speech. A short program of entertainment was also included.

Telegrams with greetings and congratulations were received from Congressman Kemp and Congressman Smith in which they assured of their continued support for this great humanitarian cause.

DECLARATION OF THE MASS RALLY OF THE REPUBLIC OF CHINA IN SUPPORT OF "CAPTIVE NATIONS WEEK"

Campaigns supporting the "Captive Nations Week" Movement are now being carried out vigorously throughout the world in the face of a countercurrent of appeasement. Activities in the Republic of China are aimed at "consolidation of free world unity against Communist aggression." All the people of the nation are striving for a great unity of anti-Communist forces throughout the world, including all the Chinese at home and abroad and behind the enemy line on the mainland, so that our fights can be positive and effective for the liberation of our mainland compatriots and for the attainment of freedom for entire mankind.

Our 700 million brethren on the Chinese mainland have been wretchedly oppressed and enslaved under Maoist tyranny for more than two decades, but strenuous struggle and vehement opposition also have been continuous. This being the case, although "Captive Nations Week" was initiated by the U.S. Congress and signed into law by President Eisenhower 13 years ago, we of the Republic of China feel even more vitally concerned with and strongly influenced by the movement because of our heavy responsibility. Seriously affected by the perverse views of appeasement, the United States has gone back on the lofty ideal of the movement that it started. However, we people of the Republic of China have conscientiously responded to the call of the age for national and world salvation, pledged ourselves as pioneers in the fight for freedom and defenders of the citadel against tyranny, and earnestly and continuously endeavored to uphold justice.

Of all the Communist regimes, the one in Peiping has been most tyrannically ruthless in enslaving people and undermining world peace. But appeasers today regard the Chinese Communists as the chief object to negotiate peace. This attitude not only amounts to the abandonment of the "Captive Nations Week" goal but also has been thrown the world into a confused state of disintegration, thus giving the Communist forces. encouragement for further aggressive moves.

We must point out that the foolhardy rampancy of appeasement has very obviously and damagingly resulted in the loss of the dignity of the United Nations Charter, the forfeiture of the international function for sanction against aggressors, and the rupture and collapse of the freedom camp in the East and West that had been built at the exorbitant cost of two world wars. Negotiations with the Communists have, instead of promoting peace, fanned up aggression and escalated wars. Pacification has, instead of stopping violence, brought about even more skyjacking, kidnapping, massacre, dope-trafficking, infiltration and subversive activities. Because of the lamentable changes in world situation, free people today must all the more gallantly shoulder their heavy responsibility for the shaping of future course.

In view of the present dark clouds and adverse world situation, this Mass Rally appeals to all those who are unwilling to be enslaved by the Communists to unite solidly in a brave struggle.

We call upon all the nations and peoples of the world who love freedom and justice to bolster their belief that freedom will ultimately replace slavery and justice will triumph over viciousness. Struggle in unity must continue. Free nations must consolidate their formation, strive to turn the tide of appeasement, positively support the captive people's anti-Communist struggle for freedom and survival, and put a decisive end to Communist forces of aggression and enslavement. By playing up the strength of belief in freedom and justice against slavery and aggression, we shall win a glorious victory for freedom.

We advise those nations that have been misled into talking and dealing with Communist regimes that, instead of allowing themselves to be tempted by temporary benefit, they must think in terms of mankind's long-term fortune and misfortune. No nation should be allowed to go astray in its search for new policy lines. All policies must be based on prudent considerations for national security and people's freedom. No secret talks with Communist regimes should be conducted. The dignity and interest of all the concerned democratic nations must be respected. The Communist pressure to form coalition government must be resolutely rejected. Vigilance must be high against Communist schemes to divide and conquer free nations. All efforts must be exerted for an increasingly stronger unity of the freedom camp.

We call on all the enslaved people behind the Iron Curtain, especially those on the Chinese mainland, to heed the fact that because of its accumulation of crimes, Communist tyranny is now detested by all mankind. The Communist system is at the end of its tether. Not even the international Communists' lastditch smiling-face struggle or the appeasers' foolish conducts as Communist accomplices can save the Red bloc from its internal and external difficulties and from its fate of destruction. People behind the Iron Curtain in the West are struggling for liberalization and independence against slavery and dictatorship. Likewise, the people of the Chinese mainland are engaged in a widespread revolutionary movement against Maoist and Communist tyranny. For this reason, we call upon all the enslaved people to stage further anti-Communist revolutionary uprisings to wrest from the Communist regimes all the freedoms and at the same time join hands with the freedom forces outside for concerted action to win victory for man's freedom and write a brilliant page of history.

We who are assembled at this Mass Rally are acutely aware to the supreme significance of support for the enslaved peoples' struggle to gain freedom. We are also aware of our responsibility as citizens of the Republic of China to have our nation and our world. Under President Chiang Kai-shek's call for an all-out anti-Mao national salvation campaign to complete another Northward Expedition and accomplish another reunification, we are determined to carry out our sacred mission of national recovery and reconstruction and fight to the very end for man's freedom and world peace. This we solemnly pledge and declare.

MESSAGE TO THE PEOPLE OF CAPTIVE NATIONS

Friends behind the Iron Curtain: When the world situation undergoes a drastic change as a result of the development of the triangular conflict among the United States, the Soviet Union and Red China, you who are living behind the Iron Curtain must be very much concerned about the new policy of the United States. The United States as a leading nation of the free world has since World War II maintained military allies around the Iron Curtain and carried on a "containment policy" against Communist nations in Europe, Asia and Latin-America. It announced its "liberation policy in 1959 through Congressional action, pledging assistance to the freedom struggle behind the Iron Curtain. However, it cannot be understood why President Richard Nixon should advocate substituting negotiation for confrontation and then made visits to Peiping in February and Moscow in May. President Nixon's new policy may already have been utilized by the Communists in their propaganda behind the Iron Curtain in an attempt to cheat you and discourage your anti-Communist struggle. The truth is that President Nixon's new policy has neither changed the United States basic anti-Communist position as stipulated by Congress, nor will it adversely affect the determination of the people behind the Iron Curtain for freedom. Just as President Nixon himself remarked, the "containment policy" has not only failed to tear down the Iron Curtain, but escalated world tensions and deepened the schism between the people behind the Iron Curtain and the free world. Now, he brings forward the "open the Iron Curtain" policy in order to open communication between the two parts of the world and finally bring down the curtain. The policy involves certain risks but will facilitate the free world's assistance to your struggle for freedom. This is why Mr. Nixon, before his visits to Peiping and Moscow, repeatedly assured the free nations that he would maintain existing relations with all the allies. On July 15, the eve of the "Captive Nations Week" in the United States, Mr. Nixon issued his "Captive Nations Week" statement, reaffirmining the world the Congress action mentioned above and proclaiming his unwavering confidence in the "liberation" of all the enslaved peoples behind the Iron Curtain." This fully convinced us that, no matter how the United States government has changed its diplomatic tactics, its basic anti-Communist position remains unchanged. The Communists maintain their totalitarian rule by means of depriving the people of their freedom, expand their armed forces by exploiting the people, subvert free nations by creating turbulences and seize neighboring states by armed forces. They particularly attempt to subvert the United States as a superpower of the free world in order to clear the way for communizing the whole world. All people in the free world, including the United States, as well as those behind the Iron Curtain, have a clear view of these basic contradictions which have already been translated into bloody facts. Consequently, it is not possible for the United States to give up its basic anti-Communist policy.

The "Captive Nations Week" movement was initiated by the United States. Through active promotion by free nations, especially the Republic of China, the movement has at present won the support of more than 70 nations. We believe that it will continue expending until all Communist tyrannies have been eliminated from the earth. Ever since Nixon's visit to Peiping in last February, revolts have been repeatedly reported from the Chinese mainland and large numbers of Chinese people have fled to freedom from behind the Iron Curtain everyday. This is the fruit of Nixon's "opening the Iron Curtain" policy and also a good example of the enslaved people's hectic struggle for freedom. Similar facts of this kind are reported everyday by broadcasts of the "Voice of Free China," the "Voice of Free Europe" and the "Voice of America."

Today, on July 20, 1972, representatives of all civic organizations in the Republic of China held a "Mass Rally in Support of the Struggle for Freedom of the People Behind the Iron Curtain" at the Dr. Sun Yat-sen Memorial Hall in the wartime capital Taipei. Congressman Floyd Spence of the United States has especially traveled to Taipei to participate in the rally and other "Captive Nations Week" activities, including tours of the offshore islands, Kinmen and Matsu. The "Captive Nations Week" is simultaneously held in many cities in Europe, North America, Latin-America, Africa, Australia and Asia in support of the captive people's struggle for freedom. Therefore, we pledge that you are not alone in your struggle against the Communist tyranny behind the Iron Curtain and hope that you will not be duped by the Communist propaganda and that you will take advantage of the present opportunity to get into contact with the supporting move of the free world and persist to fight to the end for freedom and against Communism and the Communist tyranny. At last, let us all shout: Long Live the Victory of Freedom! Long Live the Victory of Anti-Communist Struggle!

KU CHENG-KANG,
Chairman, Mass Rally in Support of Captive Nations Week and for Consolidation of Free World Unity Against Communist Aggression.

SOME THOUGHTS ON TRANSIT

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. VAN DEERLIN. Mr. Speaker, in two bills scheduled for floor action this week, we shall be considering steps to beef up urban transit systems, as an alternative to more autos, more freeways, more congestion, and more poisonous air. Direct assistance to local transit systems is contained in the Housing and Urban Development Act of 1972, and additional encouragement could follow with appropriate action on the Federal-Aid to Highways Act.

Will people give up auto travel if public transit is made pleasant and reasonable? The State of California hopes so—to which end the State legislature imposed an additional gasoline tax earmarked for transit assistance. Initial results in my home city of San Diego are heartening. A passenger can now ride as far as he pleases for 25 cents on buses of the publicly owned San Diego Transit Corp. And the riders are coming back in droves.

One of the newly lured bus customers is Larry Boodry, of the San Diego Evening Tribune. Mr. Boodry lives in Imperial Beach, near the Mexican border. He described his commuting adventure last week in an editorial page column which contained some useful suggestions for improvements yet to be achieved:

WEEK ON A BUS: A FLIRTATION DOES NOT MAKE A LOVE AFFAIR

(By Larry Boodry)

I wish I could say that it was due to an overwhelming urge to do my bit for the suffering environment, but that would strain my credibility among friends who know better.

Actually a sick car and the unrelenting necessity of making a living prompted my week-long flirtation with the busses of the San Diego Transit Corp.

And while the relationship was brief, it was not casual.

Tormented, probably, would be the word.

Habits hardened by 30 years behind a steering wheel do not bend easily to the demands of rigid routes and schedules.

But I was listening a fews weeks ago when transit board chairman Richard Silberman promised a new look for the bus system with more attractive fares and more responsive service.

He has delivered on the former at least.

The round-trip fare for the 15-mile trip from Imperial Beach to downtown San Diego has dropped from $1.80 to 50 cents.

Just considering gas and oil and disregarding such speculative items as depreciation, repairs, licenses and insurance, I have to believe that I spend about $7 a week for the privilege of fighting freeway traffic through

the bottleneck on Interstate 5 at Chula Vista's E Street. In addition, I must count on a downtown parking fee of at least $3.75 for five days.

My week with the bus system saved me something like $8.25—which amounts to about $35 a month—or more than $400 a year.

But if the bus company and I are going to embark on a lasting romance, the service must separate itself from some of the bad habits that have tarnished its image with the auto-owning public.

Conversation with the nice people at the bus stops does not compensate for inconvenient schedules. My town, I understand, suffers in part because of the reluctance of city officials to enter into wholehearted participation in an essential subsidy.

As an interested bystander, I can take an objective view of the impasse. As a bus rider, however, all I knew was that I must tumble out of bed before day light to catch the "6:53," which deposited me at 4th and Broadway at the time I was accustomed to leaving home.

The return trip was worse. My first day, I was dumped on Imperial Beach's Palm Avenue at 6:30 p.m., still a mile away from my dinner table.

When a printed schedule of South Bay routes finally became available for study, I was able to cut an hour off my 12-hour absence from home by utilizing a San Ysidro route and enlisting the cooperation of my patient wife to pick me up.

But more than wasted time complicates bus travel. Just as transit company publicity has proclaimed, the reduced fares have increased the number of riders.

The near forgotten cry of "Please move to the back of the bus" has been revived by harassed drivers. Seats are at a premium, much to the chagrin of oldtimers among the riding public.

"Everybody's riding the bus now," is a frequently heard complaint from the hardy group of regulars who like the new fares but take a dim view of the increased patronage.

And although it is considered impolitic to be critical of our enlightened youth these days, there should be more effort to control bands of rowdy school children who make bus riding intolerable for the weary working stiff.

Above all, however, the loss of mobility is most distressing to the suddenly de-wheeled driver. There is no stopping in Chula Vista on the way home for a loaf of bread, a quart of milk—or the badly needed auto part that made the bus suddenly necessary.

Still, it was while moving through Chula Vista that it became apparent that the goals of the transit firm's board of directors no longer are remote. Service to that South Bay community is convenient and frequent, despite a recent complaint from that city's council.

Pledged improvements are being made.

When the lure of the monetary saving of bus transportation is supplemented with the promised express service and more realistic schedules, there will be more of us leaving our cars at home—even healthy ones.

RICHARD N. GARDNER POINTS THE WAY TO A NEW BRETTON WOODS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. REUSS. Mr. Speaker, the September issue of the Banker contains an interesting article by Prof. Richard L. Gardner which outlines a 10-point plan for the reform of the international monetary system. Professor Gardner's plea that America finally choose between national egoism and its professed goal of an open-world economy is especially timely as the annual IMF conference opens today in Washington.

Richard Gardner is the Henry L. Moses Professor of Law and International Organization at Columbia. He has served in two administration: As Deputy Assistant Secretary of State for International Organization Affairs under Kennedy and move recently as a member of President Nixon's Commission on International Trade and Investment Policy. He is well known as the author of Sterling-Dollar Diplomacy: The Origins and the Prospects for Our International Economic Order.

The article follows:

TOWARD A "NEW BRETTON WOODS"—THE POLITICS OF INTERNATIONAL MONEY

(By Richard N. Gardner)

The reform of the international monetary and trading system is now the most urgent item on the diplomatic agenda of the west. The next two years are likely to be decisive. Unless we can arrive at a mutually agreed programme for reform by the end of 1974 at the latest, I believe we will face a series of increasingly serious currency crises and the splitting up of the industrialized countries into antagonistic trading blocs. At the very least, this would make it much more difficult for all our countries to realize their economic and social objectives; it would poison our political relations; and it could even produce a world depression of the dimensions of 1929.

The convertibility of the U.S. dollar into gold, which was an essential element in the post-war monetary system, was ended on August 15, 1971. The Smithsonian Agreement of December established a new set of exchange rates, but left the world without any satisfactory system for financing international settlements and adjusting imbalances in national payments.

Such a state of affairs cannot last long. It is highly unstable, as the recent currency disturbances have confirmed. Europe and Japan will not be willing to live indefinitely under a dollar standard, financing U.S. payments deficits without limit by purchasing dollars at existing exchange rates. At some point these countries will stop supporting the dollar in the exchange market, in which case the Smithsonian Agreement on parities will collapse, or they will impose stringent controls on dollar inflows. In the end they may even do both.

There is no way, in short, that the present dollar standard can be reconciled with the professed aim of western governments for stable exchange rates and freedom of trade and payments. Everything in logic and experience indicates that one cannot have free trade and payments and stable exchange rates without a mutually acceptable method of settling international accounts and a thorough-going harmonization of domestic monetary and fiscal policy. This is true for the European Community of 10 and it is equally true of the wider community of Europe, the United States and Japan.

THE UNITED STATES AND MONETARY BLOCS

Yet our governments persist in the illusion that they can have their cake and eat it, too. The United States is reluctant to negotiate for an end to the dollar standard because it is reluctant to give up the unique degree of independence from external discipline which the dollar standard gives to US domestic and international policies. Yet this reluctance to give up the dollar's privileged position is pushing the west into monetary and trading blocs—the very objective which the United States wishes to avoid.

The surplus countries of Europe and Japan are no less inconsistent in their policies. They want the dollar to be convertible, but they are reluctant to accept the responsibilities of surplus countries to appreciate their currencies and liberalize their trade in the interests of maintaining external balance. In other words, they want to substitute a truly international standard for the dollar standard, but in practice they drive the United States further into economic nationalism.

What is to be done? It is difficult to do justice in a few pages to a subject of such extraordinary complexity, but the following may serve to indicate the main elements of a programme we should aim to put in motion during the next two years.

A 10-POINT PLAN

1. The dollar would be phased out of its role as a reserve currency over a suitable transitional period of, let us say, five years. Thenceforth new reserves would be issued exclusively in the form of SDRs, in amounts appropriate to assure noninflationary economic expansion, as determined by international agreement. The dollar could retain, however, its role as a key currency for transaction purposes and for intervention in the exchange markets.

2. Out standing dollar balances in the hands of governments and central banks—now about $60 billions—would be transferred to the International Monetary Fund (except for modest amounts which governments might wish to retain for intervention in the exchange markets). In return for these dollars the present holders would receive an issue of SDRs, bearing an appropriate rate of interest, and the United States would pay off its dollar indebtedness to the Fund over a period of 50 years. Monetary gold held by governments and central banks would also be paid in to the IMF in return for SDRs.

3. Once the transition period was completed the United States would undertake the same obligation to support its currency in the exchange market under Article IV of the IMF Articles as every country. In other words, it would settle its international accounts on a current basis by using SDRs or borrowing from the IMF within the limits of its quota.

4. Similar arrangements to those described above would be made to phase out what remains of the reserve function of the pound sterling.

5. To assure that the United States and other countries were not forced into deflation and mass unemployment by the necessity of balancing their international accounts within too limited a period of time, an adequate amount of international liquidity would be made available. In addition to the SDRs issued annually to assure a suitable growth in world reserves, there would be a doubling of IMF quotas from the present $30 billions to at least $60 billions. The additional liquidity would be made available on condition that a borrowing country was pursuing policies leading to the restoration of external balance.

6. Clear 'rules of the game' would be established to assure timely adjustments in the balance-of-payments policies of both surplus and deficit countries. When the reserves of a country increased or decreased by a specified amount in a specified time period there would automatically take place a review of its economic policies. The review would focus primarily on the causes of the increase or decrease, the impact of the increase or decrease on the functioning of the international economy, and the prospects for

the continuance of the increase or decrease. As a result of this review, the country concerned could be asked to make appropriate changes in its domestic or international economic policies or adjust its exchange rates, or both. Failure to comply with these recommendations within a reasonable time would result in sactions—in the case of a surplus country, a uniform surcharge applied against its exports by other countries; in the case of a deficit country, the withholding of both multilateral and bilateral credit facilities.

7. Europe, the United States and Japan would enter into a comprehensive agreement providing for the settlement of their present trade differences in agreed stages over a period of years. The agreement would provide for the gradual elimination of tariff barriers over 25 years or less (thus eliminating discrimination against the US by the enlarged European Community as a result of arrangements with its overseas affiliates and the European neutrals); the progressive suppression of non-tariff barriers; and the gradual reduction of agricultural protectionism in Europe and the United States. In recognition of European political realities the timetable could be very long; but to make such an agreement acceptable to the US a firm commitment would be made now to phase out within a generation the Community's common external tariff and agricultural price supports. Considering that the average age of European farmers is in the late 50s, such a commitment does not seem unreasonable. Its logic is clear enough from the US point of view: one can live with a toothache for a while if one knows for sure that it is coming out eventually.

8. Agreed principles would be drawn up to deal with short-term and long-term capital movements. Problems resulting from the operations of multinational companies and from national attempts to regulate them would be the subject of regular consultation and negotiation in an appropriate international body, perhaps the OECD.

9. The United States, Europe and Japan would commit themselves to a long-term programme to assist the developing countries. This programme would include the progressive establishment of one-way free trade by developed countries on behalf of the developing countries both on industrial and primary products and the investment by the developed countries of at least 1 per cent of national GNP in developing countries through aid or foreign investment. To this end, a suitable proportion of SDRs would be directly to multinational financial agencies for lending to the developing countries.

10. International economic institutions would be re-formed and strengthened to be equal to the task of managing this ambitious programme. The members of the Group of 10 have finally agreed, as this writer among others urged several years ago that a "Group of 20" should be created in the IMF with a composition similar to the present executive board but with representation by finance ministers or central bank governors. This new group, which should meet at least once every three months, would eliminate the excessive representation of the European Community currently prevailing in the Group of 10, would assure fair participation by the developing countries, and would draw upon the staff of the IMF, which would thus be restored to its intended position of primacy in international financial policy-making. The existing IMF quotas and voting rights of Japan and the continental European countries would be increased to assure them of a participation appropriate to their economic power.

EUROPEAN INTEGRATION

This 10-point plan, directed towards effective economic co-operation between Europe, the United States and Japan, is in no way inconsistent with simultaneous progress toward European monetary integration. On the contrary, the achievement of a common European monetary policy and eventually of a common European curency could simplify the achievement of the programme which has been outlined above.

Progress toward European monetary unification might make possible a common 'float' of European currencies against the dollar. But a European 'float', to be acceptable to Europe and the United States, could not be entirely free, but rather would have to be regulated in accordance with some mutually agreed guidelines. Moreover, such an arrangement, if it were not to lead to an unacceptable degree of capital controls between the United States and the European Community, would still have to be accompanied by the measures mentioned above, including measures to assure some degree of harmonization of domestic monetary and fiscal policy between the nations on the two sides of the Atlantic.

TIME FOR DECISION

No doubt this programme will be regarded by many as 'unrealistic'. It probably is when viewed against current political attitudes. It is much easier for political leaders to go on doing what they have been doing in recent years—proclaiming ambitious economic ends while resolutely resisting the means essential to achieve them. But that kind of 'realism' has brought us from one crisis to another, and will continue to do so.

A BOLD INITIATIVE IN 1973?

What are the prospects that political attitudes in key countries will evolve sufficiently in the next few years to make agreement possible on the programme described herein? Not excellent, admittedly, but not hopeless either. On the European side, official opinion in Britain and Italy, at least, has already moved far towards acceptance of key elements in this programme. On the American side, the statement of Arthur Burns in Montreal on May 12, while equivocal on the future reserve role of the dollar and hesitant on accepting too great a limitation on US domestic freedom of action, did reflect a flexibility in US thinking not previously apparent. When one considers the rapid shifts in US foreign economic policy over the past decade—some retrogressive but some also extremely constructive—a bold initiative on international money reform in the direction advocated here is a very real possibility in the first or second year of the next Presidential term.

In international economic affairs, as in other areas, we need a large dose of courage and integrity. Let us adopt the means adequate to achieve our proclaimed objectives, or let us at least have the honesty to acknowledge that we are obliged by timidity and national egoism to abandon the goals of an open world economy we have proclaimed since the end of the Second World War. The time has come to choose.

THE INVISIBLE THREAT

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. DENT. Mr. Speaker, I would like to commend to my colleagues the following article from Steel Facts, summer 1972, a publication of the American Iron and Steel Institute. It is entitled, "The Invisible Threat," and describes the economic dilemma created in Latrobe, Pa., by unfair foreign competition permitted by our antiquated trade policy.

Latrobe is one of the truly outstanding communities of our Nation, and I am proud to represent its people in Congress. It is best known for being the home of Arnold Palmer, but it is also the home of thousands of other citizens who are no less important and who are imbued with a community spirit worthy of emulation.

The people of Latrobe are doing all they can to sustain their economic lifeblood, but the time has long since passed when the U.S. Government should revise its basic trade philosophy and stop creating economic crises throughout communities of the country such as Latrobe.

The article follows:

THE INVISIBLE THREAT

IMPORTS BECLOUD LIFE FOR STEEL TOWN

There's a foreign car dealership just outside Latrobe, Pa. on Route 30. But in the town itself, you rarely see a foreign car of any make.

At The Hub, Latrobe haberdasher John Lattanzio says, "I won't sell anything imported. My customers won't buy imported clothing."

The union local at the town's largest single employer is aggressively promoting a "Buy American" campaign in its publications. So is Vince Quatrini, editor of Latrobe's daily paper, *The Bulletin*.

It's not that Latrobe's citizens are anti-foreign. They just feel threatened, and they are trying to fight back the best way they can.

For in the past few years, imports have become a very serious personal problem to Latrobers. "Imports have cost this town 500 jobs," claims Chris Moersch, president of the local Chamber of Commerce. This is because Latrobe is a steel town—a very special kind of steel town.

Latrobers proudly proclaim their home "the tool steel capital of the world" with considerable justification. The two biggest employers in town—Latrobe Steel Company and Teledyne Vasco—produce close to half the high-speed tool steel made in the U.S.

TOOL STEELS ARE SPECIAL BREED

Tool steels are very special products. They are made and sold not by the ton, but by the pound. They are the basic raw materials for the tools and dies which in turn make most industrial machinery and equipment. Tool steels are also absolutely vital to national defense.

Tool steel producers are constantly pushing back the frontiers of technology. Their stock in trade is innovation—superior types of steels, better ways to make these steels faster and purer.

Vacuum melting of steel and most types of high grade tool steel were first developed in the United States, according to local steel executives.

This constant innovation requires constant investment. One Latrobe steelmaker has, over the past decade, invested twice its 1960 net worth on new plant and equipment.

Residents of the area are actively aware of the importance of their steel industry to our society. A bit of local lore is a proud boast: Latrobe was number three on Nazi Germany's priority bombing list in World War II.

The town's tool steel mills have encouraged the development of related industries; tool and diemakers, casting plants, steel fabricators and steel industry equipment suppliers and other high-technology production facilities. As a result, one of every two Latrobe workers earns his living in metals and metalworking.

The men who work in the mills are particularly proud of the products they make.

"I'm contributing my part to men going to the moon," one told a visitor.

Today, fewer people work in the mills than in past years. For Latrobe is just beginning to pull itself out of a bleak two-year recession.

FUTURE MAY BE BRIGHTER

Business is picking up at the mills. Both Latrobe Steel and Teledyne Vasco report orders on the increase. And both companies are beginning to recall men who have been laid off—some for as long as two years.

But, like the memory of a bad dream, what has happened over the past 24 months is still very vivid to Latrobers, and they are hoping that the present glimmer of better times is not just a mirage.

The problem struck with dramatic swiftness. Just four years ago, employers in the town were talking about "scraping the bottom of the local labor barrel." Last year, the town's unemployment rate was running between 11 and 12 percent—double the national average.

Actually, there were early warnings of what was to come. Between 1964 and 1970, tool steel imports nearly doubled, siphoning off practically all the normal growth in domestic tool steel markets. And when the economy began to slow down, tool steel imports didn't.

In 1970, while domestic mill shipments of these metals fell 22.5 percent, imports were increasing their share of the U.S. market from 12 to 17 percent. In certain key product areas, that share was much higher. According to Ralph A. Nauman, executive vice president of Teledyne Vasco, imports have been accounting for nearly one out of every three pounds of high speed tool steel sold in the nation.

Last year tool steelmakers suffered a double blow: the recession got worse, and the bottom dropped out of their vital aerospace market. The result was another drop of 11.7 percent in sales.

Every industrial town in the country was hurt to some degree by the recession. But, according to Latrobe Steel's president Marshall Schober, "imports added to a rather serious situation and made it critical."

At one time, his firm—the town's largest single employer—had to lay off a quarter of its total work force.

Teledyne Vasco says its employment was similarly affected.

Substantial jobless benefits and unemployment compensation did help cushion the shock for many Latrobers. Local retail sales fell during the recession, but not as much as might have been expected had these benefits not existed.

MUNICIPAL GOALS MET

Latrobe mayor Anthony Angelo reports the city felt the pinch through lower receipts from the local work tax and assessments. However, he says, the municipal government was still able to continue its urban renewal and housing code enforcement programs—ambitious undertakings for such a relatively small community—and other public works projects. He also said that despite depressed conditions, the Community Chest hit its $128,250 goal last year.

But the harder times definitely had their effect—even on the young. Attendance at the high school prom, for instance, was only half what it used to be because parents felt they couldn't afford the added expense.

More serious was the increase in automobile and appliance repossessions, or the threat of foreclosure of home mortgages.

Despite improvement in economic conditions, local residents are still apprehensive about the future. "My husband has been one of the lucky ones," said Mrs. Jack Watkins, whose husband is working—but no longer at a steel mill.

The loss of five hundred potential jobs because of imports has a big impact on Latrobe, since the population of the borough itself is less than 12,000, and only 35,000 persons live in the Latrobe trading area.

The job squeeze especially affects recent high school grads. Traditionally, Latrobe's industry—particularly its steel companies—have tried to provide a job for every graduate who wants one. But until more economic slack is taken up, new hirings will be almost nil.

"I'm pretty worried," says Mrs. Joseph Spillar. She's been looking for a job for some time, without success. Right now, her husband has a minimum-wage job because he can't find anything better. Recently, this young couple went job-hunting in West Virginia, but returned to the Latrobe area in discouragement.

Ralph Lattanzio, John's son, and a college bound senior, feels that many of his high school classmates are joining the military service because of the scarcity of jobs in Latrobe.

The current situation galls Latrobers, since they have deep pride in their town, its achievements and their own achievements.

Nestled in a valley amid the foothills of the Alleghenies, Latrobe is surrounded by relics of the mid-18th century frontier. Just a few miles away, a band of Colonial militia under George Washington fought the first battle of the French and Indian War.

Much of the frontier spirit lingers on in the determined pride and self-reliance of Latrobe's citizens.

They built a modern, full service 350-bed hospital without a cent of tax money. The non-profit group, Latrobe Foundation, has built parks in the town, and is now constructing a multipurpose community center. Local industry played a leading role in these efforts. Through Latrobe's Chamber of Commerce, 600 educationally deprived residents have gained the equivalent of a full high school education during the past four years.

INDUSTRY EFFORTS RECOGNIZED

The people appreciate local industry attempts to build a better town, and respect efforts to deal with current problems. "I'll back this company to the hilt," said Elmer Valko, a bar mill operator at Latrobe Steel. "They're doing everything anyone could possibly do under the circumstances." What does he feel is the reason for his company's recent problems? "I blame it on imports."

His boss, Latrobe's president Marshall Schober, is also annoyed. He reports his company has spent $34 million since 1964 on "front-to-rear renovation." Now, he says, it has "the finest rolling mill in the world for specialty steels." It also doubled the world's vacuum induction melting capacity at one crack through the building of one single installation. "Our troubles are not for want of taking a gamble," he says.

But there are some matters over which a company—or industry—has no control. Most specialty steel companies take a wait-and-see attitude toward the question of whether parties to the new voluntary arrangement restricting foreign steel exports to the United States will keep their promises. Many feel it should be extended to other countries—for example, Sweden, which is not a party to the arrangement, accounted for half of last year's high speed tool steel imports.

Foreign governments favor their industries more than does our own, Schober indicates. He reports that his firm was contacted by the French government to develop a new type of high strength steel for the Mirage fighter plane. After Latrobe developed the steel, the French gave the production contract to one of their own companies.

CALL FOR COOPERATION

Theodore J. Pynos, president of the United Steelworkers of America local at Latrobe Steel, is campaigning for his union to get other national unions' support of the tool steel industry. "It's going to have to be union and company working together against imports," he says.

"If other countries subsidize their industry, this takes bargaining power away from us. If our industry is solid, we can make a more fair and equitable contract to all parties concerned.

"If imports take our jobs," Mr. Pynos concludes, "they take our schools and our homes. We have our lives tied up here."

The impact of imports is not unique to the city of Latrobe. It has been felt in Texas, Indiana, southern California and other regions where steel operations have been sharply curtailed. And although the threat hangs over the entire industry, steelmen are determined to meet and overcome it.

MARKETING EFFORTS OF U.S. EXPORTERS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. HANNA. Mr. Speaker, one of the points constantly made by knowledgeable traders and friends of the United States around the world is the lack of intelligent application of U.S. marketing efforts. Instances and demonstrations of their point are legion. We do not approach our potential markets on the basis of the realities of the particular marketplace, but rather on our own experience at home. The effort to tailor our sales approach to foreign tastes, requirements or cultural quirks seem too much for our exporters. We can no longer enjoy this luxury. Sure we have some unreasonable barriers that must come down, but we must make a more concerted effort to do the obvious in our marketing efforts in order to convince the rest of the world of our serious concern over our trade deficit. The article below is a clear cut example of some of our problems and illustrates the need to more effectively address ourselves to them.

The article follows:

[From the Asahi Evening News, Sept. 14, 1972]

U.S. TRADERS CAN RELIEVE TENSION HERE

(By John M. Lee)

An American businessman visiting Tokyo recently was struck by the sight of thousands of young Japanese surging through the streets in well-fitted jeans. At last, he thought, export success. Good old American blue jeans had conquered another nation.

Unfortunately, he was wrong. American manufacturers had indeed sent their jeans to Japan, but they were too big for the slim-hipped Japanese.

FASHIONED TROUSERS

Whereupon local manufacturers took to importing only the denim from the United States and fashioning their own trousers.

But so much of the jeans appeal lay in the fact they were American that Japanese makers devised labels in English on the order of Rodeo or Big Tex., using foreign sizes like W–28 and L–30, stamped it Made in U.S.A. and scored a huge success.

The only difficulty came when a Japanese Government agency accused the companies of fraudulent labeling. It should be made

clearer, the Government said, that only the cloth was made in America.

This story is often told in Japan to illustrate the bruited ineptitude of the American businessman abroad. Much of the blame for Japan's disruptive trade surplus over the United States—a surplus approaching a record $4-billion this year—lies with the failure of American export efforts, the Tokyo argument goes. The charge has some justification.

U.S. ECONOMIC WONDER

The U.S. domestic economy is the economic wonder of the world, and American businessmen must be pardoned if they find themselves totally absorbed at home.

Foreign trade is the lifeblood of island nations like Japan and Britain. It used to be a matter of almost trivial concern for the United States until soaring prices, shortages, poor quality, slackening innovation, general lassitude or whatever turned an almost casual trade surplus into a worrisome trade deficit.

The natural tendency was to blame someone else, and Japan was the scapegoat.

The Japanese, of course, are far from blameless. Only recently have they awakened to the fact that you can't go on picking off someone else's markets for cars or cameras or toys or television sets, whether in the U.S. or Brazil or Italy, without inviting retaliation.

The acknowledged superiority of many Japanese products both in quality and in price is no excuse. In trade, there must be a quid pro quo.

Over the last two years, Tokyo has faced up to the facts of life. Largely as the result of prodding—and then, bludgeoning—by Washington, the Japanese Government has moved to liberalize its restrictions on imports and foreign investment in Japan and to permit greater outflows of Japanese capital. The ball is now back in the other court, the Japanese says.

FREEST TRADE NATION

An expert on American trade with Japan, James C. Abegglen, president of the Boston Consulting Group, recently expressed the view that Japan was well on her way to becoming the freest trading nation in the world.

"The perception of Japan by Western businessmen generally is of a highly protected market," he said, then added with a sting:

"Japan's protection now arises much more from the failure of European and American exporters to undertake appropriate marketing investments than formal trade barriers."

He offered the opinion that the Japanese market was about as open as that of West Germany or the United States.

However, the Japanese still seem reluctant to make it too easy. The Japanese internal distribution system is a maze of middlemen, each taking his cut and pushing import prices much higher than expected.

Then there is a lot of mumbo-jumbo about the mysteries of the East, the quaintness of the customs, the impenetrability of the language—presumably all intended to frighten off the foreigners.

NOT EASY MARKET

Japan is not an easy market. But it is a consumer market of more than 100 million people with enormous potential, and it seems that the American businessman really must make more of an effort to penetrate it. It seems unreasonable to ask the Japanese to handicap themselves indefinitely with export quotas on their steel or cars or textiles because of shortcomings on the U.S. side of the Pacific.

The problem is increasingly urgent and increasingly political as the United States-Japanese partnership looks more and more like a rivalry.

One of the most unfortunate aspects is the rising anti-Japanese sentiments being heard from American business, labor and political leaders.

Japanese businessmen working in New York detect racist overtones, and they are expressing concern.

U.S. FLAG "MADE IN JAPAN"

Subway riders in New York are currently being treated to a poster campaign by the International Ladies Garment Workers Union depicting an American flag with the caption "Made in Japan."

The copy starts out: "Has your job been exported to Japan yet? If not, it soon will be."

Then there is a Buy American appeal to save jobs.

Such a campaign was foreshadowed—perhaps even foreordained—by the jingoistic Administration campaign last year to retrieve the parlous American trade and monetary position.

The Japanese, uncertain what new weapon Washington might unveil next, have been visibly alarmed. They have resorted to a number of gimmicks intended to reduce their trade surplus to a more manageable $2 billion and avert the wrath of Washington.

"EMERGENCY" PURCHASES

These schemes include the hiding of embarrassingly large foreign trade reserves in special accounts, "emergency" purchases of American goods and the dispatching of Japanese businessmen to help their American counterparts do better in their exports.

Some argue that the upward revaluation of the yen last December is slowng Japan's export growth, that revived business expansion in Japan is sucking in more U.S. goods and that a better trade balance is on the way.

Others see little prospect of the major turnaround Washington wants and note that some Japanese businessmen are already conceding the possibility of further yen revaluations, perhaps fairly frequent changes in small steps.

American frustration with Tokyo has a lot to do with trade. Greater success—and greater effort—by American exporters could help relieve this tension.

GIFT OF NATURE TRAIL FOR THE VISUALLY HANDICAPPED BY THE AMERICAN LEGION AUXILIARY, DEPARTMENT OF MARYLAND

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. SARBANES. Mr. Speaker, I wish to bring to the attention of my colleagues the outstanding public service recently rendered to the State of Maryland by the women of the Department of Maryland, American Legion Auxiliary. Through the generous donation by these ladies of the necessary funds—some $5,500—the Maryland Department of Forests and Parks has constructed the Braille Trail in the McKeldin Area of the Patapsco State Park. This is Maryland's first State park nature trail designed for the visually handicapped and is, I am informed, only the seventh of its kind in the United States. It incorporates the better features of these other existing trails, with many innovations designed to make it the best in the Nation.

Circling some 1,700 feet through natural woodlands, this newly constructed trail winds up and down gentle grades, and is accessible to visitors from a parking area, permitting them to leave and reenter their cars or buses without the hazard of crossing roadways. Rest and play areas have been made available at various points on the trail and hopefully, in the near future, there will be a petting zoo and a fragrance garden.

Nylon guide ropes, strung between rustic supports, guide the handicapped to eighteen scenic stops. Each stop is equipped with a waist high lectern on top of which is a description of the area, printed in both large clear type and in Braille. At seven of the stops, speakers, activated by pressing a button, and featuring a taped narration by Galen Fromme, well known newscaster on Baltimore's WBAL radio, give a more detailed description of the natural area.

For example, listen to this description of the natural area at one of the stops:

Several feet in front of the station the ground slopes down 150 feet to a stream which cascades over rocks and curves back and forth. Beginning 500 yards to your left is a natural spring which flows in front of you to the right. Can you hear the running water?

If you were to draw a line from the top of your head across the hollow to the ridge on the other side, the line would touch the trees 50 feet above ground. Most of the trees are 80 to 90 feet tall.

Or to this description at another stop:

This shelter has benches where you can sit down, rest, and think about nature. Listen for the sounds of the forest—the birds, the wind through the trees, the noise that forest animals make running across the leaf-covered ground.

Reflect on what you have sensed. Do you feel closer to nature? What can you do to help preserve the environment in which we all are a part? When you're ready to leave, follow the rope around the shelter on your way to the next station.

Mr. Speaker, the American Legion Auxiliary Nature Trail for the Handicapped is easily reached from U.S. route 40 or I–70 from their intersection with the Marriottsville Road, north to the park entrance. Within the park, signs direct the visitor the short distance to the trail.

The ladies of the Auxiliary who have been intimately involved in making this outstanding project possible are Mrs. F. Ambrose Price, president of the Department of Maryland, American Legion Auxiliary; Mrs. Louise Kendrick, chairman, and Mrs. David Wade, vice chairman of the Community Service Committee; and Mrs. Earle R. Poorbaugh, past department president and the project chairman. I know my colleagues join me in saluting these officers and all of the members of the American Legion Auxiliary for their efforts to make this a better world for those less fortunate. Such clear examples of a commitment and desire to help our fellow man are indeed a lesson and an inspiration for us all.

THE INTERRELIGIOUS CONSULTATION ON JAPANESE-AMERICAN RELATIONS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mrs. MINK. Mr. Speaker, 40 representatives of religious groups in Japan and the United States spent 5 days in Honolulu, Hawaii, in June 1972, discussing United States-Japanese relations and how they can help their respective nations develop new patterns of cooperation. Called the Inter-Religious Consultation on Japanese-American Relations, the participants represented four major world religions—Buddhism, Christianity, Judaism, and Shintoism—and 21 denominations and sects. The meeting was sponsored by the Japanese Committee of the World Conference of Religion for Peace and the United States Interreligious Committee on Peace.

At the conclusion of the consultation, participants adopted the "Honolulu Declaration" and the "Resolution on Indochina." Because of possible interest in this subject among my colleagues. I am pleased to insert the text of the resolutions as well as an explanatory account of the consultation at this point in the RECORD:

INTERRELIGIOUS CONSULTATION ON JAPANESE-AMERICAN RELATIONS

Forty representatives of religious groups in Japan and the U.S. spent five days in Honolulu in June, 1972, discussing strains in Japanese-American relations and how they can help their respective nations develop new patterns of cooperation. Called the Inter-Religious Consultation on Japanese-American Relations, the participants represented four major world religions—Buddhism, Christianity, Judaism, and Shintoism—and 21 denominations and sects. The meeting was sponsored by the Japanese Committee of the World Conference of Religions for Peace (WCRP) and the U.S. Inter-religious Committee on Peace. Some of the participants from both countries had cooperated interreligiously since 1968 when a one-day meeting on Japanese-American relations was held in Kyoto and in 1970 when the World Conference on Religion and Peace was convened also in Kyoto.

At the conclusion of the Consultation, participants adopted the "Honolulu Declaration," a major statement on Japanese-American relations. Six of many major points included:

1. "We encourage the governments and people of Japan and the U.S. to take steps to preserve the social climate that guarantees the free expression and practice of religion within each society."

2. We recognize that "the maintenance of friendly economic relations may require sacrifices on the part of our respective nations." Japan may need to "review the domestic pricing and foreign trade policies so as to avoid dumping goods at unjustifiable low prices in overseas markets." The U.S. may need to "provide for the orderly conversion of domestic industries which can no longer compete with goods which are priced fairly but produced more efficiently in other countries."

3. The military-industrial complex in the U.S. and a huge industrial complex (Zaibatsu) in Japan . . . "tend to combine to result in the exploitation of economically weaker nations." The present "U.S.-Japanese economic practices, both independently of each other and jointly.

THE HONOLULU DECLARATION

All religions are concerned with the nature of ultimate reality and the relation of men to that reality and to each other. In turn, each religion has its own sacred writings and perception of reality. Across history, religions have seldom encountered each other in depth. When they have met, the encounter has not usually been beneficient. We acknowledge and repent of the many instances, including the present, where religion has been divisive—a cause of conflict and even war.

A mutual interpenetration of the religious communities in many parts of the world is growing in intensity as communication becomes more readily available. We are compelled by various religious imperatives to work to make this encounter result in human helpfulness rather than competitive self-assertion. We believe that such cooperation will not only make religion more relevant to the world in which we live, but also help us to understand each other better.

To that end, we members of religious communities in Japan and the U.S. agree to work together. Specifically we pledge:

to reassert that there is in the world a higher spiritual presence than man, either individually or collectively, and that this higher presence expresses itself as love and compassion in both individual and social life.

to open our religious communities to members of various faiths so as to encourage dialogue, share our spiritual insights, and foster understanding.

to cooperate in seeking solutions to the grave and massive problems facing men today, one of the greatest being the management of conflict to avoid violence and war.

to minimize and, if possible, to eliminate those antagonisms engendered in men by differences in their faith.

to spell out in the most qualitative and quantitative terms possible what peace and human welfare are, and then to encourage businessmen, industrialists, labor leaders, professional people, and government officials to ask how their lives and work can serve to promote this peace and human welfare.

1. Religious and cultural relations

We religious leaders convened at this Consultation recognize the many tragic failures in our histories which represent our lack of love and respect for each other. We offer sincere repentence for these failures. We repent for our personal failures to love each other as human beings and for our failures as two societies that have caused tremendous suffering to each other. We affirm continued repentence as that part of religious life which reaffirms our commitment to the realization of the ideals of peace and justice.

We encourage the governments and people of Japan and the U.S. to take steps to preserve the social climate that guarantees the free expression and practice of religion within each society. We also encourage the governments of both countries to prevent the establishment of any form of religious expression that limits religious freedom. We appeal to the people of all religious convictions or none to work toward keeping all of the institutions of society responsible for the religious freedom of all people.

While problems of the denial of religious freedom continue to exist within the U.S. and Japan, and the religious organizations in both countries continue to remain vigilant, we are concerned also about the denial of religious freedom in many parts of the world today. We request our respective governments, and all members of the U.N., to revive long-dormant efforts to adopt a Declaration Against Religious Intolerance and, ultimately, a covenant against religious discrimination parallel to that adopted some years ago against racial discrimination.

The increasing attention being devoted in many countries to peace research is encouraging. There should be a conscious effort to incorporate peace education at all levels of the educational system in our respective nations and in all countries with a view to developing in oncoming generations a concern for waging peace rather than war. We commend Japan for its recent establishment of the Japan Foundation and its program for international student exchange.

We live in a time when, as a result of the improvement in communications and transportation, our planet is shrinking physically even while it is expanding intellectually and spiritually. As we move toward world unity, the richness of life can and should be enhanced by the diversity of cultures, races, and religions.

2. Economic and social relations

The significance of Japanese-American economic relations can hardly be exaggerated. The U.S. is Japan's most important trading partner; next to Canada, Japan is the largest trading partner of the U.S. Total trade between the two countries will soon reach the $10 billion level. Their national economies are two of the largest in the world. Obviously, the economic policies of the two nations have tremendous consequences for good or for ill. Japan and the U.S. alike need to recognize their respective economic significance, so that they may regard each other as equals and so they may act with a true sense of world responsibility.

In many respects, the vigor and confidence of Japan's economic life is affected substantially by the condition of the American economy. While for the U.S. the relationship with Japan does not bulk as large proportionately, nonetheless it is a major factor. The people and government of each of the two countries are necessarily sensitive to any development in the policies of the other which may affect them. Therefore, the people, leaders, and government of each nation must come to understand the problems and needs of the other so that no major action is taken without advance consultation and careful consideration of the effects of such action on the life of the other.

The religious bodies of both nations ought to be aware of the difficulty of mutual understanding of economic-related events between the people of both countries, due to different economic structures and cultural backgrounds. Thus we need to recognize the necessary role of promoting the communication flow between the two countries, particularly concerning economic events and situations.

This concern for the people and life of the other nation should not be limited to public officials with governmental responsibility, but should extend to all who possess economic power: industrialists and stockholders, labor leaders and union members, exporters and importers, farmers and merchants.

We recognize that the maintenance of friendly economic relations may require sacrifices on the part of our respective nations. Japan may need to review its domestic pricing and foreign trade policies so as to avoid "dumping" goods at unjustifiably low prices in overseas markets. The U.S. may need to provide for the orderly conversion of domestic industries which can no longer compete with goods which are priced fairly but produced more efficiently in other counties, and, by so doing, ease pressures for restriction of imports.

There exists a "military-industrial complex" in the U.S. and a huge industrial complex (Zaibatsu) in Japan. In the U.S. this has produced the institutionalization of the military in American life. In Japan this has produced adverse influences on the maintenance of the basic principles of democracy and peace declared in the Japanese Consti-

tution. Moreover, these complexes tend to combine to result in the exploitation of economically weaker nations. This phenomena in the U.S. has also resulted in inflationary pressures, distortion of normal research and development, and could in time threaten normal democratic processes. Vast private corporations can at times exert political and economic pressures adverse to the maintenance of good relations between states. We also are concerned lest huge, multinational corporations may become irresponsible in their policies and prove to be difficult for both national governments and international agencies to restrain.

We members of this Consultation and our co-religionists are not simply religious citizens of Japan and the U.S. We are, first of all, human beings with a deep commitment to the well-being of every member of the human race and therefore are deeply concerned about the ecological abuses and the misallocation of our interdependent natural resources on this earth which is the possession of all men. This sense of identity with all mankind is accompanied by a strong concern for justice, for freedom, and for the human rights of any who may be oppressed.

We are called to work through our religious structures, through secular institutions, and through governmental action for the self-fulfillment and self-development of individuals and nations everywhere. We feel a keen sense of responsibility to see that such economic power as we may possess or be able to influence is used to free persons imprisoned by poverty, ignorance, disease, and injustice.

Specifically, we shall press our respective nations and governments to channel increased development assistance through U.N. and other multilateral agencies, both regional and worldwide. We shall also urge that such assistance be designed to benefit the great masses of people in the developing world rather than to result simply in an increase in Gross National Product or a reenforcement of the power and wealth of privileged groups. Moreover, we recommend to our respective nations and governments a policy of restraint and generosity in regard to investments in developing countries so that the principles of self-determination and self-development may be respected. In instances of nationalization or of renegotiation of investment terms, considerations of equity should take into account earlier unequal bargaining power, past rates of profit, and the need to raise the living standards of the working people in the developing nations. We need to recognize that present U.S.-Japanese economic practices, both independently of each other and jointly, tend to increase the gap between the developed and developing world and limit the opportunities of the self-development of the peoples in the Third World.

3. Political and security relations

Fundamental changes in Japanese-American relations have followed the two surprise announcements of the U.S. Government in the summer of 1971 involving her relations with the Peoples Republic of China and the devaluation of the dollar. Japan is now in a period of transition from dependency on the U.S. in foreign policy matters to greater independence. Japan has become one of the major powers in a new, multi-power structure that has replaced the old cold war, bipolar situation. Japan clearly intends to play this new role.

The emergence of Japan as an independent power in the international community is a welcome and wholesome development. However, this brings to both Japan and the U.S. the necessity of defining various new alternatives and courses of action in the political and military (strategic) field. As religionists, and as men and women of peace with justice, we recognize that Japanese-American relations may be at their lowest ebb since shortly after World War II because of these recent events. At the same time there is recognition on both sides that the long-range interests of the two countries are not in conflict.

In the light of this new situation:

We urge the restoration of mutual trust between the U.S. and Japan as an immediate matter for both governments as well as other states in the international community.

We commend Japan's peace Constitution which has formally renounced war as a means of achieving her objectives. Japan also has made the choice not to develop her highly-sophisticated nuclear capability for military purposes. It is to be hoped that other nations which have not already done so may follow her example. As religionists, we urge the world community not to consider nuclear capability as the hallmark of great nations.

We strongly urge Japan to continue this course and abstain from development of nuclear weapons. The U.S. and other nuclear powers should, in turn, complete the nuclear test-ban treaty and cease underground testing. If this cannot be done in agreement with other nations, it should be undertaken unilaterally by the U.S. The discontinuance of the arms race among the big powers is essential to the solution of the problems facing humanity. The cost of military armaments is an economic waste of the greatest magnitude ($200 billion annually). Disarmament could provide billions of dollars for anti-pollution, urban renewal, housing, mass transportation, education, and health programs.

We agree that to prevent conflict between nations, the establishment of a framework of world order is essential. The difficulty of achieving this within the present structure of the U.N. is recognized, but efforts should be exerted toward this end. The U.N. is the best instrument we have for this purpose.

We urge that, as rapidly as practicable, the U.S.-Japan Security Treaty and other such bilateral and regional military alliances be transformed into global security agreements administered by the U.N. This, it is recognized, will call for basic changes in the structure of the U.N. and the establishment of a peace-keeping force to replace existing security arrangements.

We suggest that, in full recognition of Japan's new status as a major power in her own right, she be given semi-permanent membership on the U.N. Security Council.

In some measure, all of the above actions require the relinquishment of a small portion of national sovereignty. Today national sovereignty constitutes the major obstacle to the establishment of the full effectiveness of the U.N., including a peace-keeping force.

War has long since become outmoded as an instrument of government policy. Civilization as we know it will not survive a Third World War. Man now possesses a power he cannot use without destroying himself.

We must clearly recognize that Japan's future role in the Pacific will be determined by the Japanese and that pressure from the U.S. Government is certain to be counterproductive. The key to constructive relations between our two countries is trust and confidence. Such trust must be nurtured by frequent consultations between two governments which treat each other as equals.

The religious community in both countries has an obligation to assist in the cultivation of responsible and responsive attitudes to this end, not only in our two countries but in the world.

RESOLUTION ON INDOCHINA

Further developing the Resolution on Vietnam adopted at the World Conference on Religion and Peace held in Kyoto, Japan, in 1970, we the participants of the Interreligious Consultation on Japanese-American Relations have found in our discussions that the war in Indochina compounds the problems of Japan-U.S. relations in the political, economic, and social spheres. Therefore we resolve the following:

Sharing the sufferings of the Indochinese people and the traumatic pain of the American people and recognizing our own implication in the mass slaughter and destruction in Indochina, we have confirmed our determination to act, in all possible ways, in order to bring peace with justice to Indochina.

We urge that religious bodies participate now more than in the past as non-governmental observers and mediators at every stage and every forum in ending the war in Indochina and making the peace.

1. To the United States

We appeal to the President of the U.S. and to the American people to realize fully that the prolonged war in Indochina has been a crime against humanity, and to take immediate and unconditional steps to halt hostilities and withdraw all American forces from Indochina and surrounding areas.

We call upon the President of the U.S. to halt immediately all bombing in Indochina. The present action of the U.S. Government in escalation of the air war is actually a recommitment of military forces and an expansion of the war.

We call upon the Congress of the U.S. to cease providing any funds for the support of all military activities in Indochina and surrounding areas no later than December 31, 1972.

We call upon the leadership of the U.S. to cease all efforts to control the results of the political settlement of the Vietnam War, leaving such political determination in the hands of the Vietnamese.

We call upon the U.S. to make a substantial contribution to assist victims of the war and to reconstruct Indochina under U.N. or other international auspices.

2. To Japan

We strongly protest against the policy which makes Japan act in complicity with the U.S. in the Indochina war and strongly urge it to take immediate actions to bring peace and justice to Indochina.

Through the reversion of Okinawa on May 15, 1972, the military bases in the island, serving the American war effort in Indochina as forward and logistic bases, are now to be regulated under the provision of the U.S.-Japan Security Treaty. This means that the role and function of Japan have assumed renewed importance in permitting American bases there to be used directly or indirectly for the Indochina War, and the nature of the Security Pact has been altered in substance.

The military procurements from Japan continue to be used in Vietnam and the activities of Japanese industry as the "merchants of death" have been indicted by all people who seriously seek peace. We must, however, call special attention to the fact that, through the reversion of Okinawa, the Japanese involvement in the Indochina War has been drastically deepened. We strongly demand that the Japanese Government and its financial leaders halt any assistance and involvement in the war.

We plead with the people of Japan to understand fully these factors described above, and we call upon the Government and relevant industries to make a radical reformation of their present policies.

3. To the Democratic Republic of Vietnam and the United States

We plead with the governmental leaders of the Democratic Republic of Vietnam and the U.S. to agree immediately to the release of all prisoners of war at the earliest date and no later than December 31, 1972.

4. To the United Nations

We commend U.N. Secretary General Kurt Waldheim for his recent demand that the Security Council attempt to end the war in Indochina. We urge him to convene the Se-

curity Council on this issue under his prerogative in Article 99 of the U.N. Charter.

5. To the Peoples of Indochina

To the long-suffering peoples of all Indochina, we ask their forgiveness, for we have long sinned against them. We representatives of religious communities in both the U.S. and Japan continue our solidarity with the Buddhist, Christian, and other religious communities in the Republic of Vietnam, the Democratic Republic of Vietnam, Laos, and Cambodia. We keep them in our thoughts and we look forward to the time, too long delayed, when we may again work with them.

4. "The emergence of Japan as an independent power in the international community is a welcome and wholesome development." Japan also has "made the choice not to develop her highly-sophisticated nuclear capability for military purposes."

5. "We urge the world community not to consider nuclear capability as the hallmark of great nations." In full recognition of Japan's new status as a major power in her own right, we suggest that "she be given semi-permanent membership on the U.N. Security Council."

6. "We urge that, as rapidly as practicable, the U.S.-Japan Security Treaty and other such bilateral and regional military alliances be transformed into global security agreements administered by the U.N." We must clearly recognize that "Japan's future role in the Pacific will be determined by the Japanese and that pressure from the U.S. Government is certain to be counter-productive."

Although not part of the initial agenda of the Consultation, the Indochina War soon appeared as a major factor preventing better Japanese-American relations. Accordingly, a special committee was appointed to draft a text of a resolution on the Indochina War. This resolution made the following points:

We have found "in our discussions that the war in Indochina compounds the problems of Japan-U.S. relations."

"The prolonged war in Indochina has been a crime against humanity" and we appeal to the President "to take immediate and unconditional steps to halt hostilities and withdraw all American forces from Indochina and surrounding areas."

"We call upon the leadership of the U.S. to cease all efforts to control the results of the political settlement, leaving such political determination in the hands of the Vietnamese."

"We strongly protest against the policy which makes Japan act in complicity with the U.S. in the Indochina War and strongly urge it to take immediate actions to bring peace and justice to Indochina." The Japanese Government and related industries should "make a radical reformation of their present policies" vis-a-vis the Indochina War.

U.N. Secretary-General Kurt Waldheim should "convene the Security Council on this Indochina issue under his prerogatives in Article 99 of the U.N. Charter."

"To the long-suffering people of all Indochina, we ask their forgiveness, for we have long sinned against them and we representatives of religious communities in both the U.S. and Japan continue our solidarity with the Buddhist, Christian, and other religious communities" in Indochina.

Consultant-experts for the meetings included Prof. Yoshiaki Iisaka of Gakushuin University in Tokyo; Dr. Everett Kleinjans, Chancellor of the East-West Center in Honolulu; Prof. Shuyu Kanaoka of Tokyo University in Tokyo; Prof. Kozo Yamamura of the University of Washington and the East-West Center; and Dr. Alfred Bloom, Mr. Robert Wargo, and Prof. Yasumasa Kuroda of the University of Hawaii. Also acting as a Consultant was Prof. James W. Morley, Director of the East Asian Institute of Colombia University, who was unable to attend.

The Consultation received greetings from U.S. Ambassador Robert S. Ingersoll of Tokyo, Hon. Tamio Kora, the Japanese Consul-General in Honolulu, and Archbishop Angelo Fernandes of New Delhi, President of the World Conference of Religion for Peace.

The following denominations and sects were represented at the Consultation: Buddhist: Rissho Kosei-kai, Myodo-kai, the Buddhist Churches of America, Hommon-Butsuryu Sect, and Shingon Sect; Christian: Roman Catholic, United Church of Christ in Japan, United Methodist Church, United Church of Christ, United Presbyterian Church, Unitarian Universalist Association, Christian Science, Society of Friends, and Church of Jesus Christ of Latter Day Saints; Judaism: Reformed; Shintoism: Konko-kyo, Misogi-kyo, and Shrine Shinto; and the miscellaneous religions: Tenri-kyo, Zenrin-kai, and Itto-en.

Rev. Nikkyo Niwano, a Buddhist of Tokyo, and President of Rissho Kosei-kai, and Dr. Dana McLean Greeley, a Christian of Boston, and President of the International Association for Religious Freedom (IARF), were elected co-chairman of the Consultation. Co-secretaries were Dr. Homer A. Jack of New York, Secretary-General of the World Conference of Religion for Peace, and Rev. Yasuo Katsuyama, Under-Secretary-General of the Japanese Committee of the World Conference of Religion for Peace.

The Consultation Steering Committee, in addition to the officers, consisted of Rev. Yasuyoshi Sakata, a Shintoist in Tokyo; Rev. Toshio Miyake, a Konko-kyo leader of Osaka; Rev. Yoshiaki Iisaka, a Protestant professor in Tokyo; Mr. Herman Will, a Methodist layman in Washington; Msgr. Edward G. Murray, a Catholic clergyman in Boston; and Miss Ruth Harris, a Methodist church executive in New York. Chairmen of the three workshops were Rev. Sakata, Rev. Miyake, and Dr. A. William Loos, a Christian clergyman who is President of the Council on Religion and International Affairs in New York City, Rev. Miyake was chairman of the special committee which drafted the resolution on Indochina.

Religious institutions represented by participants (who attended in their personal capacity), included the Temple of Understanding of Washington, the Council on Religion and International Affairs of New York, the Institute for Religion and Social Change of Honolulu, the International Interreligious Fellowship of Osaka, the Japan Religions League, the Union of New Religious Organizations in Japan, and Church Women United (of the U.S.)

The full list of participants (delegates and observers) follows:

Rev. Daijiro Ai, Itto-en, Kyoto.

Dr. Abraham K. Akaka, Christian, United Church of Christ, Honolulu.

Prof. Robert T. Bobilin, Christian, United Methodist Church, Honolulu.

Rev. Kyoji Buma, Christian, United Presbyterian Church, New York City.

Mrs. Patricia Chamberlain, Christian, Honolulu.

Mr. Finley P. Dunne, Jr., Christian, Washington.

Dr. Dana McLean Greeley, Christian, Unitarian Universalist, Boston.

Miss Ruth Harris, Christian, United Methodist Church, New York City.

Prof. Yoshiaki Iisaka, Christian, United Church of Christ in Japan, Tokyo.

Hon. Howard Palfrey Jones, Christian Science, Palo Alto.

Prof. Shuyu Kanaoka, Buddhist, Shingo Sect, Tokyo.

Mr. Adney Y. Komatsu, Christian, Church of Latter Day Saints, Honolulu.

Mr. Herbert K. H. Lee, Christian, Honolulu.

Dr. A. William Loos, Christian, United Church of Christ, New York City.

Mr. Charles J. Mills, Christian, Connecticut.

Rev. Toshio Miyake, Shintoist, Konko-kyo, Osaka.

Rev. Keisho Motoyama, Buddhist, Buddhist Churches of America, Palo Alto.

Msgr. Edward G. Murray, Christian, Roman Catholic, Boston.

Rev. Genjun Nishimura, Buddhist, Hommon-butsuryu Sect, Osaka.

Rev. Nikkyo Niwano, Buddhist, Rissho Kosei-kai, Tokyo.

Rabbi Julius T. Nodel, Jewish, Reform, Honolulu.

Rev. Takazumi Rikihisa, Zenrin-kai, Tsujushino.

Rev. Paul B. Robinson, Christian, United Church of Christ, Honolulu.

Rev. Keiji Sahara, Buddhist, Osaka.

Rev. Yasuyoshi Sakata, Shintoist, Misogi-kyo, Tokyo.

Rev. Nitaro Sasahara, Itto-en, Kyoto.

Archbishop Seiichi Shirayanagi, Christian, Roman Catholic, Tokyo.

Mr. William Sullivan, Christian, Society of Friends, Honolulu.

Rev. Seiji Takai, Shintoist, Shrine Shinto, Honolulu.

Mr. Herman Will, Christian, United Methodist Church, Washington.

Rev. Susumu Yoshida, Tenri-kyo, Honolulu.

SALT AGREEMENTS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. BINGHAM. Mr. Speaker, House Resolution 1133 was brought up earlier today without notice. It was not included in the program for this week announced last Thursday and it was not included in the calendar for today. No printed copies were available. It was discussed briefly, while most Members, including myself, were off the floor, and was then passed by a vote of 306 ayes, 4 nays, and 2 present.

I believe that many Members voted for this resolution, as I did, under the misapprehension that its effect was once again to support the House position on this matter; namely, a simple approval of the interim agreement on offensive arms, resulting from the SALT talks—this was the effect of House Joint Resolution 1127 which the House passed 329 to 7, on August 18.

I would have voted against House Resolution 1133 today if I had understood that it constituted a surrender by the House of its position in favor of the version of House Joint Resolution 1127 as it passed the Senate. That version included unnecessary verbiage and stated certain views with which I sharply disagree. I think it can safely be said that many other Members were opposed to the Senate amendments and believe, as I do, that the matter should have gone to conference in the usual fashion.

Only four votes were cast against House Resolution 1133 today. These were all cast by Members who are entirely opposed to the interim agreement. Hence, this total of four negative votes wholly fails to reflect the very considerable

sentiment in the House in opposition to the Senate amendments.

I must say, Mr. Speaker, that I think the procedure that was followed today was most unfortunate. As you well know, it is utterly impossible for Members, with all the various obligations that press upon them, to stay on the floor at all times. Certainly on a matter of this importance the fact that House Resolution 1133 was to be brought up should have been made known ahead of time so that Members could familiarize themselves with its contents and be prepared to oppose it in debate and with their votes if so inclined.

GUN CONTROLS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. ARCHER. Mr. Speaker, there can be no doubt that we are all genuinely concerned over the rise in crime in America as well as the use of firearms in the commission of many crimes.

Senseless acts of violence were once again brought to our national attention last spring by the tragic attempt on the life of Gov. George Wallace. As a result of such appalling criminal activity, Congress is again being urged to pass a strict gun control law. Arguments are being presented on both sides of this important issue, but there is one question which is being overlooked in many quarters, "Will such controls really work?" This question must be carefully and thoroughly considered by each one of us.

For years, the British thought they had the answer—laws severely restricting the possession of firearms. Recent surveys indicate, however, that the British experiment has not been a success. That failure should cause us to pause before proceeding further.

If we, as representatives of all the people, cannot be assured that stricter "gun control" laws will disarm the criminal element, how can we possibly proceed to deny honest ctiizens the means to protect themselves, their businesses, and their families?

The September 15 issue of National Review contains an informative article by Miss M. F. Harvey recounting the recent results of the British experience in gun control. Miss Harvey has also written a series of articles on the abolition of capital punishment in Britain for the Boston Herald Traveler. I commend the article to the attention of my colleagues:

THEY HAVE GUN CONTROLS IN ENGLAND

(By Miss M. F. Harvey)

The attempted assassination of George Wallace has put the issue of "gun control" back on page one—coincidentally, at a time when capital punishment is widely believed to be on the way out. The experience of Britain, which has no capital punishment and lots of gun control, is instructive in this double context. In 1957, when the British revised their traditional, and very stern, homicide laws, the murderer who killed with a gun was still liable to be hanged; but the murderer who used less direct methods was more likely than before to be guilty of "non-capital" murder (meaning there'd be no death penalty for him) or he might even be let off with a short prison term for manslaughter. So what happened? The number of murders with guns declined, but there was a marked increase in the number of killings by beating, kicking and other means.

Obviously, it is not necessary to have a gun to commit murder. But political crackpots, as well as common criminals, find that guns are handier and more efficient than other weapons. Indeed, the possession of a firearm can be so valuable to a criminal that he will go to great lengths to obtain one. How, then, is the robber or would-be killer "deterred" from getting his hand on such a weapon, and from using it?

For many years, the British thought they had the answer. Unless you were a farmer, a sportsman, a soldier or a policeman on special duty, it was illegal to possess firearms. Since no law will make all citizens law-abiding all of the time there were always, each year, a certain number of "firearms offenses" in Britain. The interesting development in recent years, however, is that firearms have become virtually uncontrollable in Britain, despite the fact that gun-control laws have become more sophisticated and penalties for violations are far more severe.

For example, in 1940–44 only eight hundred persons were "proceeded against" for firearms violations in England and Wales, on a yearly average. More than a decade later, in 1956, the figure was still under nine hundred. Throughout this period, the penalties imposed by the old Firearms Act of 1937 were relatively light—mostly fines or a few months' imprisonment. But during the early 1960s firearms offenses increased so markedly that the 1937 Act was revised and, in 1965, heavier fines were supplemented by up to ten years' imprisonment if guns were used in the course of a serious crime or to resist arrest. By 1965 the number of persons proceeded against for firearms offenses had increased to 2,880; the figure had climbed to an unprecedented 5,275 by 1970.

The failure of the 1965 Firearms Act to control the illegal possession and use of guns in Britain became apparent during a period when all serious crimes in England—including homicides—were increasing at a staggering rate. When did this increase start, and why?

Let us first note that there was relatively little change from 1946 to 1956. The average total of all indictable offenses remained only slightly above 470,000 for those years. But by 1960, only three years after passage of the 1957 Homicide Act, indictable offenses were up to 743,713—and homicides (excluding vehicular homicides) had increased from a per capita rate of 1.8 convictions per million to 2.9 per million. By 1965, there was no doubt that Britain was experiencing the most shocking crime wave in her history—indictable offenses were up to 1,333,882 for that year alone.

But statistics did not prevent the "humanists" and the doctrinaire leftwingers in Britain's Labor Party from voting the complete abolition of capital punishment. They argued that nonapplication of the death penalty (as modified in 1957) really had nothing to do either with the new increases in firearms offenses or with the remarkable increase in crime generally. Apparently, the Labor Party hoped the more severe penalties in the 1965 Firearms Act would help prevent murder by gun, just as they hoped murder wouldn't increase once the death penalty—already weakened by the 1957 law—was no longer on the books.

WHAT REALLY HAPPENED?

In 1965 the homicide rate in Britain (combining convictions for both murder and nonvehicular manslaughter) had increased to 3.95 per million and it increased again to at least 5.8 (possibly higher) in 1970. Now it is hard for anyone to argue that a murder has occurred—in Britain or anywhere else—simply because the penalty for murder has been lessened. Not even the wisest judge or jury, or the cleverest defense lawyer or prosecuting attorney, can know *exactly* what has gone on in the mind of the murderer. If he claims that his crime was unpremeditated, perhaps he's talked himself into believing this even if the judge and jury decide that the evidence is all against him. It is extremely difficult, however, to argue that armed robberies—whether or not they end in murder—are unpremeditated.

In every armed robbery, there is a certain amount of planning on what sort of weapon to obtain and how to use it. How, then, would most people judge the evidence if it could be shown that, with every step toward the weakening and eventual abolition of the death penalty in Britain, armed robberies increased along with homicides?

In the October 1971 issue of the British Police Federation's monthly magazine, *Police*, Chief Inspector Colin Greenwood, a firearms expert from Yorkshire, published just such a study. He showed that, in the metropolitan area of London, armed robberies from the end of World War II up until 1956 were relatively few (between 130 and 138 per year). But following the 1957 Homicide Act, the incidence of armed robberies in London increased as did homicides generally in England. By 1965, when the Labor government decided to abolish completely the death penalty for murder, armed robberies in London numbered 702; by 1969, the last year of Greenwood's study, they had jumped to nine hundred fifty. The use of firearms in these robberies—rather than other weapons such as iron coshes or knives, increased from nineteen cases in 1956 to 272 cases by 1969. And a report just released shows an appalling increase of 42 per cent in murders in 1971 over the year before—177 murders in 1971 as against 106 in 1970.

There is no way to explain why conviction figures both for murder and manslaughter increased so steeply after 1957—along with armed robberies, firearms offenses, and annual figures for all indictable offenses known to the police—without noticing that, until 1957, the killing of another human being, whether in cold blood, in a robbery or in the heat of personal passion, always meant a "murder" trial and, except in cases of insanity, a strong probability that the killer would hang. After passage of the 1957 Homicide Act, criminals stayed away from guns—and kicked or bludgeoned or knifed their victims to death—only until it became clear that even to kill someone with a gun in Britain no longer meant that you would have to hang for murder. Your lawyer might now plead manslaughter: If he failed, there was now always an appeal. And it is still that way in Britain, for even with the death penalty completely removed from the books, you can appeal to have your murder conviction changed to "attempted murder" or "wounding with intent"—even though the victims are all dead—and be out of prison again in two or three years.

The failure of gun controls in Britain is probably the best evidence available anywhere in the world to demonstrate that it is only capital punishment—the criminal's fear of "judicial homicide"—which deters the predators in human society from taking the lives of innocent victims if they are strong enough, are armed with firearms, and know they won't die for the murder they have committed. These British figures are relatively unknown in the U.S. They would have had relevance in the congressional debate on gun control that followed in the wake of the Wallace assassination attempt.

LIFE IN A COMMUNIST CIVILIZATION

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. BLACKBURN. Mr. Speaker, during my three terms in the House I have heard many people extol some of the virtues of the Communist system of government and infer that the United States should not continue its policy of trying to contain the expansion of communism. I think that the precious freedoms we now have would never survive under any form of communism. This has been proven to be true throughout the world.

Recently, the Wall Street Journal carried a book review regarding life in a Communist civilization. I would like to commend to the Members of this body that they either read this review or the book itself, because of the insight it would give them in debating the effects of a Communist civilization upon individuals.

The Wall Street Journal article follows:

THE BOOKSHELF

(By Edwin McDowell)

A well-known story in Warsaw tells of a new prisoner being asked by his cell mates what sentence he received:

"Ten years," he replied.

"For what?"

"For nothing."

"You're lying. For nothing they give at most five years."

That is just one of the many tales that Leopold Tyrmand sprinkles throughout his witty primer on Communist civilization, "The Rosa Luxemburg Contraceptives Cooperative" (Macmillan, $5.95, 287 pages).

Author Tyrmand, a Polish liberal who was imprisoned by both the Nazis and Russians, admits at the outset that his book abounds with intentional hyperbole of an existing reality.

For he insists that hyperbole is truer than a hundred objective treatises, since how else can one objectively explain a legal system in which the prosecutor is always right? How can one objectively describe the institution of a political police whose raison d'etre is to create culprits where none exist?

How else can one objectively examine the morality of people who build careers by hunting down and destroying the slightest manifestation of free thought, while abroad they deliver speeches about their struggle for freedom and the independence of the human spirit—and their Western listeners believe what they say?

Mr. Tyrmand, who came to America in 1966, acknowledges that his attitude toward communism—his hatred of the evil it contains and his fear of its metaphysical power to hold more and more evil—is the result of his life under communism.

He unapologetically depicts it as an unrelieved system of terror, one that erodes individual dignity and depraves those who try to coexist within it. "Never in the history of the human race," he writes, "have social conditions brought out so many of the worst features of human nature, so much mutual hatred, organized crime, intensified coercion, and cutthroat indifference of man toward man."

Yet his book, despite its somber theme, is never shrill. Even when his opinion is never in doubt, his sprightly sense of humor prevents it from lapsing into an angry monotone.

Take his description of the ubiquitous secret police, who he says act as the conscience of communism. Terroristic they may be, but they are the only area of life under communism that fuctions effectively, he insists and in terms of ingenuity, functionality and utility, they are the most perfect product of communism.

Thus if a security officer kills a citizen by mistake, in pursuit of his mission "to keep the sacred fires of love for the party alive in the citizens' souls," the police will tell the family that the slain man was a CIA agent—"even if he were deaf, dumb, and legless from birth. The man who killed him will receive a decoration for vigilance in the fight against the enemies of the people. . . ."

There are the blatant Orwellian lies in which day is depicted as night, right is wrong, good is bad, and history is rewritten to conform to the latest Party dogma. But there are also the ever more subtle lies, so that the Communist artist who wants to paint a picture "must take into consideration what his picture will mean to the Party, the government, the trade unions, schoolchildren, the approaching anniversary of Lenin's birthday, the ministry of industry if he wants to paint a steel mill, or the ministry of agriculture if he intends to paint a strawberry."

The composer who calls his symphony "Holiday of Spring" can win at most an artistic success, but if he calls it "Holiday of the Revolution" or "Cantata of Lenin," he will be showered with awards and continual performances on the radio and in the concert hall.

Mr. Tyrmand spoofs the elaborate names devised supposedly to express working class affirmation of life and the Communist system, names such as "The Happiness of the People" "Cooperative for the Sanforizing of Fabrics," or the "Happy Future Workshop of Wooden Buttons." The book's title derives from the name proposed for a Rumanian cooperative devoted to the manufacture of prophylactics, a proposal ultimately rejected for the more orthodox title, "Workers' Solidarity" cooperative.

The book is a Whole Earth Catalogue for trying to cope with life under communism. It gives practical advice for talking on the tapped telephones, explains where to mail letters with the flickering expectation that they might be delivered after they are read by the authorities, dispenses advice on how to try to coexist with the Kafkaesque bureaucracy, and explains how and whom to bribe under a suffocating system that is a paradise for operators and opportunists.

Like a Polish Parkinson, author Tyrmand formulates whimsical principles, laws and edicts on everything from the virtue of informing on family and friends to the absolute necessity for Communist regimes to run up 99.89% election victories (since a 99.87% vote would be greeted by the regime's subjects as s sure sign that the Communists had lost).

Yet sandwiched between his ripostes and deft verbal thrusts, the message is unmistakable that communism, which seized power in the name of the worker, subjugates the worker more efficiently than any social system of our time. It has imposed a system of glaring injustice and ethical deterioration, putting a premium on pettiness and meanness.

The author acknowledges that much of his description of life under communism differs from periodic optimistic reports in the Western press. Yet he insists that only someone who has lived under communism, who has experienced first hand the spiritual and physical degradation of life in a thoroughly regimented society, can separate appearances from reality.

And one of the few times he departs from a generally wry assessment is to criticize the gullibility of a West that is taken in by glittering promises and by such "notorious professional nonconformists" as Ehrenburg, Yevtushenko and others who express not the slightest contrition at having served the Stalinist evil, but instead demand recognition, respect, and sympathy for no longer serving evil.

The overall impact of this book adds up to a phantasmagoric chamber of horrors, a vision of *Schrecklichkeit* every bit as bad as that described by Alevander Solzhenitsyn. It is a tribute to the author's skill that, perhaps because he felt a straight-forward account would be too much for some readers to accept, he is able to infuse even this dreadful subject with a persistent sense of humor.

WOMEN SHOULD APPLY TO WHITE HOUSE FELLOWS PROGRAM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. FRASER. Mr. Speaker, the President recently announced a national search for outstanding young men and women to serve as 1973–74 White House fellows.

The White House fellows program, originated in 1964 and funded by tax moneys and contributions from major foundations is a Cabinet-level program to provide exposure to top levels of Government for 15 to 20 individuals. The fellowship consists of a year of Government service in Washington, D.C., at salaries of up to $27,289. Fellows serve on the White House staff, with members of the President's Cabinet, and with Federal agency heads.

Although the program is open to all individuals between the ages of 23 and 36 except civil service employees, the program has been consistently dominated by men. This year only one of the 17 fellows is a woman. In the program's 8-year history less than 8 percent of the participants have been women, and rarely has a married woman been accepted.

The President's Commission on White House fellows blames this lack of female fellows on a dearth of applicants; less than 10 percent of the applications have been filed by women. The Commission admits that it has "not reached the potential female applicants or that for some reason those who are qualified simply are not applying." Not until last year were there any efforts to recruit women.

All Members of Congress should encourage qualified young people in their districts, particularly women, to apply to the fellowship program. Application forms and additional information can be obtained from the President's Commission on White House Fellows, the White House, Washington, D.C. 20500. The deadline for applications is December 15.

The Commission asks that the fellows "give promise of providing the kind of leadership that will influence the shape of our society for many years to come." Women must not be excluded from the White House fellows program. They constitute one-half of the leaders and shapers of our society.

IN GERMANY: THE END OF ASSIMILATION

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 1972

Mr. HALPERN. Mr. Speaker, we have just completed the high holiday period marking the beginning of the Jewish year 5733. The 10 days between the holy days of Rosh Hashanah—the New Year—and Yom Kippur—the Day of Atonement—are a time of deep contemplation. The individual ponders the events of the past year and prepares himself for the future. Remembrance is one of the key themes as Jews the world over recall what has occurred to them individually and as a people.

This particular new year began on a very tragic note with the massacre in Munich, Germany, of 11 members of the Israel Olympic team. As we recall this barbaric act, we are reminded once again of similar events of 30 years ago in that same part of the globe.

A very moving article in the New York Times of Sunday, September 3, describes the impressions and emotions of a traveler as he visited the places where the holocaust of the Second World War took place. Stephen Birnbaum was in Germany on a business trip. On Yom Kippur, he felt compelled to visit a synagogue for the first time in 18 years. He had begun to experience self-consciousness in being in that country and his emotions were intensified as he saw the remnants of Regensburg's Jewish community, many still bearing the tattoos of the death camps on their arms, struggling to raise the necessary quorum of 10 men for prayer. In his own words, "I closed my prayer book, sat back and cried." He was unable to remain an "assimilated Jew" any longer.

I believe that this article is well worth our attention during this season. So that we too may recall the past and weigh the future at this start of the new year 5733, I submit it in its entirety into the RECORD:

IN GERMANY: THE END OF ASSIMILATION

(By Stephen Birnbaum)

I think of myself as an assimilated Jew. I say that without any particular pride or passion, but merely to provide a perspective for what follows. It was because I consider myself assimilated that I was able to plan a business trip to West Germany last fall without ever thinking twice. It was a trip of more than 2,000 miles through much of the country and I can honestly say that I regarded it as just another job. I left New York on the first night of Rosh Hashanah, 5732.

A flight that leaves New York in the early evening lands in Frankfurt am Main at dawn. Dulled though one's senses might be so early in the day, the impression the Frankfurt airport makes is strong and irresistible. Miles of rubber-clad corridors, with large windows and chrome and aluminum walls and railings, present a strikingly austere and sterile appearance, like something out of Stanley Kubrick's "2001." The poured-concrete buildings are starkly simple, and at dawn there are few signs of activity.

I was surprised by the informality of German immigration and customs procedures, which were, I thought, rather atypical for a country known for strict adherence to rules and discipline. Passports weren't checked or stamped; luggage wasn't inspected. This struck me as odd, but not quite as odd as the fact that I was entering Germany on the second day of the Jewish New Year.

At the exit gate a West German corporate executive who would serve as my driver and guide throughout my stay in Germany was waiting. We would be together constantly for the next 10 days. He was tall and erect, an imposing figure of about 60. Subtract 32, I suddenly thought, and that would make him about 28 at the start of World War II. I found myself wondering what military unit he'd been a part of, and my attitude became hostile. It was an automatic and unreasoning response, yet one I wouldn't shake for most of my stay in Germany. For whatever reason, I perceived my guide-to-be as an instant enemy, and my reaction to him surprised me. After all, I'm a thoughtful and reasonable man. I don't judge people irrationally, and besides, I'm a totally assimilated Jew.

The guide—I'll call his Hans—didn't help things much with his greeting. "Birnbaum," he said, "that's a German name, isn't it? Means pear tree. Tell me, do your people come from Germany?"

It didn't seem worthwhile to explain that while my father's roots were undeniably German, my ancestors had joined a 13th-century Jewish migration to Poland. After all, the move, though made seven centuries before, hadn't saved my father's parents and five sisters from Hitler. So I replied, "Yes, they came from Germany."

"It must have been *difficult* for them during the war," said Hans in clipped, crisp tones.

I nodded, at a loss for an answer. Suddenly my grandparents, my aunts and their husbands, their unknown numbers of children, were real to me. I had been about 6 years old when my parents learned of their deaths and I had never seen any of them. I had never even thought about them before but now I was trying to imagine what they had been like. It had been two steps onto German soil and just a few words from the first German I had met to evoke this reaction. Talk about consciousness raising....

My musings were interrupted by Hans. "But that is all over now," he said, "it is all forgotten. It is all in the past, and we must live for today. Let us now concentrate on enjoying the beauty of today's Germany."

My ears heard and my mind actually agreed. This was, after all, supposed to be a rather pleasant business trip. But there was something rumbling in the pit of my stomach, something I couldn't control.

The uneasiness I experienced in that first conversation with Hans was shunted to the back of my mind once I got involved in my work, for business in West Germany is conducted in much the same way as in Akron or Atlanta. And in Frankfurt, a totally rebuilt, modern city, generally indistinguishable from most major American cities, everyone I met spoke English.

A PLEASANT INTERLUDE

From Frankfurt my schedule took Hans and me through the beautiful Rhine valley. Medieval castles, high above steep vineyards and the bustling river, made the stretch of road from Mainz to Cologne a more than pleasant interlude.

Once in Cologne, I was off to the mammoth ANUGA Fair, a biannual event that caters to West Germany's thriving hotel and restaurant business. For nine days the good burghers of Hamburg and the beer barons of Bavaria inspect every conceivable type of sausage, strüdel and sauerkraut. For me the fair was a long series of meetings.

The meetings were fine but my local interpreter gave me a bit of a jolt. He resembled nothing so much as a character from the cast of an English drawing room comedy, the one who bounds in from stage left, handsome and blond, wearing impeccable whites, raquet in hand, and asks, "Tennis anyone?" The interpreter was blond and wore a perfectly pressed white suit and though a little past the age of a male ingenue, was no less enthusiastic. "I am Guntar," he exclaimed. "I speak perfect English. I learned it in a prisoner of war camp." His smile was dazzling.

I shook my head in disbelief. How is it possible to make that statement out loud, I wondered, much less with obvious pride? He actually seemed proud to have been a prisoner; after all, hadn't he learned English? Why wasn't he even a little bit ashamed or self-conscious? I didn't expect breast beating and the rending of his garments, but did he have to come on this way? I ended up being embarrassed, and I didn't understand the feeling at all.

From Cologne we rode through the Ruhr valley with its huge factories and mills whose predecessors had once fueled the German war machine. From there we traveled along the rolling plains of Westphalia, passing an endless succession of spotless farms, all with austere red brick farmhouses. Then north to Emsland, to a small village not far from the cold North Sea coast, where I was invited for my first meal in a German home.

The home could hardly have been called typical. Though very much in the regional style of architecture, it was more than 500 years old. It was, however, fully restored, for restoration was a great hobby of my host. Long hallways led to large, drafty chambers, and if I had heard the cry of "Off with his head!" it would not have seemed the least incongruous. Dinner was formal and restrained, with somber servants bringing course after course. Cigars and lethally strong brandy followed, and they in turn, were followed by a tour of the house.

As we walked along, old suits of armor stood rigidly at attention. Coats of arms and ancient standards hung forlornly from the walls and ceilings. We made our way through a narrow passageway and finally entered a long hall hung with large oil paintings. "This was my great-great-grandfather," said my host, pointing to a portrait of an archduke of somewhere or other. Next came a couple of counts, a baron or two and some miscellaneous civil dignitaries of apparently unquestioned importance. Then he pointed over my shoulder. "And that," he said, with obvious pride, "is my father."

The portrait was not as large as some of the others but it was no less impressive. The father stared out at his son with steely blue eyes and a fiercely determined jaw. His resoluteness was what the artist had primarily attempted to capture, and he had succeeded. Here was a man of bearing and purpose. The artist had missed nothing, right down to the highlights on the lacquered brim of the black military cap and the shining silver SS initials on the collar.

I felt my dinner rising and uttered silent, grateful thanks that I was able to keep it down. I was speechless. What am I doing here? I thought. What am I doing calmly breaking bread with the son of a Gestapo officer and then casually taking a tour of the "family album" I found it absolutely impossible to remain in the house a moment longer.

My exit was clumsy and confusing. I'm sure my host still thinks that all Americans are quite mad, but my need for air was such that I gave no thought to good manners. Once out of the house, I shook with anger. It was uncontrollable. Five days in Germany had uncovered an identity I had labored a lifetime to minimize. I was a Jew; there was no getting away from it. And I felt a Jew's

anger, a Jew's frustration. Assimilation or not, I was in a rage.

VICTIM OF HOSTILITY

Until that night I had been focusing all my undefined belligerence on Hans. A nice man by any objective standard, he nevertheless evoked my initial uneasiness at the airport, and so I had directed my hostility at him. Nothing downright mean, mind you, but I just was not very friendly. Fortunately our driving sessions between stops were relatively short, and conversational necessities were few. But he tended to aggravate the strained atmosphere by laughingly referring to himself every so often as an "old militarist."

I felt so disquieted after the painting episode that I decided to eliminate scheduled visits to Hamburg and Berlin. They were stops that were not essential to my trip and I had neither the heart nor the stomach for them. But passing them up meant a 375-mile drive from the northwesternmost area of West Germany to Regensburg in the southeast, and a full day in the car with Hans.

The trip itself was pleasant enough; the West German autobahns are among the best roads in Europe. And the conversation, surprisingly, was equally pleasant. Hans was something of a local historian, and he spoke knowledgeably about the towns and cities through which we passed. He also spoke happily about his job and proudly about his wife and children.

After a while our conversation shifted to politics and suddenly Hans did not sound quite so much like an "old militarist." Though Eastern European Communism seemed a real threat to him, he turned out to be not the least interested in having West Germany raise a larger army. In fact, the notion of a larger German Army seemed to worry him more than the Communists.

"Have you read Albert Speer's book about the war?" I asked, apropos of nothing. He hadn't. He had, however, heard of the book written by Hitler's personal architect and later Minister of Armaments, and was anxious to read it. "I knew Speer," he said pensively, "and I like him very much. He was a very able man." Then he paused a moment, reflected, and added, "He saved my life."

Hans had been working in a factory during *Kristallnacht*, in November, 1938, when an orgy of window smashing, arson, property destruction and murder victimized Jews all over Germany. Hans's maternal grandmother was Jewish, and under German law Hans was, therefore, a Jew. He was among thousands arrested that night, and was slated to go to a labor camp, and probably a concentration camp and gas chamber later on. Speer personally intervened and undoubtedly saved his life, not out of any particular compassion for Jews but because Hans's technological expertise was too valuable for the fatherland to lose. Speer protected Hans all through the war by destroying the evidence of his Semitic forebears.

Some "old militarist!" My surprise was total. Suddenly I had what almost seemed like a coreligionist riding next to me, and the saying about feeling more comfortable with your "own" proved to be quite accurate. Hans had probably never seen a Jewish service in his life, or spoken to more than two Jews, but to me he was now a kindred soul. In the space of three minutes my whole attitude had changed. I now felt I could ask him to help me with a project I'd been considering since early morning.

"Tomorrow we'll be in Regensburg," I said, "and it is Yom Kippur."

He nodded, and apparently I didn't need to explain the meaning of the holiday to him—that it was the Day of Atonement. "There is a temple in Regensburg," he said, anticipating my next question. "Do you wish to go?"

"Yes," I said. "Can you arrange it for me?" He nodded, then fell silent until we reached Regensburg some hours later.

We arrived in the city shortly before sundown, and Hans barely had time to call and ask permission to attend the services and to get directions. They were more than happy to have me. Regensburg is old, with ruins dating back more than 2,000 years, and its position at the point where the Danube River becomes navigable has made it a center of commerce for centuries. The streets are narrow and winding, and there are many dark alleyways. We decided to try to find the temple before going to bed that night, anticipating some difficulty. But we found it barely a block from the city's main commercial thoroughfare.

I hadn't been in a synagogue for more than 18 years, and in the morning, with the services scheduled for 9:30, I presented myself promptly at 9:25. The only other person in the synagogue was the cleaning woman. She looked at me and I returned her stare. We said nothing. After a few moments she tucked her dust cloth into an apron pocket, lifted her broom and left the room. Now I was totally alone.

The synagogue was very small and appeared to be fairly new. It was simplicity itself, its clear rectangular lines broken only by a raised platform at the front. On the front wall was the enclosure that held the rolled scriptures. The only decorations in the room were two velvet and brocade cloths on the side walls, rescued from the ruins of synagogues built over a century ago. Beside each were small cards attesting to their origin. There were perhaps a hundred folding chairs arranged neatly in rows, with a small section at the back of the room separated from the rest by a low, movable screen. Apparently the Jewish Orthodox tradition of separating the sexes was still being observed in spirit.

For about 15 minutes I remained alone. Then two old men entered and nodded to me. Between their halting English and my nearly nonexistent German I was able to determine that one of them had taken Hans's call the night before, and that they were expecting me. They seemed unusually glad that I had come. Their happiness, however, did not preclude a reproving look as they handed me a black paper skullcap and indicated the top of my head. I put it on a little ashamedly.

The two men moved to the front row and each put down a paper parcel he had been carrying. Each parcel contained slippers and an embroidered velvet bag. The men unlaced their shoes, placed them neatly under their chairs and put on the slippers. Then they placed the small velvet bags on their laps. I knew those bags well, and for an instant I was an 8-year-old boy again, sitting beside my father in temple. His velvet bag had been blue with gold embroidery and it had held the prayer shawl he had received from his father as a boy in Poland.

TRAGIC SOUVENIRS

One of the old men was looking at me. Without warning or comment, he pushed up his left sleeve. There, on his forearm, was a concentration camp tattoo consisting of indelible blue numbers, a mark of horrors seen and survived. His companion also rolled up a sleeve, revealing his own tragic souvenir. When they were sure I had seen, they let their sleeves fall back into place, and in the same matter-of-fact manner unzipped their velvet bags and took out their prayer shawls.

Now a bent old man shuffled slowly into the room, much older even than the two who had preceded him. They all exchanged holiday greetings, and then the old man was introduced to me. He, too, rolled up his sleeve to reveal his own blue numbers, then moved to the other side of the hall where he took a long white cotton caftan from a paper parcel and slipped it over his worn blue suit. He also changed from street shoes to slippers.

It was now 10 o'clock, and there were but four of us in the temple. Then an old woman arrived, followed by another. They exchanged greetings and retired to their prescribed section at the back of the hall. Neither of them greeted any of the men, and the men did not acknowledge them.

Ten minutes later a single man arrived, followed by another with his teen-age son. The son and I were the only persons in the room under the age of 60. Each new arrival was introduced to me, and every one (with the exception of the teen-age boy) went through the sleeve-rolling ritual. The tattoos seemed to be a bond between them, a symbol of tragedy shared.

At 10:25 two more men arrived, one of whom was introduced as the rabbi. He was a shopkeeper in the city. Conversation had switched from German to Yiddish, becoming animated with the entrance of each new arrival. But after a while the talk ceased and the old men stood around toeing the carpet. It was an hour after the services had been scheduled to begin. Then something suddenly dawned on me: They didn't have a minyan, the quorum of 10 men needed to hold a Jewish service. On Yom Kippur morning, the holiest day in the Jewish calendar, they couldn't find 10 men for a service. No wonder they had been glad to hear from Hans that I would be coming.

THE 10TH MAN

Names were mentioned as those assembled searched their minds for someone to summon so the service could be held. Then came a collective sigh of relief as a figure appeared in the doorway. Enter the 10th man.

Unlike the others, who wore navy blue suits, the new arrival was dressed in brown. His suit was of British cut, with a nipped-in waist and flared trousers. He must have been the same age as the rest, but his deep tan contrasted sharply with their sallow complexions. He wore highly polished brown boots, a pink shirt and a wide red tie. Large gold links shone at his cuffs, and a star sapphire sparkled on his pinky. The rabbi rushed to greet him warmly. They were obviously not strangers. After they had exchanged greetings in Yiddish, the rabbi brought him over to me. "From America," said the rabbi, pointing first to one of us, then the other. The new arrival sat down beside me.

The rabbi reached over to one of the chairs and picked up a prayer book. Already the bent old man in the caftan had gone to the lectern and was beginning to pray. The rabbi opened the prayer book to the proper page, pointed to a passage, then handed the book to me. He then moved onto the raised platform at the front of the room.

"Ben Mandel, Plainfield, New Jersey," said the man sitting beside me. We shook hands. As the service droned on around us, we spoke, and it seemed that Ben, like myself, was there more to be present than to pray. He told me about his new home in Plainfield, his business, and about the hotel he owned not far from where I once lived on the West Side of Manhattan. We talked about why he had left Manhattan for the suburbs: the dirt, the violence, Mayor Lindsay. Then I asked, "How do you happen to be in Regensburg?"

"I was liberated here," he replied. Then he rolled up his suit and shirt sleeve to reveal his own set of numbers on his left arm. They stood out starkly despite his tan. "I come from a small town not far from here," he said. "First my brother and I were sent to a labor camp. That was in the late thirties. When Hitler decided that he didn't even want Jews as laborers in his precious Germany, we were shipped to Auschwitz. The two of us were sent there with our sister. She died in the camp."

He paused for a moment. It appeared he hadn't told this story in a long time and it was hard for him.

"We were just lucky. If the Allies had arrived a few days later, I would be fertilizing the fields. They liberated us in Regensburg, and we lived here for a while. Then my brother decided to go to Israel, and I went to America. I can't complain. I've done very well. So every year I visit my brother in Tel Aviv for Rosh Hashanah and spend a week there with him and his family. Then I come here for Yom Kippur.

"It helps me remember how lucky I've been. It makes me remember how it was. Besides, there aren't many Jews left here, just these few old men. Once 10,000 Jews lived in the area, now they can hardly make a minyan on Yom Kippur. Imagine."

The bent old man held firmly to his lectern as he rocked back and forth. The other members of the congregation, all wrapped in silk prayer shawls with long fringes, rocked with him, reciting the ancient prayers.

I closed my prayer book, sat back and cried.

Germany is not the place for an assimilated Jew to visit if he expects to stay assimilated.

CURRENT EFFORTS TO SECURE RELEASE OF THREE AMERICAN PRISONERS OF WAR

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. DRINAN. Mr. Speaker, three American prisoners of war, Navy Lt. Markham L. Gartley, Navy Lt. Norris A. Charles, and Air Force Maj. Edward K. Elias, are about to leave Hanoi, North Vietnam, on their way back to the United States.

Whatever the purpose of the North Vietnamese Government in releasing these men, it is important to bear in mind certain aspects of this matter:

First. Under the Geneva Convention and the established traditions of warfare, the Government of North Vietnam was under no obligation to release these men while hostilities are still in progress.

Second. While this is not the first release of American POW's since the war began, it is the first release in over 3 years.

Third. Whatever their legal obligation to the military authorities, the men being released, having been in captivity for periods ranging from 4 years to 5 months, have already rendered a greater service to their country than the vast majority of their fellow citizens and are entitled to gratitude and special consideration on the part of their Government.

Both the history of past releases and stories appearing in the newspapers today suggest that an effort will be made by U.S. military authorities to assume custody of the men for an extensive period of medical examination and debriefing at the earliest possible opportunity following their departure from North Vietnam.

I believe that for a number of reasons it would be more appropriate to permit the men a period of rest and recuperation immediately upon their arrival in the United States before requiring them to return to military control. The men have made such a request to the President in writing.

Such a gesture of reciprocity on the part of the U.S. Government might help to create the climate of goodwill and cooperation which is so desperately needed if the stalled peace negotiations are to get off dead center.

The men richly deserve the opportunity to relax with their loved ones before returning to military control. Satisfactory arrangements could no doubt be worked out to provide them with whatever medical attention they might need during this period through civilian channels.

Even the appearance of pressure on the men by the military authorities following their release would almost certainly jeopardize the release of other prisoners of war and should therefore be avoided at all costs. Hanoi has made this abundantly clear.

Like all Americans, I welcome these gallant men back to our shores and rejoice with their families at this unexpected reunion. I urge the President and the Secretary of Defense to treat the return of these men in a manner befitting the sacrifices they have endured for all of us while taking advantage of the diplomatic opportunity opened up by their release.

I therefore call upon the President, in a spirit of bipartisanship, not to interpose military pressures on these men as they are being released. I also call upon the Secretary of Defense not to reiterate claims about the alleged implications of the Geneva Convention on release through civilian channels. Those claims are without merit as a matter of law, but more critically they render extremely difficult all efforts to obtain the release of prisoners of war.

Mr. Speaker, I insert in the RECORD at this point the statement made in New York today on this issue by Bishop Moore, Rabbi Brickner, and Bishop Gumbleton. I endorse their position without reservation and urge all others in this House, regardless of party, to do so.

The statement follows:

PRESS RELEASE, NEW YORK CITY, SEPTEMBER 25, 1972

The following statement was issued here by the Right Rev. Paul Moore Jr., Bishop of the Episcopal Diocese of New York; Rabbi Balfour Brickner, Director of Interreligious Affairs, the Union of American Hebrew Congregations; and the Most Rev. Thomas J. Gumbleton, Bishop of the Roman Catholic Archdiocese of Detroit. Each was acting in a personal capacity. A copy of the statement was sent to President Nixon.

Three American pilots who have been in North Vietnamese captivity for periods ranging from four years to five months, are in Hanoi waiting return to the U.S. The North Vietnamese Government, which was under no legal duty to release these men prior to the end of the war, has asked for assurances that they be allowed to return via civilian aircraft, and in the company of the American civilian delegation who went to Hanoi last week to bring them back. This group includes the mother of one man and the wife of another.

The Administration answered this request by dispatching to the Vientiane airport where it was thought the men were to arrive on Saturday, a party of high level American diplomats led by the American Ambassador to Laos. A military medical evacuation plane was also standing by on the airfield ready to take the men away.

Furthermore, Defense Secretary Laird has declared that he would "advise" the men to return through military channels and that the type of release envisaged by the North Vietnamese is unacceptable to the U.S. Mr. Laird also made the totally baseless charge that a return through civilian channels would be a violation of the Geneva Convention. Article 117 of the Geneva Convention on the treatment of prisoners of war does not prohibit the return of repatriated prisoners to active military duty. However, the contention makes no requirement concerning the manner of release, where such release is not the product of negotiation between two hostile powers.

All of this has occurred in the face of a clear warning by the North Vietnamese that such interference would jeopardize possible future releases.

It may be difficult for the Administration to accept the fact that the very nation against which it is waging a war of extermination of unparalleled ferocity is capable of acts of good will and humanity. But those Americans whose sense of compassion has not yet been obliterated by this long and brutal war, must surely feel that these and future prisoners of war should be allowed to return to this country by whatever means.

We therefore urge the President to instruct the Secretary of Defense to refrain from any planned or actual interference with the impending return of the three men who are now released and ready to leave North Vietnam as well as any prisoners who might be released in the future.

SWEET ADELINES CELEBRATE 25TH ANNIVERSARY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. ASPIN. Mr. Speaker, recently I introduced a resolution calling upon the President to recognize the week of April 8 through 14, 1973, as "National Barbershop Harmony Week." I introduced this legislation largely as a measure of recognition for the 35th anniversary of the Society for the Preservation and Encouragement of Barbershop Quartet Singing in America.

Recently I learned that the Sweet Adelines, a women's barbershop harmony organization with an international membership of over 20,000, is celebrating its 25th anniversary this year. This organization has chapters in all 50 States, as well as Canada and England, with one active club in my hometown of Racine, Wis.

The 25th anniversary convention of the Sweet Adelines is being held in Salt Lake City next month, and I think it only appropriate that this group be recognized in connection with my resolution to honor this native American musical form by the designation of "National Barbershop Harmony Week" next April.

PHILIPPINES AND THE COMMUNIST CRISIS IN THE FAR EAST

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. RARICK. Mr. Speaker, while the Congress agrees to limit our military defenses to a secondary role under the interim SALT Agreement and we send wheat to Russia to feed its army and technical know-how to develop its industrial might—all in the name of pursuing the peace—it is well to review the latest Communist activities to appreciate the true meaning of the Communists' quest for peace.

President Marcos of the Philippines has suspended the Constitution of that country and declared martial law. Reportedly, increased Communist bombings and other terrorist activities prompted Marcos to take this action to protect his nation from the threat of Communist subversion.

President Nixon's recent visit to Red China, a rebuff to Japanese Premier Sato, forced him to resign to save face. Now his replacement, Premier Kakuei Tanaka, as if to repay our undiplomatic blunder or to imitate our mellowing attitude toward communism, starts his visit to Red China today. Proposed transferral of the Japanese Embassy from Taiwan to Peiping must also be regarded as a sign of new independence of U.S. policy.

West Germany having already entered into a nonaggression treaty with Moscow will continue courting communism. Foreign Minister Scheel has announced that he will visit Peiping next month.

It appears the present U.S. leadership has advanced the cause of world communism more in the past 1 year than communism has been able to accomplish on its own since the Roosevelt era.

I ask that related news clippings follow my remarks:

[From the Washington Star and Daily News, Sept. 23, 1972]

PHILIPPINES PLACED UNDER MARTIAL LAW

The Philippines proclaimed martial law, closed down major newspapers and radio stations and cut communications with the outside world today for the first time since gaining independence from the United States 26 years ago.

The drastic measures came amid unrest caused by the country's worst summer floods in history and a growing wave of bombings and terrorism culminating in an unsuccessful attempt to assassinate the defense secretary yesterday.

An expected broadcast by President E. Marcos was not heard by evening. Philippine radio stations still on the air played uninterrupted music.

Sketchy reports filtering out of the troubled nation indicated the military appeared to be playing a subdued role and martial law was not being enforced in Cebu and Mindanao, from 350 to 600 miles south of Manila.

Government sources said Marcos signed the martial law decree transferring power to local military commanders late yesterday. But other reports said the proclamation was dated Thursday, and had been prepared before Defense Secretary Juan Ponce Enrile and his aides escaped unscathed from shots fired into Enrile's car by unidentified gunmen who fled.

A Manila police spokesman said three senators of Marcos' opposition, the Liberal party, and a newspaper columnist were arrested, but gave no reason.

(Passengers arriving in Hong Kong today from Manila aboard a Cathay Pacific air flight said Manila was calm when they left, United Press International reported. German businessman Hartey Burmester said there was little traffic and that Filipinos were not allowed to leave the country. Hong Kong merchant Dennis Yuen said he saw nothing unusual except for extra police and armed troops at the Manila airport. John Dawson, an English tourist, said he did not see too many soldiers on the street but there were army men in front of the government offices. Otherwise the situation was calm.)

Gunshots were reported on the campus of the state university, where classes were ordered suspended. The university has been a center of leftist activity.

Marcos, whose second term as president ends next year, has warned recently of increasing Communist terrorism. He said in a speech last week that martial law might be needed to combat it.

Police without warning shut down all of Manila's newspapers and all major radio and television stations before there was any announcement of martial law. Employees of The Associated Press, whose Manila office is in the Manila Times Building, were ordered home without explanation.

USE CABLES, PHONES

With access blocked to normal circuit, AP newsmen used commercial cable and telephone to report developments until the government cut those channels. Shortly before the cutoff, AP Correspondent Lynn C. Newland cabled New York that there would be no communications for 24 hours.

The American Telephone & Telegraph Co. said the Philippine government had ordered that calls to Manila be refused.

A report reaching Singapore before the cutoff said Marcos used a special police force called Metrocom to close newspapers and radio stations and that the martial law proclamation covered 12 principal regions, including greater Manila.

Bombings and other terrorist activity in the Manila area have killed one person and wounded at least 20 others in the last two months. Gunfighting and other violence, crime, political turmoil and corruption have long been commonplace in the Philippines.

The arrested senators were identified as Ramon Mitr, Ramon Diokno and Benigno Aquino Jr. The columnist was Maximo Soliven of the Manila Times.

[From the Washington Post, Sept. 25, 1972]

MARCOS TAKES OVER AIRLINES AND UTILITIES IN EMERGENCY

MANILA, September 24.—President Ferdinand E. Marcos has ordered a military takeover of the three national airlines and all major utilities in the Philippines to guard against possible Communist action in the wake of the imposition of martial law, it was disclosed today.

A letter of instruction to Defense Secretary Juan Ponce Enrile released here said that the takeover was necessary to prevent any disruption of vital public services "in view of the present national emergency."

Marcos announced the proclamation of martial law last night in response to what he called an existing Communist rebellion "enjoying the active and material support of a foreign power."

He also announced sweeping national reforms to build a "new society" and the arrest of suspected Communist conspirators, including several prominent politicians and newsmen.

Included in the takeover were the Philippine Air Lines, Air Manila, Filipinas Orient Airways, the Manila Electric Co., the Philippine Long Distance Telephone Co., the National Waterworks and Sewerage Authority and the Philippine National Railways.

At the same time, the government announced restoration of domestic air services and the transmission of cables and telegrams within the country and to international points after a brief interruption. International flights were reported normal except for a ban on unofficial Filipino travelers.

Government officials reported that life in the island nation was proceeding normally despite the imposition of martial law and a midnight to 4 a.m. curfew. There were no signs of panic as thousands of civilians strolled through the city this morning.

The emergency measures forced the closing, at least temporarily, of most newspapers and radio and television stations. Only one daily newspaper, one television station and 3 radio stations were allowed to resume operations.

Foreign correspondents were asked to submit dispatches for clearance by the Information Department before transmission. A National Broadcasting Co. television crew was detained briefly after taking pictures without authorization.

Information Secretary Francisco S. Tatad told a news conference that in the first day of martial law, there were no serious incidents. He also said no major crimes were reported yesterday.

"This is perhaps a unique day in our history and if it continues, perhaps we can say we are moving towards a new society," he said.

Tatad said that Marcos today held his first Cabinet meeting since martial law was declared and that the president ordered his key officials to dismiss all "corrupt and incompetent" civil servants.

[From the Washington Star and Daily News, Sept. 25, 1972]

MARCOS BEGAN MARTIAL LAW BEFORE SHOOTING, AIDE SAYS

TOKYO.—The speaker of the House of Representatives of the Philippines, Cornelio T. Villereal, said here today that President Ferdinand Marcos had decided to declare martial law long before the incident that was reported earlier to have instigated the proclamation.

Villereal told newsmen that the imposition of martial law had been studied for a long time, had been decided on, and was in effect on Thursday, well before the ambush of Secretary of National Defense Juan Ponce Enrile on Friday evening.

Initial news dispatches from Manila indicated that Marcos had declared martial law after an attack on Enrile as he was riding in a car on his way home. Enrile and others with him were reportedly unhurt.

But Villereal said the ambush had no connection with the president's decision. Rather, he said, Marcos had made the decision earlier because of "excesses" in the exercise of Filipino freedom and the "pattern of subversion" that had developed there.

Villereal arrived here last night with a delegation of Filipino congressmen on a good-will mission to the Soviet Union, Britain, France and the United States.

OTHERS IN DELEGATION

Others in the delegation attending the news conference were Marcelino R. Veloso, majority floor leader; Joaquin R. Roces, assistant majority floor leader; Nicanor E. Yniquez, chairman of the Committee on Foreign Affairs, and Carmelo Z. Barbero, senior minority member of the Committee on Foreign Affairs.

Villereal also disclosed that the decision to impose martial law had been made by Marcos alone, without consultation with the National Security Council or with the opposition party.

Barbero, a member of the opposition Lib-

eral party, said that martial law had come as "a complete surprise" to his party.

The speaker indicated that he expected martial law to last five or six months, but said that he could not make an accurate prediction as to when it would be lifted. He said that he hoped that "normalcy could be restored" in that time.

Villereal, however, said he could not guarantee that the presidential election scheduled for next fall would be held. Marcos, now in his second term, cannot succeed himself. Barbero said, "We hope there will be an election because we think we will win it."

Villereal said that between 20 and 30 critics of the government, including Sen. Benigno Acquino, a leader of the Liberal party and possible presidential nominee, had been "invited" into military custody.

SUBVERSION CHARGES

Veloso said those arrested had been charged with subversion and "undermining the integrity of the Republic of the Philippines." He indicated that they would be tried either in civil or military courts.

Barbero expressed his personal support of Marcos' action.

Roces said that he did not think it would be necessary to call upon the Southeast Asia Treaty Organization, of which the United States is a member, for help even though Marcos has accused an unnamed foreign power of supporting subversives in the Philippines.

Villereal agreed, defending the imposition of martial law as necessary "To protect the citizenry of the country from being molested by lawless elements." He said the Philippines wanted foreign investors and foreign travelers to be safe there.

Veloso contended that suspension of the Filipino press and the censorship of foreign newsmen in the Philippines was required because of the "increasing tempo of efforts to destroy the country."

Villereal contended that "freedom, once it exceeds the limitations of freedom, becomes license."

"It is in the free press," Villereal asserted, "that the enemies of the republic ride on." He said that newsmen, several of whom were in military custody, had fanned a desire to overthrow the government. The Philippine constitution, he said; "is not lacking in forethought in curbing excesses of freedom."

MORE REFORM POSSIBLE

The speaker denied that the imposition of martial law was an admission by Marcos that his administration was unable to govern the nation, despite having been in power for seven years. But he agreed that Marcos had not done all he could have to bring about order and reforms.

Roces conceded that "democracy has not been working as well as it should" and that land reform, the disarming of private armies, and other reforms had been delayed by resistance and a lack of resources.

In Manila, the government announced that 53 prominent Filipinos, including two provincial governors, six members of Congress and seven newspapermen, have been arrested in the Manila region since martial law, the Associated Press reported.

Press Secretary Francisco Tatad provided the first official confirmation of the arrests over the single television channel still operating. All but selected media outlets have been closed and news being sent abroad is censored, AP said.

AP quoted Tatad as saying four of the prominent persons detained had subsequently been released. Besides politicians critical of Marcos and journalists, those held included leading left-wing intellectuals.

Others still under detention include Sen. Jose Diekne, member of the civil liberties union; and Sen. Ramon Mitra, another prominent member of the opposition, AP reported.

A palace official said the announced arrests covered only the Greater Manila area, suggesting that more have been made in the provinces.

[From the Washington Post, Sept. 25, 1972]

PEKING GIVES TANAKA'S VISIT TOP PRESS PLAY

(By John Burns)

PEKING.—When the date of President Richard Nixon's visit to China was announced the People's Daily reserved space for the item at the bottom of its front page.

But Thursday, when it announced that the visit of Japan's Premier Kakuei Tanaka would begin on Monday, the paper threw aside its reserve and accorded the item pride of place at the top of the page.

By giving bigger play to the Tanaka story, the editors of the Communist Party journal were giving expression to a feeling that has been palpable wherever Chinese have gathered in the past few days—that the prospect of rapprochement with Japan is even more exciting and dramatic than the pursuit of detente with the United States.

To the ordinary Chinese, the Nixon visit was a spectacular but remote event. He may have grasped its political significance, but he could scarcely feel touched by it in a personal way, for America and Americans have always been a distant and relatively unknown quantity to him.

The same cannot be said of Japan and the Japanese, whose enroachment on Chinese territory began toward the end of the last century and culminated in the brutal occupation of 1931–45 during which 10 million Chinese are said to have died.

Tanaka will be treading ground that was first cleared by the United States and using it to accomplish at a single stroke what it may yet take the Americans several years to do—the establishment of diplomatic relations.

If all goes according to plan, Tanaka's visit will leave the United States as the only major nation in the world, apart from West Germany, which does not yet recognize Peking.

Bonn's foreign minister, Walter Scheel, is expected to take the plunge himself when he visits Peking next month, leaving Mr. Nixon alone with his pledge that he will never abandon his friends on Taiwan.

It was only a little over a year ago that Mr. Nixon sent the Japanese reeling with his dramatic announcement—uncommunicated to them in advance—that he would visit Peking.

By that initiative, Mr. Nixon put in train a fundamental realignment of the relations between the great powers. This, in turn, necessitated a realignment between the two great states of Asia.

What was once said of America and Britain—that they were two nations divided only by a common language—could be paraphrased and reapplied to China and Japan in respect to their cultures, which remain very similar despite centuries of separation and hostility.

Ever since the eighth century, when itinerant Japanese scholars carried home the influence of China's Tang Dynasty, Japanese culture has owed much to China. Japan's prized Pagodas and palaces, its religion, its social customs, even its written language are borrowed from the mainland. Only their spoken languages are totally different.

Over the centuries, the two countries drew apart and there was little contact until Japan's industrial revolution in the 1946 Century turned it outward. Eager for empire, Japan soon fell in with the Western plunder of China, then a helpless giant.

For the Japanese, the Tanaka visit provides an opportunity to expiate the guilt feelings that derive from the militarist adventures of the past. It will also remove a dark cloud that has been hanging over Japan ever since it began its phenomenal postwar rise to economic domination of Asia.

The worry has been that failure to reach accommodation with China could lead Japan to new hostilities with the vastly superior military power of China.

With diplomatic relations, the Japanese will not only be able to put those fears behind them, but they can look forward to consolidation of trade relations which already net them more than a quarter of China's $4.5 billion annual imports.

The greatest beneficiary of all is likely to be Tanaka personally. For him, there could be no better way of launching the campaign for the parliamentary elections expected later this year.

BETTER HEALTH CARE IMPORTANT TO ALL

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. ROY. Mr. Speaker, better health care is of importance to all Americans. I found the following article most helpful in understanding the current situation. It offers some solutions which deserve our attention.

The article follows:

HEALTH CARE

(By W. F. G. Ayer)

(NOTE: The author of this chapter, W.F.G. Ayer, is a graduate of Wesleyan University in pre-medical studies. He is currently writing a major paper on the use of paramedical personnel in health care.).

The crisis in American medicine, which was predicted as long as twenty years ago, has sprung full-blown on the American political scene. Over a thousand bills on health were introduced in Congress in 1970 alone, and there are several major health care bills pending which would make massive changes in the financing and structure of American medicine. Acute manpower shortages, skyrocketing costs, inadequate care of millions, and lack of accountability by the vast medical establishment are the symptoms which demand action. This essay focuses on a few major areas: manpower problems, proposals to reorganize medical delivery, the costs and financing of medical care, and the proposals currently under consideration for restructuring the financing of medical care. There are no overweening villains or apocalyptic solutions in looking at health care, but there is a critical need for a national health policy that will take a comprehensive approach toward assuring the right to medical care for every American.

MANPOWER NEEDS

Almost all experts in the health care field acknowledge a shortage of health care personnel in the most skilled classes. HEW estimates a present shortage of 50,000 doctors and 200,000 skilled nurses. The Carnegie Commission on Higher Education, in a detailed look at the problem, called for a doubling of medical school places by the end of the decade. Walter Bornemeir, past president of the AMA, called even this estimate short-sighted, and predicted that at the current growth rate, manpower shortages in medicine will not be abated until the 1990's. At the same time, 15,000 qualified students are turned away from American medical schools each year, and increasing numbers of young Americans are attending medical schools in Mexico, and Europe.

But these general figures do not take into account the most critical problem, the in-

creasing shortage of primary medical manpower. Forty years ago, there was one primary physician for every 700 people in the U.S. Taking present totals of the three major primary care classifications in office-based practices, 51,000 G.P.'s, 10,000 pediatricians, and 23,000 internists, the ratio of primary care physicians is now roughly one to every 2,500 people. Between 1963 and 1970 alone, the number of general practitioners dropped 20%. All told, less than a third of physicians are in these three basic medical fields which are most in demand. At the same time, there is an acknowledged surplus of surgeons, estimate at three times the necessary number by the current President of the American Association of Family Practice. Almost 20,000 physicians are currently engaged in research or administration rather than direct patient care. These trends continue as only 15% of medical school graduates are currently entering primary practice, with the other 85% opting for the higher-paying, less time-intensive specialties.

The decline of primary manpower has led to the growing use of hospital emergency rooms for illnesses which could just as easily be treated in a physician's office. Aside from providing inadequate care with little follow-up, emergency-room treatment results in inefficient utilization of hospital resources which are designed for critical and chronic care. In 1970, over 39 million outpatient visits were recorded in community hospitals, and these figures are increasing.

For others, especially in rural areas, manpower shortages have meant the lack of any physicians. Currently, only 3.8% of the nation's doctors are located in the most rural areas where over 10% of the nation's population lives. In 1970, there were 132 counties, covering 4% of the total area of the U.S. with no practicing physicians, and hundreds of small towns suffering the same fate. In some inner city areas, the ratio of all private physicians is only 1 to every 1,200 persons.

The medical profession has taken belated recognition of the shortage of primary manpower by creating a new specialty in family practice and encouraging the growth of Departments of Family Practice in medical schools. Yet, despite the recognition of the shortage, less than a third of medical schools now have such programs. The Family Practices Act, which would have authorized 225 million dollars for the creation of such departments was pocket-vetoed by President Nixon in 1971, and over the last year only 9 of the 96 programs applying for existing Federal grants in these areas were funded by the Nixon Administration.

What is urgently needed in the area of physician manpower is an increased output of physicians. Present federal efforts, which provide construction and planning grants and bonuses for new medical school places, should be supplanted by direct intervention in planning for future physician needs and construction of medical educational facilities using total federal funds. In addition, the implementation of plans to build medical schools which would place exclusive emphasis on family practice and primary care, are espoused by such medical experts as Dr. Albert Proger (former President of the Tufts University Medical Center) should be studied. Current emphasis in most medical schools is almost irreversibly devoted toward the training of specialists, and completely new institutions could go a long way towards reintroducing preventive and comprehensive care to American medicine.

The problem with increasing the supply of physicians is nevertheless long-term. Construction or expansion of medical school facilities is costly and takes long periods of time. Current emphasis should be placed in two directions—upgrading existing manpower, and attempting to organize medical practice on a more efficient basis so that the existing physicians can more effectively meet the needs of America's population. One major idea along this line has been the development of auxiliary personnel to increase physician productivity. The concept involves the training of existing personnel, for example ex-military medics, and already-trained nurses. Pilot projects, at Duke University, the University of Colorado, and the University of Washington have shown that the pediatric nurse-practitioner with two years of training can effectively double for a pediatrician in such routine matters as "well-child" care. Physicians' assistants in general practices, by treating the most minor cases, can decrease the work-load of the doctor by 25% to 40%. Recently, multi-phasic screening, which involves the administration of a wide number of tests at a single time by paramedics to replace the administration of medical histories and physicals, has been introduced as a point of referral for the patient in lieu of a primary physician.

The importance of these programs cannot be underestimated. They provide the primary practitioner with the same sort of backup which is available in hospital practice, where a wide range of auxiliary personnel from radiology technicians to obstetrical nurse/midwives remove much of the routine duties from the physician's schedule.

For the 3.4 million non-physician health workers they offer the sort of career motivation that has been lacking in medicine, the absence of which has been largely responsible for high turnover rates among auxiliary personnel, and partially responsible for the fact that 600,000 nurses, three times the estimated shortage, have presently left the labor force.

In this area of concern, there are three major and immediate needs for federal action. First is the dramatic need for change in medical licensure laws, which frequently limit the services which auxiliary personnel can perform. Licensure laws should be uniform, to allow for geographical mobility of medical personnel, should be based on a flexible performance-based set of criteria rather than the rigid educational requirements presently enforced, and should be subject to revision on a yearly basis to take notice of the rapidly changing needs of modern medicine.

Secondly, the government should provide strong financial encouragement for programs which provide upward mobility in the health professions, at least equal to the amount which is spent on training physicians. At present, the training of the upper 10% of the medical hierarchy receives at least ten times as much money as development of the lower 9/10 of the health professions and many health workers presently receive their training from commercial schools rather than accredited institutions. Training grants should provide aid to the students, as well as to specific programs, since many auxiliary workers come from the lower economic classes and are dependent on their current incomes. Thirdly, government must provide initiative for the reorganization of medical practice in the form of comprehensive care facilities to extend the use of auxiliary personnel outside of its traditional hospital base. Effective use of paramedical personnel is dependent on the reorganization of medical care on a far more rational basis than the current solo-fee-for-service practice.

REORGANIZATION OF MEDICAL CARE

The need for reorganization of medical care is acknowledged by the public and experts alike. A 1971 Harris poll revealed that 77% of the American public favored the establishment of neighborhood health clinics where all a family's health needs could be served at one time. Most physicians agree that preventive and comprehensive care, which have been neglected due to the decline in primary practitioners and increasing emphasis on specialized treatment, is long overdue for a major renaissance. Furthermore, it has been shown that reorganization can increase the quality of care by providing settings more conducive to continuous care, more consultations among specialists, and better opportunities for continuing medical education. And, finally, reorganization can cut costs dramatically.

The organizational model central to most of the major health insurance plans, and which Nixon has emphasized as the cornerstone of his health policy is the prepaid group practice, a.k.a. Health Maintenance Organization or comprehensive health Care Corporation. Based on the experience of such independent programs as the Kaiser-Permanente Health Plans, which began in California in the late 40's and have expanded to Washington, Colorado, Ohio, Oregon, Washington, and Hawaii, the HMO consists of a group of doctors, administrators, and auxiliary medical personnel who contract to provide almost all health services for a given population on a pre-paid capitation basis. There are currently about 75 large-scale plans operating and approximately 300 in various stages of planning. Among the positive advantages of such organizations are:

(1) Decreased utilization of hospital facilities, resulting in dramatic cost savings. Recent figures comparing standard Blue Cross/Blue Shield with group practices in terms of rates of hospital utilization show that HMO's can reduce hospitalization by up to 60%. Sample statistics comparing Blue Cross/Blue Shield and sample HMO's in same areas are presented below.

ANNUAL HOSPITAL DAYS/THOUSAND PERSONS COVERED

	Blue Cross/ Blue Shield	Group
District of Columbia, Virginia and Maryland	830	430
New York	800	570
California	715	395
Oregon	930	290
Washington	760	335
Hawaii	1,000	515

In addition, HMO's have cut optional operations such as appendectomies, tonsillectomies, and hysterectomies by up to 60%.

(2) Increased efficiency, due to organizational savings in billings, increased use of auxiliary personnel, and most recently such ideas as multi-phasic testing.

(3) Continuous care on a 24-hour basis 7-days a week for emergencies, with centralized record-keeping and immediate access to patient records in emergencies.

(4) Cost savings of 20 to 30% of total medical bills over fee-for-service medicine.

Despite the considerable advantages of HMOs, they have not increased proportionately over the last 15 years. The major reasons behind the lack of expansion of organization changes along these lines are:

(a) Extensive opposition by the medical profession, incorporated in legal restrictions on group organizations, denial of hospital privileges to doctors affording prepaid care, and restrictions on incorporation laws.

(b) Difficulty in organizing efficient HMOs. The minimum population size for an effective practice is estimated at 25,000 to 50,000 in a relatively small geographical area, with a specific financial commitment. Present HMOs have begun for the most part through the action of large unions, with organizational resources and large amounts of money available for financing initial capital construction programs.

(c) Lack of sufficient incentives for physicians to participate. Although the pre-paid group can offer elimination of administrative burdens, more regular hours and predictable schedules, and a fixed income, financial re-

wards in many private practices are far higher than in group practice, and the traditional fee-for-service method of practice is ingrained in the consciousness of many older physicians.

In addition, there is significant variation in the performance of existing HMOs. Access to hospital facilities is perhaps the key factor in setting up an HMO. The major need of efficient HMOs is control over its own hospital facilities, if the dramatic savings are to be realized. Both the Health Insurance Plan of Greater New York and the Group Health Associates of Washington, D.C., have found it impossible to gain significant control of hospital facilities, with resulting expenditures estimated at 30% higher than necessary. Hospitals by and large have hesitated to surrender any control of their facilities to outside groups, when they can be reimbursed at their full costs by private insurers and government without being forced to economize.

In addition, it is necessary that HMOs have their own intermediate-care facilities to offer the care that is the major factor in reducing hospitalization and increasing efficiency. Plans which offer only payment of physicians' bills or access to a number of small groups have not achieved the sort of efficiencies that larger, more centralized, units can achieve.

Nixon's HMO proposals are backed by far more rhetoric than money. For the original proposals, less than 50 million dollars was budgeted for direct spending. The bulk of the money takes the form of guaranteed loans to cover construction costs and initial operating losses. The call for 100 HMOs, each with approximately 50,000 subscribers, would cover less than 3% of the population. The distinction between "medically undeserved areas", which will receive half of the funds, and other areas is an acknowledgment of the two-class system of medical care. The separation of facilities for rural areas and inner-city residents will probably perpetuate present inequalities in service, since no provisions are made in the bill to lure doctors, money, and medical resources into these areas.

There are no incentives for hospitals or fee-for-service practitioners to aid in the development of HMO's, and there are no provisions to attempt regional cooperation and efficiency in medical care, except for the provision that state and regional planning offices are to be consulted. Finally, the Nixon proposals do not alter current methods of financing; the costs of enrolling in a prepaid group, which can go as high as $600/year for a family will be far beyond the reach of the lower middle class, unless some changes in financing are assured.

More substantial HMO proposals are embodied in the Kennedy-Griffiths bill, relying on a complete change in financing mechanisms, far greater levels of budgetary authority for planning and construction, and strong financial incentives for physicians to participate.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 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 1,757 American prisoners of war and their families.

How long?

DURWARD GORHAM HALL

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. ARENDS. Mr. Speaker, Thursday, September 14, was the 62d birthday of our distinguished colleague, DURWARD GORHAM HALL, of Missouri, who is affectionally known to us as "Doc" HALL. Regretfully, in view of the legislative business then pending, there was not sufficient time for all of us to make appropriate comments. A birthday of "Doc" HALL is not just an ordinary occasion, for "Doc" HALL is by no means an ordinary man.

No one of us—certainly not I—could do justice to the man and the occasion within the 1-minute speech rule. For that matter, we could not be certain but that "Doc" HALL himself would object to each of us asking unanimous consent to proceed for 1 minute. He most likely would insist on the regular order and that we get on with the scheduled business of the day. And we well know "Doc" HALL is not disposed to grant unanimous consent to anything unless he first knows the why's and wherefor's.

I will now say to him publicly what I said to him privately: "Congratulations and best wishes on your 62d birthday, and may you have many more."

Birthdays are supposed to be joyous occasions, but some of the joy of "Doc" HALL's 62d birthday has been muted by the knowledge that he is retiring. We can hardly be expected to be in a gala mood on his birthday when he gives his age as one of the reasons for his retirement. He is 62 years young in his capacity for hard work and knowledge of today's problems and vision of tomorrow. He is old only in his wealth of experience and mature wisdom. Maybe a younger man will be chosen to fill his seat in this body who will prove himself knowledgeable. But it is one thing to have the facts and quite another to have the understanding that only experience can bring to evaluate the facts.

To be sure, no one of us is indispensable. But there will never be another "Doc" HALL. We all know the contribution he made on this floor. No one could be more diligent in attendance, except possibly our friend and colleague, the gentleman from Iowa (Mr. GROSS). No two Members have had a more detailed knowledge of the bills, major and minor, brought before us. And no two Members have a more complete knowledge of the rules of procedure, as they have demonstrated on countless occasions. They not only know the rules; they know how to apply them to advantage.

There have been occasions when some of us have been annoyed that "Doc" HALL would voice an objection to a unanimous-consent request, or that he would insist upon a quorum. But we must admit that "Doc" HALL did not ask of us any more than he asked of himself. He made it his business to know what was pending and what was proposed, and he made it his business to be on the floor when the House was transacting the people's business.

It has been my privilege to serve for many years on the Armed Services Committee with "Doc" HALL. And he has been as diligent in the work of our committee as he has been on the floor of the House. Whether the fact that he is from Missouri has had anything to do with it, I do not know; but "Doc" HALL takes the legendary Missouri attitude of "show me." He wants the facts not just someone's conclusions or opinion, recognizing that we can often honestly arrive at different conclusions on the same set of facts. And it must be said of "Doc" HALL that he respects opinions of others, however contrary to his own, so long as they have some basis in fact.

"Doc" HALL's contribution to the work of our Armed Services Committee is beyond measure. It has always been of a constructive nature. Understandably, being an accomplished physician by profession, he gave special attention to the medical care needs of our service personnel. Needless to say, the bill (H.R. 2), which the President signed last Thursday, to provide for the establishment of an Armed Forces University for the training of doctors and nurses, will stand as a monument to his tireless efforts.

One of the most rewarding experiences for me was to be a guest speaker for "Doc" HALL in his congressional district. The people he represents love and respect him. He is their very own. He is not only their very own Congressman; he is their very own doctor. He is more than just a part of them. In their love of God and country, in their self-reliance and fortitude, in their rugged individualism and their neighborliness, "Doc" HALL is one of them in the fullest sense.

All this found expression in the inspiring speech which "Doc" HALL delivered on this floor as a part of our Flag Day ceremonies. In that moving speech last June "Doc" HALL said:

> In this so-called era of "relevance" such traditional words as duty, honor, country, sacrifice, patriotism and dedication are oftimes considered to be "old hat" or out style.

And he went on to point out that while "relevance is important in today's world, there is still room for reverence to the flag that remains constant in representing principles of freedom and justice."

When I heard those words of "Doc" HALL, I could not but recall my visit to his district and how impressed I was with the solid, stable, forthright people he represents. I could not but reflect on the lines from Stephen Vincent Benet's epic poem, "John Brown's Body", where he describes the people of the Ozark area:

> They are our last frontier.
> But when the last moonshiner buys his radio,
> And the last, lost wild-rabbit of a girl
> Is civilized with a mail-order dress,
> Something will pass that was American
> And all the movies will not bring it back.

"Doc" HALL and the people he represents are the descendents of these rugged, self-reliant, self-sufficient pioneers. When "Doc" HALL leaves this Congress something will also pass that was American, in the finest, truest scene. He will be greatly missed by all who were privileged to know him. I will miss him much more than he can possibly realize. No one can take his place. I wish for him always the very best in his well-deserved retirement.

FRELIMO DESERVES U.S. SUPPORT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. STOKES. Mr. Speaker, for 450 years the Portuguese Government has maintained an iron hand over the internal affairs of its African colony, Mozambique. But in the past 8 years, the Mozambique Liberation Front, Frelimo, has succeeded in driving a wedge into this colonial anachronism. For this, Frelimo deserves the unqualified support of the U.S. Government; instead, as is the case with so many liberation battles throughout the world, our Government is on the side of the oppressor.

Today I rise to salute Frelimo on the eighth anniversary of its courageous war for independence. In tribute to the occasion, I pledge to continue to oppose American support of Portuguese military and economic exploitation in Africa, and I urge my colleagues to join me.

Under the colonialist system, 95 percent of the Mozambicans have remained illiterate; medical care has been practically nonexistent; Mozambicans have been robbed of their land; and they have been forced to work on Portuguese plantations or in the mines of South Africa. In this Portuguese colony, no opposition to the ruling regime is tolerated and peaceful resistance is met with armed reprisals.

But Frelimo has freed one-third of the country from its metropolitan power. The lives of the 1 million Mozambicans, who live in the liberated sections of Mozambique, have improved considerably. Food production is increasing; education and medical services are being offered; and a democratic political system has been instituted.

Clearly, in consonance with our own Declaration of Independence and Constitution and in accord with our avowed principles, we belong on the side of Frelimo. We should be giving the organization the support it needs to continue its battle against oppression. Instead, the U.S. Government has thrown its weight to the last major colonial power in Africa. Since 1966, the Portuguese national airline has purchased five 707's, two 727's and two 747's from Boeing—at a cost of $112,008,000. The Export-Import Bank paid $34,599,000 toward purchase of those planes. Portuguese officials openly admit that the planes are used for transporting troops to Africa.

Last year, the Government granted a license to Bell Helicopter to sell five helicopters to the Portuguese Government for use in the Cabora Bassa Dam area; this region has been under attack from the Mozambique Liberation Front. The President's recent Azores pact guarantees a $436 million loan to Portugal, ostensibly to permit the stationing of American troops at Lajes Field. NATO officials have admitted, albeit reluctantly, that the base has no strategic value whatsoever to the United States or to Europe.

Furthermore, it has recently come to light that U.S. Army experts in West Germany are actually training Portuguese officers in guerrilla warfare. It has been known for some time that the NATO Defense College trains Portuguese officers regularly.

I urge my colleagues and the administration to join me in commemorating the Mozambique Liberation Front's 8-year-old fight for freedom and human rights by reassessing our commitments in Africa. We must begin to acknowledge what it will cost us to remain on the side of an oppressive and desperate colonial power.

OBJECTIVE POLITICAL REPORTING

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. SCHMITZ. Mr. Speaker, being now actively engaged in a nationwide campaign, all too often I am confronted with examples of politically biased reporting or still more commonly, selective omission of individuals or political parties about which certain persons in the media do not wish to comment. This is a particular problem with regard to the American Party whose standard I now bear. Therefore I was especially pleased to find one national news magazine, U.S. News & World Report, providing thoroughly fair and completely objective coverage of the American Party campaign in a story printed in its September 25 issue. I present this particular report to you as an example of the kind of journalism we have the right to expect, but too rarely find, in American politics:

FOR WALLACE'S OLD PARTY: A NEW LEADER, A BRISK BID FOR VOTES

While Democrats and Republicans dominate the headlines in the race for the Presidency, the third party once headed by Governor George C. Wallace is mounting its own aggressive campaign.

Standard-bearer for the American Party—as the new "conservative" coalition is known is Representative John G. Schmitz of California—until recently a Republican.

By mid-September he had spoken in 15 States, including New York, Michigan, Illinois, Wisconsin, Florida, Texas and California. He has set visits later in at least 15 more States.

Mr. Schmitz already has won a place on the ballot as a presidential nominee in some 30 States. Despite limited funds and a small staff, his backers are trying to boost that number to 40.

NO ILLUSIONS

The Congressman makes clear that he entertains no illusions of upsetting Richard Nixon. But he has told campaign audiences that he expects to outdraw Democrat George McGovern and to get more than the nearly 10 million votes recorded for Governor Wallace in 1968.

Many observers, including some closely allied with Mr. Schmitz, predict he will receive only about half that many votes. Even such a total, his associates say, would assure the organization a permanent place in U.S. politics.

The American Party was formed in 1969, a consolidation of several "conservative" groups and the American Independent Party. The latter, with Governor Wallace as its '68 nominee, won the electoral votes of five States.

Mr. Schmitz, 42, was nominated for President at the American Party's National Convention in Louisville in August. The move came after Mr. Wallace said he would not run during his period of recuperation from bullet wounds suffered in an assassination attempt.

DEFEATED FOR REELECTION

The congressional district which Mr. Schmitz represents includes San Clemente, official residence of Richard Nixon. Mr. Schmitz's term in Congress, however, is ending. He was defeated in the Republican primary for renomination to a second term. Then, when he was chosen as the American Party's nominee, he became affiliated with that group.

The Congressman generally is regarded as an "ultraconservative" in politics. He is a member of the John Birch Society, as is his group's vice presidential nominee, Thomas J. Anderson, 61, a writer and publisher whose home is in Pigeon Forge, Tenn.

Some key members of the Wallace movement in 1968 now are working for Mr. Nixon. But the Governor had declined, as of mid-September, to specify whether he would endorse any presidential candidate. Mr. Schmitz is trying to hold the Alabamian's constituency, and his stands on many issues are the same as those of the Governor.

Representative Schmitz favors a crackdown on welfare programs, a cut in federal spending to reduce taxes, and restrictions on the power of the courts.

On Vietnam, he has approved the mining of Haiphong harbor, and as President, he says, he would lay down these terms: "If all prisoners of war are not back in American hands within 90 days, Ho Chi Minh's successors will find one Marine division and one Green Beret group knocking on those prison doors."

OPPOSES TRADE WITH REDS

Mr. Schmitz opposes busing of school children to achieve racial balance, abolition of the draft, trade with Communist countries. He has criticized President Nixon for visiting Peking.

Prior to his election to Congress, Mr. Schmitz was a member of the California State Senate. His home is in Santa Ana. Born in Milwaukee, Wis., he is a member of the Roman Catholic faith, a former Marine pilot and one-time college instructor. He is married and has seven children.

Winner of many awards, Mr. Schmitz in 1972 was chosen "Man of the Year" by the Congress of Freedom, and was rated "No. 1 Congressman" in a poll of 100,000 members of the National Economic Council, Inc.

Leaders of the American Party point out that they are looking mainly to the future. Says one of them:

"We are building organizations in many States so that the party will be strong in 1976. The old Democratic coalition is falling apart, and we doubt that the Democratic Party will recover from the disastrous campaign of Senator McGovern this year. We believe in the two-party system—the Republican and American Party system."

With his 1972 campaign aim limited, Mr. Schmitz hopes to put the emphasis on racking up a respectable popular vote rather than electoral votes.

For the long pull, the American Party has a bigger goal: not just to become a strong third party—but to be a dominant force in American politics.

THE NIXON EDGE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. SPRINGER. Mr. Speaker, the Christian Science Monitor issue of Monday, September 18, has an interesting editorial under the Monitor's View.

The title of the editorial is "The Nixon Edge" which is an excellent analysis of the President's overwhelming edge at this point of the campaign. The thing that has completely fooled everyone including myself is the lead the President has taken with women voters, among under-30 voter, and trade union members.

It would appear at this time that the President's edge is even greater than Lyndon Johnson had over Goldwater in 1964.

The testimony which was rendered by Lou Harris before a Senate subcommittee indicated that the trend is irreversible because people have already made up their minds about how they are going to vote.

I think this gives us an idea of how people are making up their minds early when one of the candidates has been outside of the mainstream of this country's thinking. This is the only reasonable conclusion that one can come to when the indication of the polls all seem to be approximately the same. I am sure many of my colleagues will find this article interesting and it is attached herewith:

THE NIXON EDGE

The significant fact about the presidential race is Mr. Nixon's overwhelming edge.

The latest Harris poll has the incumbent ahead of his rival by a 63 to 29 percent margin. The latest Gallup poll also showed a 34 percent lead, 64–30. This lead holds up in almost every important category of voter. By sex, where Mr. Nixon had scored less well among women voters, he now maintains his 63–29 percent lead. Among under-30 voters, he leads George McGovern by a 52–42 percent. He leads among trade union members by a surprising 56–34 percent. Another traditionally Democratic category, the Roman Catholic vote, has reversed a 2 percent McGovern lead in May to a 62–27 percent Nixon margin.

But this powerful Nixon lead in the polls, greater even than the edge Lyndon Johnson held over Barry Goldwater in 1964, means both less and as much as it appears to mean.

Obviously it gives Mr. Nixon a margin that can hardly be closed in the six or seven weeks that remain in the campaign. In May Mr. McGovern had a far smaller handicap, a seven-point poll spread. But even though Mr. McGovern will surely recover at some stage in the remaining days of the campaign, it will be a matter of too little too late.

Still, a Republican win, even by a landslide, will also mean less than Republicans might hope.

If one thinks back to the Johnson landslide of 1964, and how the Democrats came apart at the seams by 1968, a landslide in 1972 does not necessarily signify a shift to Republicanism in the population. The cold fact is that the characteristic American voter is now the independent, not the party-bound voter. And this group, more easily won over by centrist policies, is also more quickly lost.

The Nixon strength also does not show the decisively conservative swing in the electorate that many have been claiming is under way. If by conservatism one means a desire for social stability, for less adventurous commitment abroad, then one can say there is a yearning to ease up and consolidate, which are "conservative" characteristics.

But what about in economics? Are not wage and price controls, and a Congress edging toward a revolutionary income maintenance program submitted by the White House, distinctly "liberal" oriented?

True, in such social issues as busing and open housing many voters are calling for a halt. But even this must be seen as a reaction to the dominantly liberal desegregation trend of the past two decades, which is still occurring.

In foreign affairs, can a United States which is on speaking and trading terms with the two Communist powers, China and the Soviet Union, be said to be on a "conservative" course?

What has happened in the past four years is that the center of the American voting public has continued its slow progressive shift. Mr. Nixon has made certain bold moves, to be sure: his Moscow and Peking openings, the wage-price freeze. But he appears to have been careful to move only when assured the majority of voters would confirm the sensibleness of what he had done.

Whether one agrees with every zig or zag or standing pat of Mr. Nixon, one cannot argue that he has not shown a sensitivity to the pace of change which the public will tolerate. In contrast, the McGovern image is that the departures for the country may be too sudden. This may be an unfair rap for the Senator from South Dakota. But it's the image he's been stuck with.

Looking ahead then, if Mr. Nixon is reelected, even a landslide margin will not necessarily indicate a downhill course through the next four years in office. The American electorate is fluid. If it is touch and go with inflation again, if there is any backsliding from such progressive legislation as environmental control and welfare reform and medical cost reduction, a sane and prudent-sounding Democrat can reverse this November's Republican advantage, come 1976.

ALASKA AIR NATIONAL GUARD WEEK

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. BEGICH. Mr. Speaker, this month marks the 20th anniversary of the establishment of the Alaska Air National Guard. In recognition of its outstanding service during times of emergency and its continuing role in the development and safety of the State, Gov. William A. Egan has designated the week of September 24 through September 30, 1972, as Alaska Air National Guard Week. I would like to join with the Governor in paying tribute to this fine agency and enclose, for the attention of my colleagues, a copy of his proclamation.

PROCLAMATION—ALASKA AIR NATIONAL GUARD WEEK

The Alaska Air National Guard is a valuable State/Federal agency.

The Alaska Air National Guard has performed missions of mercy and public assistance to the residents of Alaska during such emergency times as the 1964 Earthquake, the Fairbanks Flood, the Bethel Flood, the Standard Oil Fire, the Gold Rush Hotel Fire, the Capital Airlines Crash, and numerous others.

The men and women of the Alaska Air National Guard are constantly and diligently practicing and learning their skills to be of even further service to Alaska and our Nation.

This month represents the end of the twentieth year of such service to the Territory, the State, the Nation, and our people.

Therefore, I, William A. Egan, Governor of Alaska, proclaim the week of September 24 through September 30, 1972, as ALASKA AIR NATIONAL GUARD WEEK and urge all Alaskans and visitors to join in commemoration of the deeds of service and heroism which our "Guardsmen" have performed, and to review the great part the Air Guard has played in the development and safety of our State.

I direct the attention of Alaskans to the celebration at Kulis Air National Guard Base in Anchorage at the time set aside, from 11:30 a.m. until 1:30 p.m. on Sunday, the 24th day of September, 1972.

Dated this 12th day of September, 1972.

WILLIAM A. EGAN, *Governor.*

SETTING THE RECORD STRAIGHT ON AID HOUSING

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. HANNA. Mr. Speaker, as a result of an article by columnist Jack Anderson on July 23 of this year, a great deal of confusion exists about the housing investment guaranty program of AID. This program has improved the quality of housing for thousands of families in underdeveloped countries—particularly in Latin America—which could not obtain good housing without American private financing being made available. The successful operation of this pilot program in Latin America has now, with congressional approval, been expanded to include Africa and Asia.

This housing progrm in AID may be one of the greatest accomplishments of this country under the general umbrella of "foreign aid." Thousands of units of housing have been built and occupied by people of underdeveloped countries who previously were poorly housed. This has been accomplished without the use of the American taxpayers' dollar. The program succeeds because the role of the U.S. Government is not to build houses but to remove the barriers and make private capital available in previously unattractive markets.

This program, Mr. Speaker, deserves the continued support of the Congress. In order to set the record straight, I am inserting the press release by the Department of State which answers the questions raised by the Anderson column;

COPY OF STATE DEPARTMENT PRESS RELEASE REGARDING ANDERSON COLUMN

Possible Question: What can you say about these allegations of conflict of interest involving the AID housing guaranty program in the Jack Anderson column of Sunday?

Answer: The main thrust of Mr. Anderson's comment in this regard seems to be that Mr. Baruch is affiliated, in his private cpacity, with a federal savings and loan association which is a member of the National League of Insured Savings Associations, while at the same time administering AID's contracts with that organization.

Mr. Baruch revealed the existence of his outside employment as President of Lincoln Federal Savings and Loan Association at the time of his employment with this Agency in 1965. The Agency did not feel at that time that Mr. Baruch's continued holding of that outside position comprised a conflict of interest with his duties in the administration of the Agency's housing guaranty program, and no facts have been brought to the Agen-

cy's attention since then which have indicated that any conflict of interest has arisen. Further, with respect to the administration of the Agency's contracts with the National League of Insured Savings Associations, this Agency's Office of General Counsel looked into that matter in detail following a suggestion by former Senator John J. Williams of Delaware in October 1969 that Mr. Baruch's administration of this contract relationship might be improper. Our General Counsel found at that time that there would be no violation of conflict of interest regulations as long as Mr. Baruch's savings and loan association received no benefits in the housing guaranty program and as long as neither it nor Mr. Baruch took part in the management of the National League activities.

Possible Question: Doesn't the fact that secretarial help is furnished by the National League of Insured Savings Associations indicate conflict of interest, or at least improper relations between the League and AID?

Answer: We do not feel that this constitutes any conflict of interest. On the other hand, we agree that it is not a desirable management practice and those individuals will no longer be working in the Agency's offices. Two of the three secretaries in question are no longer working at the housing office and the third will be retiring at the end of this week.

VOTING RECORD

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. SHRIVER. Mr. Speaker, while the work of this 92d Congress continues I want to take this opportunity to report to the people of the Kansas Fourth District on my voting record. There already have been nearly 400 recorded votes on legislation in the U.S. House of Representatives during the first and second session of this Congress. During this second session to date I have maintained a voting attendance record of 95 percent, and my total voting attendance record for the first session was 95.3 percent. In my 12 years in the House, I have accumulated a 94-percent voting attendance record.

For the first time this Congress has operated under a new reform procedure, which I supported, providing for recorded teller votes on many amendments to bills. There have been approximately 200 teller votes in the two sessions of the present Congress.

Since coming to Congress in 1961, I have been recorded upon nearly 2,000 yea-and-nay votes. It is not practical, nor does space permit, a listing of every vote cast by me in the 92d Congress. However, I herewith present a listing on some of the more important bills:

LEGISLATION SUPPORTED BY CONGRESSMAN SHRIVER

I voted in favor of the following bills:

Omnibus Education Amendments of 1972 providing expanded support to colleges and universities, junior colleges and for vocational education, and including increased student financial aid and anti-busing provisions.

To provide increased manpower for the health professions.

Strengthening the National Cancer Institute and other National Institutes of Health to conquer cancer as soon as possible.

Advance the national attack against heart, blood vessel, lung and blood diseases by enlarging authority of the National Heart and Lung Institute.

General revenue sharing providing over $5 billion to local and state governing bodies to help return power to the people.

Revenue Act of 1971 reducing individual income taxes and eliminating certain excise taxes.

Extend Economic Stabilization Act to assist in the fight against inflation.

Treatment and rehabilitation program in the Veterans Administration for servicemen, veterans and ex-servicemen suffering drug abuse or drug dependency.

Increase educational training benefits for Vietnam veterans.

Water Pollution Control Act.

Create public service jobs for unemployed person during times of high unemployment.

To delete funds for Labor Department inspection of small business firms with 25 employees or less under provisions of Occupational Safety and Health Act.

To assist elementary and secondary schools, community agencies and other public and nonprofit private agencies to prevent juvenile delinquency.

To strengthen and improve the Older Americans Act of 1965.

LEGISLATION OPPOSED BY CONGRESSMAN SHRIVER

I voted against the following legislation:

1972 Foreign Aid authorization Act.

Providing increased U.S. contributions to the Asian Development Bank.

Increased U.S. participation in the International Development Association.

To establish an Office of Technology Assessment for the Congress.

To give House Administration Committee authority to act without House action on certain allowances to members, officers and standing committees.

Public assistance to mass transit bus companies in the District of Columbia.

HOUSE OF REPRESENTATIVES—*Tuesday, September 26, 1972*

The House met at 12 o'clock noon.

Bishop James K. Mathews, bishop, Washington Area United Methodist Church, offered the following prayer:

Eternal God, Ruler of all nations and Father of all humankind, acknowledging our dependence upon You and our accountability before You, let us live today: Thankful for Your kindness, renewed by Your forgiveness, empowered by Your goodness.

We would live in the present age where You, too, are at work. Help us not to escape into another age, for easy answers to easy problems our fathers found as perplexing in their time as ours are for us today.

May we, then, do what must be done in such a way that our children will not need to undo our deeds, nor have to do them because we have failed to act wisely, in accord with your purposes, and the needs of society. 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 PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On September 21, 1972:

H.R. 2. An act 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;

H.R. 7375. An act to amend the statutory ceiling on salaries payable to U.S. magistrates.

H.R. 10670. An act to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes; and

H.R. 12638. An act for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired.

On September 23, 1972:

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery; and

H.J. Res. 1193. Joint resolution to provide for the designation of the week which begins on September 24, 1972, as "National Microfilm Week."

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 of the House of the following titles:

H.R. 4634. An act to direct the Secretary of the Army to release on behalf of the United States a condition in a deed conveying certain land to the State of Oregon to be used as a public highway;

H.R. 14015. An act to amend section 8c(2), section 8c(6), section 8c(7)(C), and section 8c(19) of the Agricultural Marketing Agreement Act of 1937, as amended; and

H.R. 16251. An act to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3316. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

FREE LETTER MAIL AND AIR TRANSPORTATION MAILING PRIVILEGES FOR MEMBERS OF U.S. ARMED FORCES

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3808) to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail